

C.O.C. 9/18/19 Agenda Item A
MARIN EMERGENCY RADIO AUTHORITY

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Measure A Citizens Oversight Committee

Minutes of June 19, 2019 Regular Meeting

DRAFT: 9/11/19

Call to Order

The meeting was called to order by Chair Herrerias at 4:00 p.m. on June 19, 2019 at the Marin Civic Center CAO Conference Room 315, San Rafael, California 94903. With Committee concurrence, the Chair reordered the Agenda and moved Item F before Item B. The minutes will be presented in accordance with the posted Agenda.

Committee Members Present:

District #1	Elizabeth Greenberg
District #2	Bill Levinson
District #3	Chuck Reite
District #4	Larry Luckham
District #5	Paul Herrerias

Staff Present:

MERA Executive Officer	Maureen Cassingham
MERA Deputy Executive Officer – Next Gen Project	Dave Jeffries

A. **Minutes of March 20, 2019 Citizens Oversight Committee Regular Meeting**

M/S/P Luckham/Levinson to approve the minutes as presented.

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

B. Update on Status of Next Gen System Project and Budget (Jeffries)

Jeffries reported on the Project Schedule which will be revised after CEQA is concluded. Milestones will also be more accurate with completion of Project Design. Work is continuing on Motorola Change Order #8, Multi-Protocol Label Switching (MPLS), which pertains to the microwave network. Options will be presented to the Project Oversight Committee later this month. We are working with Motorola to compress the Schedule wherever possible.

In response to Greenberg, Jeffries said the CEQA process has been underway since last summer. Consultants and staff are finalizing development and review of most of the SEIR sections. A number of rewrites have been necessary due to Project technical complexity. Once the consultants have made changes, staff reviews them followed by legal review and comment. Cassingham noted even temporary site installations must be addressed in the SEIR. Jeffries said the draft SEIR should go public in late-July, followed by a 45-day comment period during which time there will be a Governing Board public hearing.

As part of the public information process for the SEIR, Jeffries noted the County's mailed notices to affected agencies, website postings, along with other publication requirements associated with issuance. Documents will also be linked to MERA's website and a Newsletter and Media Advisory will be issued. Jeffries noted responses to comments will be developed as comments are received to expedite the process. When the comment period ends, responses will be ready. The questions and responses then become an attachment to the final SEIR. Levinson asked if the Q&A could be posted as a separate document. Jeffries said this will likely be a separate link from the SEIR, which he will confirm.

Reite inquired about the internal schedule for completing the draft SEIR so the rewrites are within a timeline. He asked about the steps following the draft comment period. Cassingham said the MERA Governing Board will conduct a public hearing during the comment period to receive input. The final SEIR will be considered along with public comments and responses at a second Governing Board public hearing wherein a certification action will be taken. Jeffries added that the Governing Board is the final approving authority on the document. This is followed by a time period for legal challenge, which is 60 days. Once this timeframe passes, Final Design can be completed and construction can commence.

In response to Herrerias, Jeffries confirmed MERA does not need to go back to stakeholders for further input or permits. He said Final Design will follow. After Final Design, a firm Project Schedule can be established, noting any litigation after CEQA would have an impact on this. The County, on MERA's behalf, will issue RFPs for the site work to select contractors to complete construction.

Herrerias asked about the Radio Charger Change Order and how this was missed. Jeffries said an after-action review process can be undertaken by the Governing Board to document what happened. Cassingham noted that earlier oversights in the Motorola Contract process, if caught initially, those costs would have been reflected in a higher base contract. Thus, they may not be additional costs. Jeffries said MERA staff relied on the Project technical consultants to develop the RFP and review the Motorola Contract prior to finalization. For example, the chargers were in the Motorola Contract as an option, not a requirement. Greenberg said, in her experience, issues can be missed in finalizing contracts, especially with complex contracts.

Jeffries reported on the 3 Media Advisories for the Measure A Parcel Tax Low-Income Senior Exemption applications. He summarized the media articles on the Project in which some MERA Board members and County staff were quoted. As Project P.I.O., he will be the primary point person going forward. The articles, as previously discussed, focused on Project delays. Since the media do not attend our meetings, but receive Project newsletters and Media Advisories, this was new information to them. The next major media release will occur with the draft SEIR release. Levinson said he would support the President of the MERA Governing Board writing an Op-Ed piece in the IJ clarifying the Project's status as CEQA is completed, which emphasizes its public safety enhancements to the MERA System.

Jeffries provided a Change Order overview, noting the pending status of C.O. #8. On June 26 the Project Oversight Committee will receive a report on C.O. #8 options. It is expected a recommendation will be made thereafter to the Governing Board. Herrerias asked about the financial impact of this Change Order. Jeffries said the options cost range is \$0 to \$1M, with zero being to implement the Contract without it. Herrerias asked about the \$9M cost of the SUA. Jeffries clarified this was part of the Motorola Contract and not a Change Order.

