MARIN EMERGENCY RADIO AUTHORITY
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Executive Board Regular Meeting

DRAFT: 6/7/17

Minutes of May 3, 2017 Meeting

Call to Order

The meeting was called to order by Chair Hymel on May 3, 2017 at 3:31 p.m. at the Novato Fire Protection Administration Office, Heritage Conference Room, 95 Rowland Way, Novato, CA 94945.

Board Members Present:

County of Marin	Matthew Hymel
Marin County Sheriff	Robert Doyle
City of Novato	Matt McCaffrey
Fire Services	Richard Pearce
Police Departments	Mike Norton
Ross Valley Cities/Towns	Todd Cusimano
Southern Marin Cities/Towns	Greg Chanis
Special Districts	Tom Roach

Board Members Absent:

City of San Rafael

Staff Present:

MERA Executive Officer	Maureen Cassingham
MERA Deputy Executive Officer-Next Gen Project	Dave Jeffries
MERA Operations Officer	Pat Echols
County Communications Services Mgr.	Richard Chuck
Recording Secretary	Lauren Pallas

Guests:

Federal Engineering	Denis Marin
Motorola Solutions, Inc.	Kouresh Mostashari

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) Minutes from March 8, 2017 Executive Board Regular Meeting

2) Proposed Agreement for FY16-17 Audit Services – Maher Accountancy

3) Proposed Ninth Amendment to Office and Staff Services Agreement between MERA and Novato Fire Protection District

4) Report No. 53 on Strategic Plan Implementation

5) Executive Officer Work Plan Committee (EOWP) – Update on Succession Plan and Staff Support

6) Update on Non-Member MERA System User Letters of Agreement (LOAs)

7) Confirmation of Bi-Monthly Regular Executive Board Meeting Dates: FY17-18

M/S/P Cusimano/Doyle to approve Consent Calendar Items 1 through 7 as presented.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

B. Executive Officer's Report – (Cassingham)

1) Nomination of Officers for MERA Governing Board (President and Vice President)

Cassingham requested, per the requirements of MERA's JPA, nominations for Governing Board President and Vice President. Pearce and Cusimano expressed willingness to continue serving in their current capacities.

M/S/P Doyle/Roach to nominate Pearce and Cusimano as President and Vice President, respectively, of the MERA Governing Board.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

2) Report No. 26 on Next Gen System Project – (Jeffries)

Jeffries recapped his Report, noting the March 24 and April 19 Kick-Off Meetings with Motorola. Marin provided an update on site walks. 4 locations are scheduled for today and 3 tomorrow. He has clearance to visit the OTA broadcasting site on May 10. This leaves only the green sites of Coyote, Wolfback, which is an existing radio site, Muir Beach, which is next week, and Tomales.

The water tank site behind the EOF is scheduled for May 9. When the site walks are done, Motorola will issue a report on what is required for site improvements. Included will be information on what will be needed at existing sites. A solution is pending for San Pedro Hill. He introduced Mostashari, Motorola's Project Manager, who is hitting the ground running with Project coordination.

Jeffries noted weekly scheduled Project and technical conference calls with the Project team. He said he would defer to Echols on a fire station alerting update. GPS feature research will be presented for Governing Board consideration on May 10, with a recommendation not to pursue it. Only one Chief amongst Police and Fire disciplines supported the feature in MERA radios. Two Media Advisories have been issued for the Parcel Tax Low-Income Senior Exemption with one to go. Deadline for applications is June 1.

3) Proposed FY17-18 Technical Services Agreement Between MERA and the County of Marin

Cassingham summarized the type and cost of services provided under this Agreement, noting the Technical Services component cost has been reduced by DPW from $100,000 to $50,000. This decrease will affect the FY17-18 Operations Budget to be reviewed later on this Agenda.

