



**East Bay Regional
Communications
System Authority**



Participating agencies include Alameda and Contra Costa Counties and the following cities and special districts: Alameda, Albany, Antioch, Brentwood, Clayton, Concord, Danville, Dublin, El Cerrito, Emeryville, Fremont, Hayward, Hercules, Livermore, Martinez, Moraga, Newark, Oakley, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Richmond, San Leandro, San Pablo, San Ramon, Union City, Walnut Creek, East Bay Regional Park District, Kensington Police Community Services District, Rodeo-Hercules Fire Protection District and San Ramon Valley Fire Protection District

MINUTES

BOARD OF DIRECTORS MEETING

REGULAR MEETING – FEBRUARY 15, 2008



1. **CLOSED SESSION:** *None*

2. **CALL TO ORDER/ROLL CALL** (Regular Session):

A regular meeting of the East Bay Regional Communications System Authority Board of Directors was held on Friday, February 15, 2008, in the Assembly Room at the Alameda County Office of Homeland Security and Emergency Services, 4985 Broder Boulevard, Dublin, California. The meeting was called to order at 10:00 a.m. by Chair Shinn.

PRESENT:

County Representatives: Boardmembers Ahern, Bonilla, Nakao (Alternate for Bm. Muranishi), Roderick (Alternate for Bm. Haggerty, who arrived at 10:18 a.m., at which time Alternate Roderick stepped down), Rupf and Whittington (Alternate for Bm. Cullen)

City Representatives: Boardmembers Arner, Barton, Calabrigo, Cheeves, Jermanis, Johnson, Lockhart, McNeil, Santos (Alternate for Bm. Hosterman), Shinn and Wilson

Public Safety Representatives: Boardmembers Attarian, Cody, Kirkland and Richter

Special District Representative: Boardmember Anderson

ABSENT: Boardmember Catalano (City Rep)

Staff Present:

Interim Executive Director Bill McCammon, Authority Counsel Robin Donoghue, and Secretary Fawn Holman

3. REPORT ON CLOSED SESSION: *None*

4. PRESENTATIONS: *None*

5. COMMENTS FROM THE PUBLIC

No comments were made by any member of the public at this time.

6. APPROVAL OF MINUTES

6.1 Minutes of December 7, 2007, Board Meeting.

On motion of Bm. Lockhart, seconded by Bm. Ahern and by unanimous vote, the Board approved the minutes of the December 7, 2007, Board of Directors meeting.

7. WRITTEN COMMUNICATIONS: *None*

8. PUBLIC HEARINGS: *None*

9. ACTION ITEMS:

9.1 Review Status and Adopt Resolution Approving Disbursement of Local Agency Radio Subscriber Fees.

Interim Executive Director McCammon presented the staff report and distributed a revised FY 2007-08 Radio Subscriber Fee list, which had been modified to reflect that \$402,600 had been received to-date. He noted that Alameda and Contra Costa Counties were exempted from the \$100 per radio fee due to the amount of revenue they had committed to the development of the EBRCOA infrastructure. Staff was seeking Board approval to use the radio subscriber fees to pay for contract staff, legal counsel, and operational expenses that did not meet Federal grant guidelines, and permission to seek reimbursement for contract staff and legal counsel from each county using their State Homeland Security Grant (SHSGP) funds.

The Board and Staff discussed the need to send out reminders to the cities that had not yet paid their Radio Subscriber Fee, as well as keep a clear

accounting of payments and reimbursement for contract staff, legal counsel, and operational expenses.

*On motion of Bm. Jermanis, seconded by Bm. Bonilla and by unanimous vote, the Board adopted **Resolution No. 08-1**, authorizing disbursement of radio subscriber fees; and authorized the Interim Executive Director to seek reimbursement for contract staff and legal counsel from each county using their State Homeland Security Grant (SHSGP) funds.*

9.2 Adopt Resolution Authorizing Execution of a Memorandum of Understanding between the City and County of San Francisco and the East Bay Regional Communications System Authority for the Distribution of Urban Area Security Initiative (UASI) Funds

Note: Bm. Barton entered the meeting at 10:15 a.m.

Interim Executive Director McCammon presented the staff report and advised that the counties of Alameda and Contra Costa have received over \$10 million dollars in Federal Homeland Security grants for interoperability since 2004 through the UASI program. Now that the EBRCSA had been formed, the General Manager of the Bay Area Super-Urban Area Security Initiative (SUASI) approached the EBRCSA about signing a Memorandum of Understanding (MOU) to become a sub-grantee similar to counties. Signing the MOU would allow the EBRCSA to receive the Federal grant funds directly from the City and County of San Francisco.