Jeffries reviewed the latest iteration of the Project Budget. Document changes include actual percentages expended for each line item. A column reflecting where we should be at this point with each line item will be provided when a firm Project Schedule is issued. Cassingham noted Interest Income has been added as a funding source. Jeffries said the \$67M Project Budget has not changed but available funding sources have increased with Interest Income. C.O. #8 is the only foreseeable Project new expenditure. Future updates will be presented every 3 months.

Jeffries reviewed the Project milestones which reflect completion in Q2 2023. He added C.O. #7 – AES/DES Encryption, Radio Management, WiFi and OTAP - will accelerate the Schedule by 8 months, so completion could occur in 2022. Once the Project Schedule is confirmed, milestones will be updated. Herrerias noted the 2-year gap between completion and final acceptance. Jeffries said a Final Schedule will better inform us on this gap.

C. Update on Measure A Utility Parcel Tax Collections

Cassingham reported on two collection actions taken at the Committee's last meeting. The 13 parcels owned by Northwestern Pacific Railroad included on the County's tax roll were duplicate billings from the assessments by the State Board of Equalization. The \$3,973 billed for FY18-19 will be adjusted accordingly. The 2 parcels owned by Leonardi LH Properties have been deemed uncollectible by NBS and MERA after 3 years of billings. \$377 will therefore be reflected as Bad Debt. All other parcels have been paid in full for FY18-19.

D. Report on Status of Measure A Low-Income Senior Exemptions

Cassingham reported 135 approved applications for FY19-20. The last 2 fiscal years application numbers have been flat. She added the application process is annual to address changes in age and income eligibility.

E. Review of Funds 70038 and 70039 – Next Gen Project Revenues and Expenditures
FY18-19 – March 12, 2019 – June 12, 2019

Cassingham reported that expenditures for this period have been consistent and in the same categories of prior reporting, including contract staff costs, DPW and Federal Engineering expenses. Fund 70038 expenses represent soft Project capitalized expenses while Fund 70039 reflect Capitalized Project expenses like engineering and environmental consultant costs. She presented hard copy invoices for both Funds for Committee review. Delay in the distribution of P&Ls to the Committee was due to the transition of MERA's administrative and financial services to the Town of Corte Madera, MERA's new host member. Recently retired Novato Fire Protection District Finance Director is assisting with the transition to the Town. She added there is nothing unusual to report with Measure A expenditures. In response to Herrerias, Cassingham confirmed the Capital expenditures from Fund 70039 were for hard capital Project engineering services from Federal Engineering, Zoon Engineering, JRA and WRA Environmental Consultants and DPW staff.

F. Other Informational Items

Levinson requested clarification on adding Agenda items. He expressed concern over recent IJ articles regarding the Next Gen Project and had asked the Chair and Executive Officer to agendize this matter for Committee discussion. Cassingham responded that media coverage would be addressed in Jeffries report. He recognized the narrow charge of the Committee and limitation to reviewing Measure A revenues and expenditures.

Levinson noted that setting the agendas is the responsibility of the Chair and Executive Officer. He felt that the will of the members on including agenda items should be recognized. Reaching out to other members on this would be a violation of the Brown Act. Levinson said the Committee should have a say on what is agendized. He added that

he had the impression all was going well with the Project and reading IJ articles and editorial and editorial cartoon about the Project was disturbing. Ergo, he felt the need to have a serious conversation about this. In response, Jeffries and Cassingham said Project status reports have been provided at each meeting referencing Project delays due to CEQA, RPC Redesign and Change Orders.

In response to Greenberg, Cassingham said the MERA Governing Board determined not to respond at this time to the IJ articles. Although not specified in the Bylaws, Luckham said if a Committee member formally requests an agenda item, it should be considered. He understood why, in this case, the item was not added because it would be covered in Jeffries report. Jeffries added this matter was available for discussion as part of his report. Luckham asked about other topics being added not covered in agendized reports. Cassingham said it would be problematic if beyond the Committee's charge. She noted Jeffries report covers the range of what is happening with the Project.

Greenberg said for items not on the agenda a Committee member might want to discuss, there are 2 opportunities to deal with them under "Other Information Items" and "Items Not on Agenda." Jeffries said these opportunities did not permit decision-making at those meetings but would permit those items to be placed on a future agenda. Cassingham noted that it is the Governing Board's responsibility to provide Project oversight and direction.

After further review of the Measure A Tax Ordinance, Committee Bylaws and MERA Agenda Policy and Procedures, the Committee accepted Cassingham's suggestion to list primary topics included in the Updates on the Status of the Next Gen System on the agenda face sheet. Levinson added that this approach would provide more public awareness of report content.

G. Open Time for Items Not on Agenda

None.

H. Adjournment

The meeting was adjourned at 5:07 p.m.

Respectfully submitted by:

Maureen Cassingham
MERA Executive Officer
and Secretary