M/S/P Doyle/Cusimano to recommend Governing Board approval of the Proposed FY17-18 Technical Services Agreement between MERA and the County of Marin.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

4) Proposed FY17-18 Communication Engineering Services Agreement Between MERA and the County of Marin

Cassingham summarized her report noting the current one-year Agreement provides for 1.0 FTE Senior Communications Engineer. FY16-17 Agreement cost is $206,872.

The County is proposing to provide these services in FY17-18 with 0.1 FTE Communications Engineering Services Manager and 0.9 FTE Senior Communications Technician. The FY16-17 Services Agreement has not been performed as required. Their change in the Agreement was made without notification to MERA. Cost of the FY17-18 Agreement is $214,319, which reflects a 3.6% CPI increase. She said any future substitution of key personnel should come back to the Executive and Governing Boards.

Pearce noted concern for the actual allocation of Chuck's time to MERA versus his other assignments with the County. MERA is paying for Chuck as an FTE. Echols said this was true up to the time DPW was entertaining the current changes. With Nelson's departure in June 2016, Chuck assumed some of her duties. The tasks under this Agreement continued to be provided by Chuck's direct oversight of Senior Technicians.

Echols said the hourly billing rates under this contract equates to $101. Senior Technicians bill out under the SLA at $150/hour. Hymel asked Echols if he had any issues with notifying MERA if there were further staffing changes. Echols said it was his oversight that MERA had not been notified. Pearce said it seems Chuck has been pulled away from a direct service role to an oversight role, including taking on Nelson's tasks. Echols noted the discounted hourly rate for these services. The quality of these services is evidenced by the statistical reports of excellent System performance. He said any future staffing changes would be presented for prior approval.

In response to Pearce, Echols said the services under this Agreement are technical versus routine maintenance, including programming and System upgrades. Pearce asked if the time allocations should be broken down further associated with categories of work being done. Hymel said the County is not trying to recoup more than is provided. Pearce said he was seeking assurance that MERA is getting what it is paying for.

Cusimano asked if percentages of time for the categories of the service provided could be broken out along with hourly rates. Echols said this would be on more of a time-and material basis versus the current flat rate. Pearce said a breakdown would show the time actually spent on MERA versus other County tasks. Doyle asked if we went to time and materials would contract costs increase. Echols said if we use the other contract hourly rates, depending on the number of hours, that could be a possibility. Hymel added that these County positions are largely supported by MERA and assurance is needed for funding to support them. A discussion could be had for next year about changing this and related effects on the budget. The County and MERA went to annual agreements for certainty during the budget year.

Jeffries asked if the County has considered bringing in another Communications Engineer for the MERA contract, given Chuck's new position. Pearce said the proposed allocation is a sharing of responsibilities. Echols said there is no Communications Engineer position. There is a Communications Engineering Services Manager. This new classification adds engineering services to the position. Echols said Chuck was officially appointed to this position on April 23. Cassingham said this reorganization and

reassignment had been going on for a year with no notification to MERA. Echols said DPW is able to provide the Communications Engineering Services with the new classification and the Senior Communications Technicians.

Pearce acknowledged the need for Engineering Services, but was uncomfortable with the sequencing. Echols said DPW could identify the hours to provide the services by position in a not-to-exceed agreement. Cusimano said it would be helpful to know how the annual amount of the proposed agreement was developed. Echols said it was based on 3.6% CPI increase over prior year. Hymel confirmed that these are direct costs, not fully loaded. Cusimano asked about Scope of Services Item G. Echols confirmed that "seeking" grants was both identification and application for grant opportunities.

M/S/P Doyle/Cusimano to recommend Proposed FY17-18 Communication Engineering Services Agreement between MERA and the County of Marin.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

5) Proposed FY17-18 MERA Operating Budget and Zero-Rate Fee Schedule for Non-Member Users

Cassingham presented the Proposed FY17-18 Budget which is $1,923,710, which represents at 1.9% increase over prior year. This includes a reduction of $50,000 from the Technical Services contract line item from the Preliminary Budget presented to the Executive Board on March 8. She also recommended continuation of the Zero-Rate Fee Schedule for Non-Member Users in FY17-18, noting that the LOAs with non-members require 6 months' advance notice of any change. Fee changes will be reviewed by the Executive Board each November.