*On motion of Bm. Lockhart, seconded by Bm. Wilson and by unanimous vote, the Board adopted **Resolution No. 08-2**, authorizing the execution of a Memorandum of Understanding (Contract No. 2008-1) between the City and County of San Francisco and the East Bay Regional Communications System Authority for the Distribution of Urban Area Security Initiative (UASI) Funds.*

9.3 Approve Executive Director Position Responsibilities and Adopt Resolution Approving Agreement with William J. McCammon to Serve on a Contract Basis as the Executive Director of the East Bay Regional Communications System Authority

Note: Bm. Haggerty entered the meeting at 10:18 a.m., and Alternate Roderick relinquished his meeting responsibilities at that time.

Interim Executive Director McCammon presented the staff report and advised that, at its February 1, 2008 meeting, the Finance Committee

reviewed the position responsibilities and recommended that the Board of Directors adopt the Executive Director Position Responsibilities. At that meeting, the Finance Committee discussed how the Executive Director position should be filled and agreed to recommend that the Authority enter into a contract for services with the existing Interim Executive Director to fill the position. The position was currently compensated using homeland security funds and has to remain a contract position as funding is not available for employees.

Bm. Calabrigo motioned for approval.

Bm. Arner seconded the motion.

Bm. Bonilla asked for discussion and requested that Interim Executive Director McCammon leave the meeting room.

Interim Executive Director McCammon excused himself and left the room.

Bm. Bonilla questioned the process through which the EBRCSA would make the appointment. It was her understanding that Mr. McCammon would serve as Interim Executive Director while the Board went through a recruitment and interview process, similar to the models used by the County to find the best possible candidate. Ms. Bonilla stated that because the EBRCSA had the public trust and there were many agencies involved, it would be wise to go through the RFQ process. Ms. Bonilla clarified that her question was based on the process and not the potential candidate.

The Board engaged in a discussion of going through a full-blown recruitment and interview process that might allow the Board to choose from several qualified candidates vs. saving the expense of a recruitment by contracting with the Interim Executive Director, who was well-qualified and had successfully served the agency from the beginning of the process of becoming a Joint Powers Authority to its current level. It was noted that because the position was “at will,” if the Executive Director did not perform to Board expectations, he could be let go with 30 days notification.

Bm. Haggerty called for the question based on the amount of discussion he had heard, noting that there was a motion and a second on the floor.

Chair Shinn allowed more comments.

The Board continued its discussion of going through the recruitment process vs. contracting directly with the Interim Executive Director.

Bm. Haggerty stated that he had called for the question, per Roberts Rules of Orders, and called for the question.

Chair Shinn concurred.

*On motion of Bm. Calabrigo, seconded by Bm. Arner and by 19 – 3 vote (Bms. Bonilla, Rupf and Whittington opposed), the Board approved the Executive Director position responsibilities; and adopted **Resolution No. 08-3**, authorizing the Chairperson of the Board of Directors to sign an Agreement (Contract No. 2008-2) with William J. McCammon to serve as Executive Director of the EBRCSA on a contract basis.*

Bm. Rupf stated, for the record, that his “no” vote was based on the dialogue being shut off and on the basis of the process. He would not support any business decision without having had a reasonable opportunity to review the description of the transaction.

Bm. Bonilla stated, for the record, that she voted “no” and would report back to the Contra Costa County Board of Supervisors that the process that they requested had not been followed. She said she did not understand why dialogue was cut off and the input of Contra Costa County was disregarded on this issue, stating that the full Board did not refer this issue to the Finance Committee to make a recommendation, the Board had previously agreed that the full Board needed to be fully engaged in making these types of decisions, there was no salary survey but only a recommendation, and that in her view the Board was disregarding any process and not respecting the process that Contra Costa County wanted.

Bm. Whittington registered his “no” vote.

