

G.B. 10/23/19 Agenda Item A-1

MARIN EMERGENCY RADIO AUTHORITY

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GOVERNING BOARD

Minutes of September 25, 2019 Regular Meeting

DRAFT: 10/16/19

Call to Order and Introductions

The meeting was called to order by President Pearce on September 25, 2019 at 3:30 p.m. at the Novato Fire Protection District Administration Office-Heritage Conference Room, 95 Rowland Way, Novato, California, 94945. Self-introductions followed.

Governing Board Members & Alternates Present:

Town of Corte Madera	Todd Cusimano
City of Larkspur	Scott Schurtz (Alternate)
City of Mill Valley	Alan Piombo
City of Novato	Pam Drew
Town of Ross	Tom Gaffney
City of San Rafael	Glenn McElderry (Alternate)
County of Marin	Matthew Hymel
City of Sausalito	Bill Fraass (Alternate)
Town of Tiburon	Michael Cronin
Bolinas Fire Protection District	George Krakauer
Inverness Fire Protection District	Jim Fox
Kentfield Fire Protection District	Mark Pomi, Ron Naso (Alternate)
Marin Community College District	Martin Langeveld (Alternate)
Marin Transit	Amy Van Doren
Marin Municipal Water District	Don Wick (Alternate)
Marinwood Community Services District	Eric Dreikosen (Alternate)
Novato Fire Protection District	Steve Metcho, L. J. Silverman (Alternate)
Ross Valley Fire Department	Tim Grasser
Southern Marin Fire Protection District	Catheryn Hilliard
Stinson Beach Fire Protection District	Kenny Stevens
Tiburon Fire Protection District	Richard Pearce
Central Marin Police Authority	Michael Norton

Governing Board Member Agencies Absent:

City of Belvedere
Town of Fairfax
Town of San Anselmo

Staff Present:

MERA Executive Officer	Maureen Cassingham
MERA General Counsel	Trisha Ortiz
MERA Deputy Executive Officer – Next Gen Project	Dave Jeffries
MERA Administrative Assistant – Next Gen Project	Maura Griffin
MERA Operations Officer	Ernest Klock
Recording Secretary	Lorena Barrera

Guests Present:

Federal Engineering	David Mortimer
Marin County Fire	Mark Brown, Deputy Chief
Marin County Public Works	Raul Rojas, Public Works Director
Marin County Public Works	Betsy Swenerton, Capital Planning and Projects Manager
Marin County Public Works	Jason Wong, Capital Planning and Projects
Public Member	Doug Kelly (by phone)

A. Consent Calendar

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

- 1) Minutes from July 24, 2019 Governing Board Regular Meeting
- 2) Report No. 86 on Strategic Plan Implementation
- 3) Proposed Extension of American Tower License Agreement for MERA
Mt. Tam Tower Site

M/S/P Cusimano/Gaffney to approve Consent Calendar Items 1 through 3 as presented.

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

B. Executive Officer's Report – (Cassingham)

- 1) Report No. 60 on Next Gen System Project – (Jeffries)

Jeffries reported on the Team Project calls, increased pace of Motorola meetings, and the August 28 Project Oversight Committee meeting. Griffin's Radio and WiFi Field Survey is getting close to wrap up with 11 contacts remaining. He urged the

members to quickly respond to her to complete the survey. Detail on the mobiles is very important for the installers to plan for the work to be done. Likewise, accurate portable and accessory counts are critical to system implementation.

Jeffries commented on the Project Budget and Expenditures Summary, noting the current Budget has not changed since December 2018. Expenditures have been updated through June 30, 2019. Funding sources, along with Bond interest earnings, are updated. The next Motorola payment of 10% will be on completion of Customer Design Review after CEQA. The next 45% Motorola payment will occur with shipment of Fixed Network Equipment, projected in Q3 2020. Budgeted Project Contingency and Unappropriated Reserve are updated to reflect interest income for a total of \$6.25M.

Jeffries summarized media interest in Next Gen after release of the draft SEIR. Articles appeared in the Marin IJ and Point Reyes Light. The IJ article garnered 12 comments from 7 persons. Several days ago, the IJ published an editorial cartoon about the “transparency” of the Next Gen System. He asked for media inquiries to be referred to him. He also distributed the September 2019 Next Gen Newsletter for members to take back to their agencies, which includes information about the SEIR Public Hearing and Change Order #8 Multi-Protocol Label Switching (MPLS).

