ALAMEDA COUNTY

East Bay Regional Communications System Authority

CONTRA COSTA COUNTY

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, Lafayette, 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

AGENDA ITEM 6.1

DRAFT MINUTES

BOARD OF DIRECTORS MEETING

REGULAR MEETING – January 16, 2009

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, January 16, 2009, 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 10:05 a.m. by Chair Shinn.

PRESENT:
County Representatives: Boardmembers Casten (Alt for Bm. Rupf), Nakao (Alt for Bm. Muranishi) and Whittington (Alt for Bm. Twa)

City Representatives: Boardmembers Arner, Calabrigo, Catalano, Cheeves, McNeil, Pollard, Shinn and Taylor (Alt for Bm. Wilson)

Public Safety Representatives: Boardmembers Cody, Kirkland and Richter

Special District Representative: None

ABSENT: Boardmembers Ahern (County Rep), Anderson (Special District Rep), Bonilla (County Rep), Haggerty (County Rep), Barton (City Rep), Johnson (City Rep) Hosterman (City Rep) and Santos

Staff Present: Executive Director Bill McCammon, Authority Counsel Robin Donoghue, and Secretary Fawn Holman

3. REPORT ON CLOSED SESSION: *None*

4. COMMENTS FROM THE PUBLIC

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

5. PRESENTATIONS

5.1 Receive Presentation by Dr. Ken Ballard, CTA Communications, regarding the Findings in the EBRCSA Needs Analysis Report

Dr. Ken Ballard advised that the EBRCSA had contracted with CTA Communications, Inc., to perform a needs analysis evaluating the system design to-date and to make recommendations for potential improvements. He made a PowerPoint presentation outlining the study's findings and recommendations, and indicated that CTA's research supported the EBRCSA's overall strategy of creating a P25 standards-based, 700-800 MHz trunked system serving both Alameda and Contra Costa Counties .

Dr. Ballard reviewed the study's key findings and the nine recommendations, which CTA determined would enhance functionality, round out implementation plans and reduce costs.

The Board engaged in a brief question and answers session with the Consultants and Staff, and thanked CTA Communications for their comprehensive report.

6. APPROVAL OF MINUTES

6.1 Minutes of Regular Meeting of November 21, 2008.

On motion of Bm. Calabrigo, seconded by Bm. Cody, and by unanimous vote, the Board approved the minutes of the November 21, 2008, Board of Directors meeting.

7. WRITTEN COMMUNICATIONS: *None*

8. PUBLIC HEARINGS: *None*

9. ACTION ITEMS:

9.1 Discuss Two-Year (FY 2008 and 2009) Financial Audit and Consider Directing the Executive Director to Work with the Alameda County Auditor Controller's Office to Obtain the Services of a Financial Auditing Firm to Complete an Audit of the EBRCSA

Executive Director McCammon presented the staff report and advised that, at its July 18, 2008 meeting, the Board of Directors adopted a resolution replacing the annual audit with a two year audit, as allowable by state law. In order to complete the FY 2008 and FY 2009 audit in a timely manner, Staff recommended that the Board direct the Executive Director to work with the Alameda County Auditor Controller's Office to develop a list of proposed auditors. Once the list was established, Staff recommended that the Finance Committee be directed to review the firms. Once proposals had been accepted and reviewed by the Finance Committee, a recommendation of a firm to complete the audit would be presented to the Board of Directors for approval.

The Board and Staff discussed inquiring to the SUASI if the audit costs would be grant reimbursable and speculated that it would not be subject to reimbursement because it would be an ongoing operational cost.

On motion of Bm. Arner, seconded by Bm. Calabrigo and by unanimous vote, the Board directed the Executive Director to work with the Alameda County Auditor Controller's Office to obtain the services of a financial auditing firm to complete an two-year audit of the EBRCSA.