9.4 Adopt Resolution Approving the 2008/2009 EBRCSA Budget and Authorization of a Member Agency Assessment

Executive Director McCammon re-entered the meeting and presented the staff report. He advised that the Finance Committee reviewed the proposed budget at its February 1, 2008 meeting, and recommended that the Board of Directors adopt the 2008/2009 budget as presented, and authorize the Interim Executive Director to assess the member agencies a second assessment of \$100 per radio to be made in the 2008/2009 budget year. The assessment is intended to be used to meet the Federal matching requirements of the PSIC and COPS grants as well as to fund those

expenses that are not allowable under the grant guidelines. Some of the grant numbers were estimates and, therefore, subject to change.

The Committee and Staff discussed that the proposed second Radio Subscriber Fee assessment was, in essence, a second advance toward each local agencies' final contribution. The \$100 per radio fee in the 2008/2009 budget year would cover the cost of the grant matching requirements as well as operational costs that were not reimbursable using the Homeland Security grants.

*On motion of Bm. Santos, seconded by Bm. Wilson and by unanimous vote, the Board adopted **Resolution No. 08-4**, approving the 2008/2009 Budget for the EBRCS, and authorizing the Executive Director to assess the member agencies \$100 per radio to assist with the Federal Matching requirements, and operational overhead costs for the 2008/2009 Budget year.*

The Board discussed the importance of notifying member agencies as soon as possible, as most agencies were currently in the FY 2008-09 budget cycle and directed the Executive Director to prepare invoice letters to all member agencies for immediate distribution.

10. REPORTS

10.1 Review of Grant Funding Amounts and Timeline

Executive Director McCammon reviewed a chart outlining received or pending grant fund totals and status, estimated infrastructure project costs, and the projected funding gap.

The Board and Staff discussed that the Motorola number might be too low; however, it was the only valid number available at the time. Staff had built a 10% contingency into the overall number as a precautionary measure. The footnote in the chart should be modified to reflect that the design consultant should provide a firm number within the year.

10.2 Review of System Implementation Phasing Plan

Note: Bm. Haggerty left the meeting at 10:57 a.m., and Alternate Roderick resumed his meeting responsibilities at that time.

Executive Director McCammon distributed and reviewed the System Implementation Phasing Plan for both Alameda and Contra Costa Counties, which showed each proposed radio tower site, funding status and project status.

The Committee and Staff discussed the possibility of using solar power or photovoltaics to power the radio tower sites as an energy saving mechanism and in the event that a disaster shut down power grids. Currently installed sites have emergency battery and generator backups; however, solar for those sites might be installed when current infrastructure needed retrofitting. Solar panels would be very expensive, but should be considered in the design development to see if the numbers penciled out.

By consensus, the Board directed Staff to research the possibility of solar panels or photovoltaics to power the radio towers.

Executive Director McCammon advised that he would prepare an overview of options for review at the next Board meeting.

Bm. Bonilla noted that Contra Costa County Phases 3 and 4 were blank and asked to go on record as advising the Board that all of central and far east Contra Costa County remained a question mark. Funding for these sites had not been identified and it was uncertain if coverage would be adequate.

The Board and Staff discussed a recent meeting of contractors and various public safety representatives at which time the coverage map was reviewed. There would be field testing to make sure any coverage gaps would be filled. The sites identified on the Phasing Plan were only placeholders that may change. As the areas were built out, the coverage studies would be redone to see if there were more optimum places for those sites.

10.3 Update of Federal Earmark Submittal

Executive Director McCammon distributed and reviewed a copy of a \$3,000,000 Federal earmark request submitted to Senator Feinstein's office on behalf of the EBRCSA. It was crafted by a collaborative effort of lobbyists that represent cities in both Alameda and Contra Costa Counties and as a result of a trip to Washington, D.C. It was the collective wisdom of the lobbyists not to ask for more than \$3 million.

The Board discussed the recent lobbying efforts in Washington D.C., both during the Contra Costa County Legislative Platform trip and the U.S. Conference of Mayors, and agreed that their joint efforts were favorably received and the united stance of the agencies in the EBRCSA membership showed the value of working together to solve a common issue. It was also important for the individual agencies to let their legislators know that the goal of the EBRCSA was a high priority for their city or agency.

The Board discussed developing a strategy to lobby on behalf of the EBRCSA, not only at a Board level, but an individual agency level as well. It was recommended that an agreed upon message be developed that each JPA lobbyist could take to Washington, D.C. when the opportunity arose.