M/S/P Pearce/Chanis to recommend Governing Board approval of the Proposed MERA FY17-18 Operating Budget and Zero-Rate Fee Schedule for Non-Member Users.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

6) Proposed FY17-18 MERA New Project Financing Note and 2010 Revenue Bonds Budgets

Cassingham presented the 2007 Citizen Bank Loan Note Budget which is $225,000, originally established by the Governing Board for the life of the Note. The 2010 Refunding Revenue Bonds Budget is $2,123,200, for which there is no discretion for

Debt Service.

M/S/P Doyle/Roach to recommend Governing Board approval of the Proposed FY17-18 New Project Financing 2007 Bank Note and MERA 2010 Refunding Revenue Bonds Debt Service Budgets.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

7) Bi-Monthly Report on MERA Reserve Funds Balances

Cassingham presented the 6-30-17 estimated balances for Fund 70032 as $186,000, Fund 70036 as $1,244,626 and Fund 70037 as $508,000. She added that Replacement Fund 70036 has estimated expenses that include capitalizable equipment replacement items that cost $1,000 or more with a useful life of at least 2 years. Such items include rectifiers, fuel tank replacements and storage units.

M/S/P Cusimano/Pearce to continue bi-monthly monitoring of approved and proposed capital projects and other expenditures against MERA Reserve Funds Balances.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

8) Other Information Items

None.

C. Operations Reports – (Echols)

1) Proposed Change Order Policy-Motorola Contract

Echols said the Motorola contract provides for a change order process between the County and Motorola. He feels it is prudent to get guidance from MERA on the amount and types of change orders to be vetted through the Executive and Governing Boards, including those that might affect System functionality commitments and Project schedule. The Policy's first step would require all change order requests to be reviewed by Cassingham, Jeffries and Echols. All change orders of more than $250,000 or deemed to be significant to functionality or schedule would go to the Governing Board. Any change orders not meeting these criteria would be approved by the County and would be reported at the next Executive and Governing Board meetings.

Pearce asked about the amount of the contract contingency. Echols said none had been established but this matter would be referred to the Finance Committee with a recommendation back to the Boards. He noted the estimated change order for Fire Station Alerting (FSA) has been included in the Project budget and approval is on the horizon. He added that the County usually establishes a 10%-20% contract contingency which would be against the base contract of $25M. Jeffries said the current draft overall Project Budget currently includes a 20% contingency. We are currently working with Motorola on payment milestones for cashflow purposes.

Pearce reiterated that change orders can individually and collectively greatly impact a Project Budget so he prefers a tight change order process and revisiting the $250,000 threshold. Jeffries said, in addition to the anticipated FSA change order, another might occur with the subscriber equipment. The next exposure might be in site construction. Pearce said, regarding change order thresholds and processing, this Project is on a tight budget and timeline. Echols noted the first staff vetting step is meant to address adherence to Project schedule. In addition to dollar amount is the functionality litmus test for staff to vet.

Chanis clarified that the functionality and schedule issues would be determined by the Executive Officer, Deputy Executive Officer and Operations Officer. Cassingham said staff could do these reviews; however, her change order approval authority was limited in the JPA to $10,000. Chanis asked for clarification on how construction is contracted. Echols said this would be done per Public Contract Code procedures and the County would issue the contracts. Those contracts would have their own contingencies and change order procedures.

