

# MARIN EMERGENCY RADIO AUTHORITY

c/o Novato Fire Protection District  
95 Rowland Way, Novato, CA 94945  
PHONE: (415) 878-2690 FAX: (415) 878-2660  
[www.meraonline.org](http://www.meraonline.org)

**Draft: 8/27/14**

## GOVERNING BOARD

### **Minutes of August 13, 2014 Special Meeting**

#### **Call to Order and Introductions:**

The meeting was called to order by President Pearce on August 13, 2014 at 3:31 p.m. at the Novato Fire Protection District's Administration Office, Heritage Conference Room, 95 Rowland Way, Novato, CA 94945.

Self-introductions followed. Pearce thanked all once again for their attendance at these Special Meetings. This agenda reflects follow-up actions arising from the July 22 Board of Supervisors meeting.

#### **Governing Board Members & Alternates Present:**

Town of Corte Madera	Roger Sprehn (Alternate)
Town of Fairfax	David Cron (Alternate)
City of Mill Valley	Angel Bernal
City of Novato	Jeanne MacLeamy
Town of Ross	Tom Gaffney
Town of San Anselmo	Kay Coleman
County of Marin	Matthew Hymel
Town of Tiburon	David Hutton (Alternate)
Bolinas Fire Protection District	Anita Tyrrell-Brown
Inverness Public Utility District	Jim Fox
Kentfield Fire Protection District	Paul Smith, Ron Naso (Alternate)
Marin Municipal Water District	Bill Hogan (Alternate)
Marinwood Community Services District	Thomas Roach
Ross Valley Fire Service	Richard Shortall
Southern Marin Fire Protection District	Martin Langeveld
Stinson Beach Fire Protection District	Kenny Stevens
Tiburon Fire Protection District	Richard Pearce
Central Marin Police Authority	Todd Cusimano

#### **Governing Board Member Agencies Absent:**

City of Belvedere

City of Larkspur

City of San Rafael

City of Sausalito

Marin Community College District

Marin Transit

Novato Fire Protection District

**Staff Present:**

MERA Executive Officer	Maureen Cassingham
MERA General Counsel	Trisha Ortiz
County DPW/MERA Operations Officer	Craig Tackabery
MERA Special Project Manager	Dave Jeffries
Recording Secretary	Gretchen Felciano

**Guests Present:**

None

A. Executive Officer's Report (Cassingham)

1. Proposed Amended and Restated Memorandum of Understanding By and Between the Marin Emergency Radio Authority and the County of Marin in Support of the Next Generation Radio System

Cassingham noted the Executive Board meeting preceding this one wherein the items before the Governing Board were reviewed. She summarized her staff report on the Amended and Restated MOU. As a result of the Supervisors' action taken on July 22, the Amended MOU reflects the addition of Recitals F-H which require the parcel tax to be used solely for Next Gen Project funding. These changes render the MOU consistent with the Amended Tax Ordinance. The Executive Board has recommended Governing Board adoption. MacLeamy clarified that parcel tax revenues were never going to be used for Next Gen operating costs so these changes make that crystal clear.

*M/S/P Langeveld/Cusimano to approve the Amended and Restated Memorandum of Understanding By and Between the Marin Emergency Radio Authority and the County of Marin in Support of the Next Generation Radio System.*

AYES: ALL  
NAYS: NONE  
ABSTENTIONS: NONE  
Motion carried.

2. Proposed Resolution of the Governing Board of the Marin Emergency Radio Authority Recommending Qualifications for Exemption for Low-Income Seniors from MERA's Special Parcel Tax Measure on the November 4, 2014 Ballot

Cassingham said, in response to comments from the Board of Supervisors and public inquiries about what MERA's qualifications might be for the low-income senior exemption, the Proposed Resolution was developed and is recommended with certain changes for adoption by the Governing Board.