10.4 Verbal Status Report of MOU's with Alameda and Contra Costa Counties

Executive Director McCammon advised that the Board had discussed how the EBRCSA would work with both counties to build out the remaining sites that have funding. He was in the process of working with Alameda County to develop a Memorandum of Understanding, which he would then take to Contra Costa County in terms of how existing project management resources that the County already employed to build out the system. The bid process to get the site development work done was cumbersome and time-consuming. Contra Costa County has had success with a method called Job Order Contracting Process, which allowed the agency to go through a competitive pre-bid process. If the EBRCSA went through the pre-bid process through Contra Costa County, it would cut down the bid process time significantly.

Bm. Nakao advised that he had been working with his counterpart in Contra Costa County and described how the process would help facilitate the EBRCSA's bid process.

10.5 Verbal Status Report of Design Consultant RFP's

Executive Director McCammon advised that six firms responded to the RFP. The Evaluation Committee had completed a preliminary evaluation and would interview three of the firms. The Committee anticipated making a Design Consultant recommendation to the Board in March 2008.

Note: Bm. Arner left meeting at 11:18 a.m.

10.6 Discussion of Need to Acquire SharePoint Web-based Collaboration and Document Management Platform.

Interim Executive Director Bill McCammon advised that the Operations Committee had received a presentation from Jack Frost Design Company on SharePoint, a Microsoft-drive, web-based collaboration and document management platform. The current EBRCSA website was not meeting the agency's needs, and there was also an issue of inefficiency in regards to

electronic document sharing and management. Jack Frost Design Company offered a product that could solve both issues. The Operations Committee advised that it did not receive enough information from Staff prior to the meeting and directed Staff to prepare a staff report outlining agency needs, cost analysis and recommendations for consideration at the March 2008 Committee meeting.

Chair Shinn noted the importance of providing all discussion points to Committee members and/or Board members prior to the meetings to allow full discussion.

10.7 Review of Board of Directors' Terms of Office as Outlined in Adopted Bylaws (Article IV, Section 4.1).

Executive Director McCammon advised that he had been approached by the Contra Costa County Mayors Association about set terms of office for Boardmembers and Alternates. As clarification, he noted that, per the adopted bylaws, it would be up to the representative organization to determine the terms and the members who would serve for the organization.

10.8 Consider Alternate Meeting Location for March 21, 2008, and April 18, 2008, Board Meetings

Executive Director McCammon advised that there was a meeting room scheduling conflict in March and April 2008, which mandated the need to find alternate meeting locations. The Dublin Library's Community Room had been booked for those days, unless the Board would like to entertain another location suggestion.

Bm. Rupf requested that the meetings be held in Contra Costa County and stated that he would assist in finding a meeting location.

The Board concurred with Bm. Rupf's suggestion of holding the March 21st and April 18th, 2008, Board meetings in Contra Costa County.

11. BOARD COMMENTS

Chair Shinn referred to a letter to Oakland's Mayor Dellums from Congresswoman Tauscher in which she urged the City of Oakland to join the EBRCSA as a member agency.

Bm. Santos asked if Congresswoman Lee had been in touch with Mayor Dellums regarding the same issue.

Executive Director McCammon advised that it was his understanding that Congresswoman Lee's office planned to communicate with Mayor Dellums.

Bm. Bonilla expressed concern that the minutes from the February 1, 2008, Operations and Finance Committee meetings had not been made available prior to this Board meeting. She said that it would have been helpful in the decision-making process.

Bm. Rumpf recommended developing a prototype or model that would help facilitate other the creation of other Joint Powers Authorities.

Bm. Roderick noted that there had been comments about communication and getting information out to the Board, and noted that something like SharePoint would help with that issue.

Bm. Ahern advised Boardmembers to forward any issues that needed to be discussed at the next Operations Committee meeting to him.

Bm. Kirkland stated that it was important to recognize people who have done exemplary work for the EBRCSA, such as Lydia DuBorg, and recommended that the Board issue some type of commendation.

The Board concurred.

Chair Shinn advised Boardmembers to forward any issues that needed to be discussed at the next Finance Committee meeting to him.

Chair Shinn reiterated the need to keep lines of communication open and provide information on the issues in a timely manner in order to facilitate full discussion.

12. NEXT ACTION STEPS: *None*

13. ADJOURNMENT

The meeting was adjourned at 11:29 a.m. The next regular Board meeting will be held on March 21, 2008, at 10:00 a.m., at a meeting location yet to be determined.

APPROVED BY A MOTION OF THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY THIS 21st DAY OF March 2008.

Respectfully submitted,



Fawn Holman
Secretary