2) Proposed Second Amendment to Next Generation Radio System Implementation Agreement Between Marin Emergency Radio Authority and the County of Marin.

Cassingham said the First Amendment was approved by MERA on June 26, 2019, which extended the Implementation Agreement term by 90 days to September 30, 2019. This was to permit the parties to further discuss MERA’s proposed changes in the original Agreement’s, terms and conditions. A Second Amendment permitting another 3-month extension to December 31, 2019, to allow more time to discuss these changes, is recommended. Pearce noted significant time has been spent to date in discussion in hopes of getting the new terms right to benefit the Project.

M/S/P Norton/Cusimano to approve the Proposed Second Amendment to the Next Generation Radio System Implementation Agreement Between the Marin Emergency Radio Authority and County of Marin as presented.

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

3) Other Information Items

None.

C. Operations Reports – (Klock)

1) Next Gen Project Oversight and Finance Committee Recommendations: Motorola Change Order #8: Multi-Protocol Label Switching (MPLS) for Microwave Network

Klock noted several staff reports on Change Order #8 have been presented for input over the last year. Since then, a staff report was presented to the Project Oversight Committee on August 25, 2019, wherein Options O through 4D were reviewed. The Committee recommended Options 1 and 4A be forwarded to the Finance Committee. The Finance Committee determined there were sufficient unobligated Project funds for either Option.

Klock reviewed the Options summary, noting the network refresh credit. Page 2 of his report cites all the benefits of MPLS and the SUA, which provides Motorola support for years 4 through 15. The refresh credit reduces the price of either Option by \$413,000. Gaffney asked about the difference in cost for MPLS installation between Option 1 and 4A. He noted Option 1 cost is \$640,562 and Option 4A cost is \$502,009. Klock said this was due to more configuration services. He said Motorola does not segregate their price on Option 1 so the difference is difficult to identify. He said it is tough to segregate the equipment from the other attributes, so it was a best estimate. Of importance is the cost difference in the bottom line for the two Options and the SUA services through Year 15. Option 4A is just the equipment only, with the refresh credit and without the SUA.

Gaffney said if Option 4A is selected, are we missing something to be added to the system that is more difficult later. He suggested doing the \$640K line item of Option 1. Van Doren said it is important to consider the services we are buying between the Options. She asked to further discuss those services. Klock said when Motorola was asked what it would take to implement MPLS now, it resulted in Option 4A. When Motorola gave Option 1, he had to guess at the hardware costs. In response to Gaffney, Klock said there is no hardware cost missing between Option 1 and 4A.

Hymel said at the Project Oversight Committee meeting, any subsequent 4A support services acquired on the open market could be more expensive than the \$1.1M quoted by Motorola. Not getting the Extended Service Agreement when buying the equipment is not recommended. Deferring the purchase in today's market could pose a considerable risk of increased costs in the future. Van Doren confirmed the SUA cost could be astronomically more later. Hymel added the Project Committee felt if we had the money, we could do Option 1, which the

Finance Committee confirmed.

Gaffney asked about not doing the SUA. Hymel said to have an SUA on the base system and not MPLS may lose the advantage of the base system SUA. This could create issues if the base SUA does not cover support for the additional equipment. He added, do you buy the MPLS SUA now at \$1.1M or add it later at potentially a higher price, which it is now based on other vendor quotes.

Klock cited pages 6 and 7 of Motorola Attachment 3 for Option 1, which provides for RTS Gold Remote Technical Support, repair and exchange service and the Software Subscription Plan for the MPLS routers. Van Doren confirmed the difference between Options 1 and 4A is the SUA. Pearce said we were originally told MERA does not need MPLS to make Next Gen work. He said Layer 2 is designed for MERA's operations and recognized Klock's comments about the value of MPLS going forward. He said there was discussion about whether to build MPLS into the Next Gen System now or add it later.

Pearce asked about the price change in 4A from \$89,000, when it was presented to the Oversight Committee. Klock said that was an informal quote from Motorola, which came back higher with the formal quote. Pearce confirmed the quotes now presented for Options 1 and 4A are formal quotes. Van Doren asked about the APCO International standards. Klock said APCO has recommendations for site hardening and systems monitoring that cannot be met with Layer 2 in the Motorola Contract. These include remote cameras, site access monitoring and more that can be carried over MPLS but not Layer 2. In clarification to Pearce, Klock said Layer 2 is only for mission voice, while MPLS is for everything else. On Page 9 of Attachment 3 is a list of services MPLS offers, including cameras, remote site troubleshooting and remote technician communications.