Echols added the County's process is to establish a contract contingency and only go back to the Board of Supervisors if that amount might be exceeded. Hymel said the concept around this process is to avoid delays and knowing there will be some need for adjustments. In MERA's case, the Executive Team could process changes and report to the EB and GB Boards at their next meetings. Pearce asked if the proposed Policy was time critical in that he would like to see a matrix on how this change order process would work and the management of the dollar amounts. Cassingham said the next Executive Board meeting was in July. Echols and Jeffries concurred that the anticipated FSA change order would need Governing Board approval anyway in the meantime. Pearce said if the Governing Board could appoint two or three members to facilitate the process, this could accelerate decisions between meetings.

Echols asked if the proposed policy could be amended to reduce the $250,000 threshold to $100,000 and add an additional review subcommittee to vet change orders. Hymel asked if these would require formal meetings or phone calls, the outcomes of which would be reported to the Boards at their next meetings. Cassingham noted reporting back is after the fact. Echols noted the Project Implementation Agreement between MERA and the County gives the County the authority to enter into contracts up to $1M but it does not address change orders within a contract. The change order process might be included

in contract administration. The intention with the proposed policy is to be clear and transparent about the process.

Cusimano felt comfortable with change orders being processed by DPW with reporting out to the Boards thereafter. He asked if the reduced threshold to $100,000 for change order review would compromise the process. Jeffries said beyond FSA, there could be a subscriber equipment change order, but it is possible others could happen. Hymel said the contingency is there to keep the Project going, recognizing the possibility that unforeseen costs can arise. Jeffries and Hymel agreed that lack of change order timeliness could result in additional costs.

Echols asked if a non-quorum subcommittee of the Project Oversight Committee, say 2 or 3 members, could be added to the first step of the policy. Chanis confirmed there are 9 members of the Project Oversight Committee so this number is less than a quorum. A conference call to review a change order and a report on the outcome should keep the Project going. After additional discussion about the dollar threshold, it was agreed to start with $100,000 to see how that works. Hymel asked if the $250,000 threshold is more effective for a $34M contract. Jeffries said the JPA may effectively impose the $100,000 limit for Executive Board action.

Hymel clarified that determination of a contract contingency may address the threshold question. His question is, does this mechanism keeps the Project going. Echols said the two anticipated change orders for FSA and subscriber equipment have to go to the Governing Board anyway and does not predict other big changes, thanks to the exhaustive RFP process.

M/S/P Pearce/Cusimano to recommend the Proposed Change Order Policy to the Governing Board with a decreased threshold of $100,000, Project Oversight Subcommittee of a minimum of two members to review change orders with Executive Team and establishment of a Motorola Contract Contingency.

AYES:	All
NAYS:	None
ABSTENTIONS:	None

Motion carried

2) Update on Radio Communications System Contract Change Order – Fire Station Alerting

Echols said staff has been assessing station alerting vendor U.S. Digital's Phoenix G-2 System. This system has been reviewed in comparison to the Mach Alert System which was in the original proposal from Motorola. A detailed comparison of features has resulted in significantly increased costs, necessitating a greater comparative analysis. Motorola is expected to provide this information in a matrix format by the middle of next week, along with a functionality comparison with what we currently have along with costs.

Echols said a recommendation is expected for the Governing Board in June. The high price tags will require additional time to complete a detailed review to determine the value added for each feature. Jeffries said the G2 system was $3.2M-$3.3M and final Mach Alert pricing is pending. Chanis confirmed with Jeffries the original estimate was $1.2M. Jeffries said we are requesting the same extended warranty as the base system, so that may be driving costs. This may also be something they don't normally provide, so this pricing may be guesstimated for 15 years of service.

Hymel asked about requesting a bid alternate which separates the base bid from the extended warranty. Echols and Marin noted the bids are presented so any line item can be removed. Echols said the warranty represents nearly half of the system cost. Marin said system useful life was five to eight years. Echols said the tone-to-talk feature for dispatchers has been a key issue to functionality. It appears Mach Alert can provide this, necessitating another review.