Staff worked with Pearce, Hymel, Gaffney, Seufert at NBS and County Library Services Staff to review other low-income senior exemption requirements in use in Marin County. Their review ultimately focused on County Library Measures L and K and Central Marin Police Authority's CFD. L and K have low-income senior exemptions and Central Marin has a very low-income family exemption. The L and K exemptions mirror the one proposed by MERA's Tax Ordinance whereas Central Marin's is broader. They also reviewed opt out rates for L and K and Central Marin. The Proposed Resolution is based on Measures L and K exemptions. The Executive Board recommended revision to Section 1 of the Resolution by adding "annual" before the word "exemption" and revision of Section 1(4) by adding the words "Each year" before "The applicant". Upon adoption, the Resolution will be presented to the Board of Supervisors.

Cassingham added that the source for L and K income requirements is the U.S. Census Bureau. The low-income senior exemption would be for household income which is 80% or below median income for Marin County. Household income, which is currently \$56,390, is revised annually in September. Measure L covers 33,450 parcels and there were 275 applications or 8/10 of 1% opt outs. Measure K covers 3,230 parcels and there were 30 applications or 9/10 of 1% opt outs. Gaffney estimates the loss of about \$35,000 in parcel taxes annually with a 1% opt out.

Cassingham said MERA would contract for tax administration services including the senior exemption. In mirroring the County's application process, forms could be downloaded along with household income worksheets and mailed in to make the process simple and easy. Coleman asked if applicants would apply to the County. Cassingham said applicants would be assisted by MERA's contractor and information would be provided online and with tax bills. Hymel said using the County's criteria provides consistency and meaningful opt out history. Coleman said information on the various senior exemptions does not get disseminated to them or they do not realize they have to go to different locations to apply. She wants the application process to be very clear and well publicized. Cassingham said it is the intention to be very clear and keep it simple including working through member agencies to get the information out; however, the details at this point are under development. Hymel emphasized that the County's Property Tax bills will include this information along with phone numbers to call for assistance.

Tyrell-Brown asked if the projected loss of annual revenue was of concern. Gaffney said the loss potential is unknown at this point. Hymel said an all-seniors exemption would be a significantly greater loss. A low-income senior exemption is usually helpful with support of a tax measure. Gaffney confirmed that the Central Marin opt out rate is much lower at 5/10 of 1%. Hymel clarified that the Central Marin exemption is for very low-income while MERA's Ordinance language states low-income seniors and we did not want to change criteria after the fact.

*M/S/P MacLeamy/Gaffney to adopt the Resolution of the Governing Board of the Marin Emergency Radio Authority Recommending Qualifications for Exemption for Low-Income Seniors from MERA's Special Parcel Tax Measure on the November 4, 2014 Ballot.*

Roll Call Vote:

AYES: Corte Madera, Fairfax, Mill Valley, Novato, Ross, San Anselmo, County of Marin, Tiburon, Bolinas Fire, Inverness, Kentfield Fire, Marin Municipal Water District, Marinwood, Ross Valley, Southern Marin, Stinson Beach, Tiburon Fire and Central Marin

NAYS: NONE

ABSTENTIONS: NONE

ABSENT: Belvedere, Larkspur, San Rafael, Sausalito, Marin Community College District, Marin Transit and Novato Fire Protection District

3. Proposed Duties, Terms, Membership Qualifications and Application Process – Citizens Oversight Committee (COC)

Cassingham said likewise at the July 22 BOS meeting there was inquiry about MERA's Citizens Oversight Committee. She said there has been public interest in giving input and serving on it. She summarized her staff report on the COC by reprising Section 9 of the Parcel Tax Ordinance, including the establishment date, its expenditure review duty, minimum 5 members, residency and taxpayer qualifications. Cassingham said the same report was presented to the Executive Board for its input and she is seeking the same from the Governing Board. She also requested appointment of a Subcommittee to assist with this.