Cusimano discussed his original concerns about MPLS which have been addressed by subsequent staff reports on this very technical C.O. At the last Oversight Committee Meeting, Options 1 and 4A were identified to be recommended. Before the Committee was leaning toward 4A. Also discussed was whether MPLS was mission critical to MERA. Over time, he has come to understand Option 1 features for future system use. He felt the Committee majority supported Option 1. He noted the changing costs are of concern with frustration being with Motorola.

Cusimano said in considering Option 4A, there are additional business decisions to be factored in. Either Option 1A or 4A allows other entities to use and touch our system, which is outside MERA's scope. He said he would demand any member or non-member's use of MPLS outside MERA's scope be addressed with a funding formula for same. Van Doren asked about charging for use, noting it had been discussed in the past. Cusimano added that this is technology that requires best practices for its use considering its cost and added features.

In response to Van Doren regarding Motorola documentation for changing costs, Klock said Option 1 costs have not changed. With MPLS there is some cost consideration for Layer 2 equipment, some of which needs to stay. He pointed to the last page of Attachment 3, which reduced cost from \$1.9M to \$1.7M plus the \$413K refresh credit for a total of \$1.3M. For Option 4A, he never requested a formal Motorola change order. They did rough math for equipment only at \$89K. A formal C.O. required they do further digging.

Hymel said in discussion with the Project Oversight Committee, the first consideration was interest in the higher MPLS level services given MERA is building a system for the next 20 years and all the technician monitoring cameras and site security it provides. Option 4A presents some functionality issues. Obtaining an SUA now at current Motorola pricing avoids the possibility of higher pricing later. If we want longer term coverage, we should buy it now. Metcho asked if we buy MPLS equipment now if it will accommodate additional services later. Klock said Layer 2 has the bandwidth but can't segregate and accommodate additional traffic. MPLS has a router that creates lanes. Klock added he could not, however, obtain comparable cost proposals, even through NASPO, to Motorola's proposal for MPLS and the SUA. Other vendors said technology may change and they may not be in business in 15 years so they can't guarantee an SUA.

Brown said his focus is not on other system users like the FBI but not having MPLS would be a step backwards. He cited the Stewart's Point Site going down last winter. Technicians were able to solve it through remote monitoring without a time consumptive weather event site visit and potential service interruption. MPLS, through remote servicing and monitoring, is critical to a public safety communications system. Regarding fire cameras, which are an add-on, they are providing far more intelligence on wildfires than ever before to both fire and law enforcement, to assist in making good response decisions. These cameras are currently being supported by a private internet service provider that is not public safety grade. He supports MPLS for this and other public safety uses.

Cusimano said, from a public safety standpoint, MPLS is a no-brainer but this is beyond MERA's scope. Looking forward, what will MERA's mission be. From a fiduciary perspective, revising MERA's scope and role may be needed. Expensive expenditures for change orders are easier to support if they fall within MERA's mission. Van Doren asked how MPLS was outside the scope. Cusimano said MERA is responsible for public safety voice communications. Uses we have allowed on our System can create conflicts. He is supportive of other public safety uses like cameras, but a thorough vetting of this C.O. is needed to assure an understanding of how we got here and thoughtful decision-making.

Cronin said the Governing Board has addressed a number of Change Orders that have been added, along with concern over funds available to pay for them. He acknowledged the dollar impacts of Project unknowns like litigation. Given \$6M in

Change Orders to date plus C.O. #8, which is another \$1.4M, he is also concerned about the cost of Project delays and construction unknowns. He asked if we need to spend on C.O. #8 today or can we wait until we know more down the road so we can be certain about what we can deliver and those costs.

In response to Cronin, Jeffries said the Finance Committee was asked to weigh in on C.O. #8 Options and the Project Budget. Assuming CEQA goes as hoped, Customer Design should be finalized early next year. C.O. #8 needs to be included or, if we wait, cost of adding later could result in increased Motorola design costs. Gaffney suggested part one of MPLS could be approved and action on the SUA could be postponed, without affecting the \$4M Contingency, which we do not want to touch. The \$2.2M Unappropriated Reserve with C.O. #8 would be reduced by more than half. He added Legal costs for Gen 1 were about \$600K. Next Gen construction costs are still unknown.