Echols said Mach Alert pricing in Motorola's proposal was $1.2M. The first iteration of G2 was $1.5M-$1.6M. Since then, there have been system refinements plus the extended maintenance and warranty that matches the base system, which doubled system cost. Hymel said instead of the warranty, MERA could establish a replacement fund. Jeffries noted that by the next meeting, a final analysis and recommendation can be made for Governing Board approval.

3) Report on Conventional Radio Channels and Related Costs

Echols said this matter was continued from the March 8 Executive Board meeting. Staff reviewed what was originally proposed in the $172,000 cost estimate to redeploy these resources to other sites necessitated by the Next Gen Project. Significant costs savings will be recognized by sharing the microwave link at the Sonoma Mountain Site, not replacing radios and reuse of equipment. There are 13 cost saving recommendations in his report which reduce overall costs to $75,300, including DPW labor to perform the site work.

Echols said questions were raised about the need to keep certain channels. DPW surveyed law and fire agencies about this, which is outlined in his report. For example, mutual aid for fire response is a mandate by interagency agreement between the County and Cal Fire. Historically, the conventional channels system predated the MERA System and the County operated them. They were integrated into MERA and became part of the System. They served two functions, as backup to the MERA System and mutual aid response. There are 2 MERA policies, namely the VHF Overlay Plan and Mutual Aid and Communications Plan that tie into the need to maintain conventional channels. To his knowledge, there was no formal MERA acceptance of this equipment.

Echols said another area of discussion was ongoing equipment maintenance costs. Given equipment low usage and durability, there is little to no maintenance cost. However,

replacement costs would need to be addressed when equipment breaks down. Given the changes to these resources necessitated by Next Gen, the question is whether this should be a MERA cost or County cost.

Cusimano said it appears that the bulk of the total cost is at the Tomales site, estimated at $50,000. Chuck said this is a total relocation cost from Bay Hill to Tomales, which is a Next Gen green site. Sonoma Mountain will be replaced with new equipment. Jeffries said at issue at Bay Hill is the lease along with maintenance of the microwave. Chuck said equipment will also be relocated from Forbes to Dollar Hill. As much equipment as possible will be reused.

Cusimano said issues he raised on March 8 have been addressed by Echols in large part. Police and Fire Chiefs were surveyed and support the Project. Ongoing maintenance and replacement costs are still in question as well as who should be responsible for them. He asked for a written assessment and cost estimate to document them and the responsibility for same.

In response to Hymel, Jeffries clarified that there is no allocation for maintenance or replacement of this equipment since it belongs to the County. Hymel noted it is used for the MERA System. Jeffries noted that mutual aid is the County's responsibility and this question about MERA's role has not been addressed in 20 years. He added that the question of who owns or will own the radios is not discussed in the report. Doyle said the basis of this is the need for backup. If MERA chooses not to pay for this, resources should be shut down.

Jeffries said his comments are concerned with Project mission creep, which includes station alerting, volunteer paging, potential requests for data connection costs at San Rafael, Novato and Fairfax dispatch centers and potential cost of radio packages. Doyle and Cusimano said the Police and Fire Chiefs feel retention of conventional channels is important. Jeffries said it remains unclear who is responsible for radio ownership and replacement. Further, it is unclear if MERA would be responsible for all the conventional channel equipment versus those resources affected by Next Gen. As stated, the DPW recommendation is favorable to the County. Cusimano said his point is to understand current and future cost commitments and responsibilities.

Chuck clarified once the conventional resources were placed on the consoles, they became available to all MERA members. Newer consoles could be restricted to those who own the channels, but this would be a step back. Hymel said he did not understand why the County should pay for relocation and maintenance when this is a MERA benefit. Cusimano added the Sheriff and Chiefs support this as giving backup, however, we are right in asking questions and going through a vetting process. Jeffries, in response to Hymel, confirmed there is a timing issue given we are in design review and this is a part of it. It was agreed that there are mutual benefits and more questions need to be addressed.