Gaffney said he is currently serving on a school bonds COC and it is not easy. The key thing is continuity and suggested 4-year terms subject to extension to address this. Hymel said there is no action at this time to appoint a COC but to begin discussion of the COC. Gaffney said there is a learning curve for COC members to understand their responsibilities. He agreed to serve on the Subcommittee. MacLeamy said 5-7 members is ideal, larger becomes unwieldy and that 5 is consistent with Council/Board membership of the MERA Members. Tyrell-Brown and Shortall offered to serve. Cassingham said much of the work could be done electronically and by conference call. Pearce thanked Cassingham for the rapid turnaround on all these items.

Gaffney inquired about IV c. of the MOU discussed earlier. He questioned the restriction of "no other funds being pledged to repayment of the proposed bonds". We may well pledge other funds beyond the parcel tax. Ortiz said, "the pledge is for use of parcel tax revenues". Gaffney said if the pledge of the parcel tax is insufficient, we would have to approach the Governing Board about the difference before selling the bonds. Hymel suggested omitting the sentence since the sentence preceding it is the operative statement. Pearce noted earlier language stating "all or a portion of the Next Gen System" would be funded by bonds. After further

discussion, it was agreed the MOU language would be left as is, acknowledging it could be amended in the future. It was agreed that it remains clear that the use of the parcel tax be solely for the Next Gen System.

B. Discussion: Next Gen Project Performance Bond (Pearce)

Pearce said this item was intended to address how MERA would best assure the Next Gen Project is on time and within budget. He asked Tackabery to summarize what MERA could do accordingly. Tackabery reprised his report on this to the Executive Board noting the importance of including clauses addressing project timeliness and effectiveness in a vendor contract. A bid bond allows use of a second bidder if performance is not timely. A payment bond can be used if subcontractors are not paid. The use of the County's best practices along with those of other agencies with 700MHz systems is recommended. A project timeline and liquidated damages could also be included in a contract along with penalties and warranties for equipment repairs or replacement. Upgrade agreements could be considered to assure the vendor upgrades software to the latest version. We could also require a turnkey clause to assure the system is operational from day one. The point of this discussion is to create a list to consider realizing that some of these items have cost considerations. As for development and oversight of the Project, MERA Ops could give input and/or an Oversight Committee might be formed to provide fiscal administration.

MacLeamy asked about bidder pre-qualification. Tackabery said, given the nature of this Project, an RFP process might be a better approach including criteria for ranking the bid elements with price being just one of the factors.

C. Other Information Items

Cusimano said the Friends of MERA Campaign Committee would be having their third meeting today at 4:30 p.m. Location is the Hopmunk Tavern, 224 Vintage Way, Novato. Topics will include ballot measure arguments, Committee organization and fundraising. Attendance has averaged less than 10 and this is now August. Attendance must be on your own time. He requested personal email addresses if interested.

Cassingham reported a meeting of the Finance Committee would be convened in September to review a Gen III System Replacement Fund and a System Upgrade Agreement for the Next Gen System. Both would be evaluated with and without a parcel tax. The Committee will also be asked to consider post-election recommendations to the Governing Board on Next Gen financing. Hymel said part of this would include discussion of what, if any, of the drop in member payments when current bonds are retired might be used to fund Gen III Replacement or Upgrade Agreement for the Next Gen System. With parcel tax passage, members would be in a better position to act on a Replacement Fund. Options would be presented to the Governing Board in December. MacLeamy asked about the future of the Governing Board with and without the parcel tax. Pearce confirmed the Board will remain.

Tackabery talked about the First Net/State of California Public Safety Survey on current public safety wireless usage. This is due August 20. This is a complimentary broadband data system, not mission-critical voice. DPW will assist in responding on MERA members' behalf with member input.

D. Open Time for Items Not on Agenda

None.

E. Adjournment

The meeting was adjourned at 4:06 p.m.

Respectfully submitted,

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Maureen Cassingham, Executive Officer

NEXT:

MERA Governing Board Regular Meeting  
**Wednesday – December 10, 2014 – 3:30 pm**