Cronin expressed concern over possible Project cost overruns affecting our Project Budget commitments. He asked about an interim option for this C.O. Gaffney said the SUA is not needed now, just the hardware. The Design can be done and the SUA can follow after warranty. Hymel said the SUA could be more costly later. Hilliard expressed concern over floating pricing changes. She asked whether these additional costs are coming up as we are going into Final Design. Klock said Final Design is pending CEQA completion and Motorola has been reluctant to finalize it until CEQA is over. The question has arisen about does MERA want to change System Architecture. If so, it is more cost effective to do this in the Design Phase.

In response to Hilliard, Klock said adding MPLS does not have an environmental effect on the System plan presented in the SEIR as it is a router. Hilliard asked about the system refresh timing in 6 years or 2029 and any changes in technology by that time. Jeffries said undoubtedly there will be technology changes, however, is the technology we are buying today going to continue to meet our future needs. The SUA being considered for MPLS assures continuing support. Gen 1 is only being replaced due to aging and Federal requirements, not because it is not meeting our needs. Hymel said an SUA was added to the Next Gen Project to extend its useful life. He noted Layer 3 needs an SUA consistent with the base system SUA. We could spend more than the Motorola quote of \$1.1M to get this functionality later. The Finance Committee decided there were adequate funds to do this, given possible savings of \$1M from a reduced count of non-safety radios to be funded by a MERA Reserve, a \$2M grant for fire radios which could relieve the use of Measure A Funds for them and higher interest earnings from the Bond proceeds investment.

Hymel discussed another possible C.O. #8 offset could be the Construction line item contingency if not used. The real issue is the uncertainty of Legal costs of litigation. Jeffries identified the two C.O. #8 Options cost components as equipment and an SUA, and noted the SUA is paid in annual installments beginning in Year 4,

while Parcel Taxes continue to come in. Pearce said MERA could also have its own sinking fund for an SUA. Gaffney asked if the SUA could be revisited with Motorola after CEQA, which informs us better about Legal costs. This would allow us to approve MPLS now without affecting Design. Schurtz said delaying the SUA could buy us time to assure we have the funding, recognizing it could cost MERA to do so. Cronin reiterated his concern over Project cost unknowns and our ability to address them given Change Orders to date and our obligation to the public.

Jeffries said putting a hold on the SUA would have to go back to Motorola for a response. Hymel said ideally we would seek an SUA price lock-in and ability for us to opt out if funding was uncertain. Possibly a motion to continue C.O. #8 would permit these discussions with Motorola. Gaffney supported voting on the hardware today with the SUA contingency. Van Doren said there is an interest in Option 1 with a phased approach to the SUA and pricing for the future, which would give us a better handle on those costs. Cronin supported committing down the road but was wary about cost commitments now, given other Project unknowns.

Hymel, paraphrasing Gaffney, said it sounded like consensus support for MPLS and pricing for the SUA with the ability to opt out. Cusimano supported giving staff direction to pursue Option 1 with SUA opt-out language due to fiscal uncertainties. Pearce favored Option 4A with an SUA opt-in at a later date, including current SUA pricing. Cronin added a pricing differential for adding later we could live with. In response to Hymel about other vendors pricing differential, Cronin said his preference was to seek an SUA with Motorola to eliminate any conflicts between different vendors.

Rojas suggested approaching Motorola with Option 1 but only paying for equipment because of Project cost uncertainties. Additionally, we can ask them how long they can hold their SUA pricing, say for 6 months, and have them commit to this in Change Order language. Van Doren agreed. Klock reiterated support services are needed for MPLS. Brown added Option 1 is necessary. Klock said Motorola has seen the NASPO pricing, which includes Nokia support in the \$2.5M price range, and requested a SUA increase. He has held them to current pricing. Jeffries suggested re-presenting Options 1 and 4A and an opt-out hybrid for 1. In response to Van Doren, Jeffries said with an opt-out, we can get through CEQA and the litigation period to better inform the SUA decision. Piombo expressed concern about discussing Motorola strategy in a public meeting. Ortiz said this matter is not eligible for Closed Session.