9.2 Discuss Radio Subscriber Fee Assessment and Consider Finance Committee Recommendation that No Radio Subscriber Fee be Assessed for FY 09/10

Executive Director McCammon presented the staff report and advised that the Finance Committee, based on the fact that the EBRCSA anticipated less than $30,000 in operational expenses that were not grant reimbursable, and the cost of the audit, determined that there was sufficient funding for the upcoming fiscal year and recommended

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that the Board of Directors forgo the Radio Subscriber Fee Assessment for FY 09/10.

Alt. Bm. Casten recommended that, in the future, the Board consider what impact this action might have on the UASI's willingness to give us funds if only used for management and oversight, rather than purchasing infrastructure and working on the actual system itself. It would be beneficial to consult with the UASI and the working groups within the UASI.

On motion of Bm. Cody, seconded by Bm. Taylor and by unanimous vote, the Board accepted the Finance Committee's recommendation that no Radio Subscriber Fee be assessed in FY 2009-10.

9.3 Discuss Federal Communications Commission (FCC) Licensing of 700 and 800 MHz Spectrum and Consider Directing the Executive Director to Negotiate a Change Order to the Contract with CTA Communications to Develop and File the Appropriate License Documents with the FCC to Obtain 700 and 800 MHz Spectrum for the EBRCSA

Executive Director McCammon presented the staff report and advised that, in its needs analysis report, CTA Communications recommended that EBRCSA pursue FCC licensing of new 700 MHz frequencies when the spectrum became available. Because the FCC would soon be making a large number of 700 MHz channels available to public safety organizations throughout the country, Staff recommended that the Board direct the Executive Director to begin the process to obtain new 700 MHz frequencies.

Executive Director McCammon noted that the FCC evaluates the number of users per channel and uses 100 radios per channel as a measure to determine whether an agency can qualify for the frequencies they are requesting. Given the minimum of 15,000 projected users, the EBRCSA was the only agency that would qualify under FCC measures to apply for the entire available 700 MHz spectrum. Additionally, if the EBRCSA were to dissolve, the FCC would allow the spectrum to revert to the two counties.

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Alt Bm. Casten stated that the Contra Costa County Sheriff's Office did not support CTA's recommendation to license spectrum at this time. Licensing spectrum was premature because the MOU's for spectrum reassignment had not yet been developed. Furthermore, the overall ownership inventory and JPA strategic plan, which Sheriff Rupf had repeatedly requested, had not been developed.

The Board and Staff discussed the critical timing of applying for the upcoming spectrum and the need for the EBRCSA as the regional agency to move forward with the licensing. Each of the two counties would still be able to apply for and control its own 800 MHz frequencies, at the level available to current users in each county, and the EBRCSA should apply for the additional 700 MHz frequencies.

The Board and Staff further discussed the importance of member agencies working together in a cooperative, good faith manner to further the system and to establish credibility. Preparing MOU's for spectrum reassignment would be a simple federal process, and the larger issue of an inventory and strategic plan needed to be resolved as soon as possible.

On motion of Bm. Arner, seconded by Bm. Cody and by a 12/2 majority vote (Alt. Bms. Casten and Whittington opposed), the Board to the following actions: 1) Authorized the Executive Director to negotiate a change order to the contract with CTA Communications to develop the appropriate documentation to file with the FCC to obtain 700 and 800 MHz spectrum licenses; 2) Authorized the Executive Director to file for 700MHz and 800 MHz (interleve channels) licenses with the FCC; and 3) Directed the Executive Director to develop an agreement with member agencies to provide for the "Assignment of Authorization" of the spectrum if the EBRCSA were to dissolve.

Bm. Arner asked that the equipment inventory be prepared and presented to the Board at its next meeting.

Chair Shinn concurred.

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9.4 Discuss CTA Communications' Phase I Recommendations and Consider Authorizing the Executive Director to Work with the Original RFP Evaluation Committee and CTA Staff to Redefine the Next Phase of the Contract

Executive Director McCammon presented the staff report and advised that CTA Communications had completed their Phase I review and analysis of the EBRCSA and made nine recommendations. The recommendations were presented by Dr. Ballard earlier at this Board meeting as Item 5.1 . Three of the nine recommendations require immediate action as they are time sensitive. The first was presented as an earlier agenda item regarding the EBRCSA filing for additional 700 and 800 MHz spectrum. The other recommendations that require specific action are CTA recommendations #3 (independent engineering analysis, and #9 (redefining the scope of Phases II, III, and IV of the existing contract).