Jeffries added there are also questions about the Cal Fire-County mutual aid channel agreements and County-UASI grant-funded channels and 700MHz overlay, and who runs and maintains. In response to Hymel, Jeffries suggested the Next Gen Project Oversight Committee weigh in on the remaining issues. Pearce suggested MERA look at cost recovery options for taking this on.

M/S/P Cusimano/Doyle to recommend Governing Board approval of $75,300 to relocate and retain Conventional Channel resources necessitated by the Next Gen System Project and referral of radio ownership, replacement, future maintenance and other remaining questions from the discussion to the Next Gen Project Oversight Committee for review and recommendation to the Governing Board.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

4) Update on Next Generation System Implementation Agreement Budget

Echols presented this Budget update as requested by MERA. The original $2M budget has been revisited and is now estimated at $1.5M. Pearce suggested this update be presented to the Project Oversight and Finance Committees. Jeffries asked about revising the Agreement to reflect this change. Echols said the reduction is a projection with remaining unknown costs. This report is informational only.

5) Request for Additional Radios –
Fairfax Police Department and Southern Marin Fire Protection District

Echols presented the request from Fairfax Police Department for 1 additional mobile radio and 4 additional mobiles and 3 portables from Southern Marin Fire. Both requests were vetted and supported by the Operations Issues Work Group.

M/S/P Pearce/Chanis to approve the requests for a total of 8 radios for APX one-band operational, second upgradeable or APX dual band, both band operational radios from Fairfax Police Department and Southern Marin Fire.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried

6) Request for Radio Policy Exemption – Town of San Anselmo

Echols said this is the first request by a member for exemption from MERA's Radio Policy requiring dual band. The dual band requirement was to assure compatibility with

Next Gen frequencies. The refurbished radio market is offering bargain prices. This permits an opportunity for smaller budget agencies that have been under-equipped to acquire needed mobile radios at discounted costs. They are requesting a waiver from dual band with the acknowledgement of the requirement to purchase Next Gen compatible radios before the new System goes live. Jeffries confirmed that these would be new albeit refurbished radios and would not be eligible for the one-for-one-replacement under Measure A.

M/S/P Chanis/Pearce to approve the Town of Anselmo's request for exemption from the requirement for purchasing APX one-band operational, second upgradeable or APX dual band, both bands operational radios as presented.

AYES:	All
NAYS:	None
ABSTENTIONS:	None

Motion carried

7) Request from FBI for Big Rock Phone Line

Echols said this request is to install a phone line in a facility adjacent to MERA's equipment room. Under normal circumstances, the FBI would procure their own phone line. The property owner suggested to contact MERA for use of one of its microwave circuits for their facility at Big Rock. This will not impact MERA System performance. The FBI would provide their own cable to the MERA facility.

If supported, Echols said DPW would supervise cable installation. This would permit Big Rock phone connection to the Civic Center. Cassingham asked if the FBI had requested this in writing. Chuck confirmed this request was made by phone. Cassingham and Jeffries noted a written Use Agreement between the parties was in order. She said this would be different than a Non-Member Letter of Agreement. Cost recovery was also discussed.

Echols confirmed DPW would charge the FBI for their services. DPW will confirm with the FBI that a written agreement will be required. Chuck said if MERA needs the circuit, the FBI would have to vacate. He also confirmed the FBI was leasing at this commercial site. It was agreed that conditional permission from MERA would be put in writing.

8) MERA System Operations Update – (Chuck)

Chuck presented the Radio Shop MERA System weekly, quarterly and Preventative Maintenance Report and March 2017 and 2017 Year-to-Date System Usage Reports.

9) Other Information

None.

D. Open Time for Items Not on Agenda

None.

E.

F. Adjournment

The meeting was adjourned at 5:02 p.m.

Respectfully submitted,

Maureen Cassingham
Executive Officer and Secretary

NEXT: **MERA Executive Board Meeting**

Wednesday - July 12, 2017 – 3:30pm