Pearce noted a future cost offset plan for MPLS might be assessment of fees for other Next Gen System uses by members and non-members for their particular needs. Cusimano said providing for future uses like fire cameras is beneficial to protecting the MERA System and the Member Agencies. Pomi said he agreed with planning for the future uses of MERA was important and added giving one agency all the tools to do its MERA contract work needs to be evaluated. A contractor

should provide its own. Cusimano agreed that County contracts were an important separate discussion.

M/S/P Cusimano/Hilliard to proceed with Change Order #8 Option 1 and direct staff to negotiate it with a minimum 6 months SUA opt-out at the same proposed pricing for presentation to the Governing Board on October 23, 2019, or provide an update should this not be possible for further Governing Board direction.

Van Doren asked for consideration of a phased motion that would approach MPLS and C.O. #8 Option 1 in steps. Hymel clarified approval could occur on October 23. Pearce added he would like to agendaize a future Governing Board discussion of an MPLS cost sharing plan for Next Gen non-radio uses by members and non-members. Cusimano concurred. Piombo noted that, like strategic planning, organizational directions are subject to change. Norton added MERA's mission statement should be revisited given its current restriction to radio communications.

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

2) CEQA Process and Schedule Update – Next Gen Project

Klock reported the CEQA document is completed, was published on September 6 and the Public Hearing on it is October 10 from 6 p.m. to 8 p.m. in the Board of Supervisors Chambers. The comment period closes on October 21. A response to comments will be developed as part of the final EIR package to be presented to the Governing Board. Until all the comments are received, the timing of the presentation of responses is uncertain due to the extent and volume of them.

Cassingham distributed the Public Hearing Guidelines for Governing Board members. Ortiz reviewed the Guidelines noting this Public Hearing is restricted to receiving public comments on the SEIR. Key points are to allow for the accurate recording of public comments for responses to them and avoidance of exchanges with the commenters. Board members may also make comments for the record. In response to Pearce, Ortiz said Board member requests for commenter clarification is acceptable. Discussion should run through the Chair to keep the hearing organized. Board members are not to discuss their positions with respect to the Project. Decisions are to be withheld until all inputs are received, responded to and presented to the Governing Board for certification.

In response to Hilliard, Ortiz clarified that the Public Hearing is a meeting of the whole Governing Board, which requires a quorum. Cassingham said an RSVP email request will be distributed tomorrow for members to confirm their attendance. If necessary, phone calls will follow to assure a quorum. Hymel

asked if a Governing Board Closed Session could be held on the process, responses and possible legal questions prior to Certification. Ortiz said Closed Sessions are generally for real property negotiations, pending or threatened litigation and labor negotiations. Should there be legal questions, she will check with the CEQA attorneys as to allowability, but the published agenda would have to recite the reason for Closed Session.

3) Report on Capital Project Air Conditioner Replacements –
Sonoma Mountain and Mill Valley Sites (Simpson)

Klock reported air conditioner replacements at the two sites for a total cost of \$13,110.56. It is important to keep communications equipment cool for proper operation. He added the work has been performed.

M/S/P Metcho/Gaffney to approve replacement and reimbursement for Mill Valley City Hall and Sonoma Mountain air conditioner units for a total of \$13,110.56.

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

4) MERA System Operations Update – July and August – (Simpson)

Klock noted the System Maintenance tasks performed in July and August. Additionally, staff has identified a pool of current System parts available from Orange County. He will report on the acquisition at an upcoming meeting. These parts are critical to the operation of the current MERA System until Next Gen is implemented. Page 2 of the Report is for July, not June as cited. System busy time was 3 seconds in July and 4 seconds in August.

5) Other Information Items

Klock introduced DPW Capital Planning and Projects staff Swenerton and Wong, who are joining Next Gen support staff. Jeffries gave kudos to Brown for the \$2M Fire radios grant.

MERA staff will be working to determine how these Tri-band fire radios will be integrated into Next Gen. These radios are for all fire agencies in the County. Conceivably, monies MERA had planned to spend on fire radios may be freed up for other Next Gen Project uses. A report will be provided at an upcoming meeting as more information is known.

D. Open Time for Items Not on Agenda

None.

E. Adjournment

The meeting was adjourned at 4:50 p.m.

Respectfully submitted by:

Maureen Cassingham
MERA Executive Officer
and Secretary