The Board and Staff discussed whether there was a need to issue a new RFP in regards to recommendation #3. It was noted that CTA Communications would be one of the firms to respond to another RFP, and provided the opportunity, with CTA's existing contract, to work with this competent engineering firm to do that work for the EBRCSA. The type of issues being recommended were included as part of Phases II, III and IV of their existing contract. Cost savings would be realized by redefining the scopes to make them more appropriate for the work that needed to be done.

On motion of Bm. Cody, seconded by Bm. Richter and by unanimous vote, the Board took the following actions: 1) Directed the Executive Director to work with the original RFP evaluation committee and CTA staff to redefine the scopes of Phases II, III, and IV of the existing contract and bring back a revised scope to the Finance and Operations Committee for consideration; and 2) Directed the Executive Director to take the remaining recommendations to the Operations and Finance Committees to develop action plans for implementation.

9.5 Consider Establishment of a Media Plan Ad-Hoc Committee, with a Specific Charge and Timeframe, to Prepare a Draft Media Policy for Board Consideration

Executive Director McCammon presented the staff report and advised that, at the Board of Directors meeting on November 21, 2008, interest was expressed by several board members to establish a media subcommittee to develop a media plan for the EBRCSA. It was the intent of the Boardmembers to have the committee craft a draft media policy for Board consideration. Establishing an Ad-hoc committee would allow the committee to meet as needed during an established time frame in order to craft a draft media plan for Board consideration and approval. The Ad-hoc Committee would dissolve after the allotted timeframe was over.

On motion of Alt. Bm. Taylor, seconded by Bm. McNeil and by unanimous vote, the Board established a Media Plan Ad-hoc Committee to prepare a draft Media Policy for Board consideration at its March 20, 2009 meeting.

The Board discussed committee makeup, which must include less than a quorum of Boardmembers. Bms. McNeil and Calabrigo volunteered to serve on the Committee, and it was suggested that Jimmy Lee, with Contra Costa Sherriff's Office participate, as he was an expert in media relations. An email soliciting other volunteers would be sent out by the Executive Director.

10. COMMITTEE UPDATES

10.1 Receive Informational Report on Recent Finance Committee Activities

Executive Director McCammon referred to the December 5, 2008, Finance Committee meeting draft minutes, which had been included in the Board's agenda packet, and provided a brief overview of Finance Committee's recent activities.

10.2 Receive Information Report on Recent Operations Committee Activities

Executive Director McCammon referred to the December 5, 2008, Operations Committee meeting draft minutes, which had been included in the Board's agenda packet, and provided a brief overview of Operations Committee's recent activities.

11. REPORTS

11.1 Receive Status Update of Grant Funding (PSIC, COPS, SUASI), Including Update on Federal Earmark Request

Executive Director McCammon advised that, currently, the federal earmark request had $1,170,000 pending in the House and $500,000 in the Senate. Once the request goes to conference committee, the EBRCSA would be notified of the final amount. The Bay Area SUASI is in the process of creating a master RFP for infrastructure to build out BayRICS, which includes the EBRCSA and the West and South Bays RCS's, in order to get better pricing with a larger scale system. The SUASI is researching the possibility of using future grant funds to guarantee the debt service. This would allow the SUASI to purchase all of the infrastructure through a lease purchase, and pay for the infrastructure purchase using the future years grant funds.

12. BOARD COMMENTS

No comments were made by any Boardmembers at this time.

13. ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

APPROVED BY A MOTION OF THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY BOARD OF DIRECTORS THIS xx DAY OF xx, 2009.

Respectfully submitted,

Fawn Holman, Secretary

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