



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, 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

MINUTES

BOARD OF DIRECTORS MEETING

REGULAR MEETING – June 18, 2010



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, June 18, 2010, in the Walnut Creek Third Floor Conference Room, 1666 North Main Street, Walnut Creek, CA 94596. The meeting was called to order at 10:05 a.m. by Chair Shinn.

PRESENT:

County Representatives: Boardmembers Casten (Alt. for Bm. Rupf), Muranishi, Twa, Uilkema

City Representatives: Boardmembers Calabrigo, Catalano, O’Keeffe (Alt. for Bm. Cheeves), Pollard, Rodriguez, Shinn

Public Safety Representatives: Boardmembers Dunbar, Henderson (Alt. for Bm. Maples), McQuiston

Special District Representative: Boardmember Anderson

ABSENT: *Boardmembers Ahern, Haggerty, Hosterman, Johnson, McNeil, Pattillo, Santos, Wilson*

Also Attending:

Kit Faubion, CEQA Counsel, Chris Gray (Supervisor Haggerty's Office), Jerry Haag, CEQA Consultant, Clancy Priest (City of Hayward), Ron Puccinelli (City of Concord), Ed Woo (CoCo DoIT)

Staff Present:

Executive Director McCammon, Secretary Lyon

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 Introduction of New Boardmember: San Pablo City Manager Matt Rodriguez, Representing Contra Costa County Public Managers' Association:

Director McCammon introduced Matt Rodriguez, formerly an Alternate Boardmember, selected to serve as a Boardmember by the Contra Costa County Public Managers' Association.

6.1 APPROVAL OF MINUTES:

On motion of Bm. Twa, seconded by Bm. Dunbar, and by unanimous vote, the Board approved the minutes from the April 16, 2010 meeting.

7. WRITTEN COMMUNICATIONS: *None*

8. PUBLIC HEARINGS: *None*

9. ACTION ITEMS:

9.1 Review Patterson Pass Mitigated Negative Declaration and Consider Adopting a Resolution to Adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program:

Director McCammon reviewed that we've been working to place a site on the north side of Patterson Pass Road to serve the Altamont Pass and the North Livermore area. The Authority was required to complete an Initial

Study to determine the level of environmental review required under CEQA. He introduced Jerry Haag, an Environmental Consultant retained by the Authority about a year ago to ensure that there were no environmental impacts, and Kit Faubion, CEQA Counsel from Meyers Nave.

Jerry Haag provided a brief overview of the documents that included the following. A specialized biologist reviewed potential biological impacts to creatures and plants at the site, and found none. A specialist prepared a visual analysis by superimposing the building plans for a before and after comparison, and aesthetically, there was no significant impact found. Several recommended mitigations, including fire safety mitigations are included in the final report.

Bm. Calabrigo asked about next steps including the timeframe for filing the 30 day Notice of Determination. Kit Faubion clarified that the first step in the process is to approve the recommended resolution today to adopt the Mitigated Negative Declaration and related Mitigation and Monitoring and Reporting Program. The Notice of Determination would be filed after all actions and agreements have occurred, and when filed, the 30 day clock would start. Director McCammon added that adopting this MMD is required before an agreement for the project work can be made with Stopwaste.org, the Alameda County Waste Management Authority, and the rest of the process is anticipated to occur quickly afterwards.

Bm. Uilkema asked if the person making the inquiry was satisfied with our response to comments. Jerry Haag responded that we chose to provide a response and were not required to and our response was satisfactorily received. Director McCammon added that AlCo General Services Agency will complete the site work and the one comment was made by AlCo Public Works.

On motion of Bm. Calabrigo, seconded by Bm. Anderson, and by unanimous vote, the Board adopted Resolution # 10-4 to adopt the Mitigated Negative Declaration and related Mitigation and Monitoring and Reporting Program.

9.2 Consider Adoption of a Resolution Declaring the Official Intent of the EBRCSA to Reimburse Certain Expenditures from Proceeds of Indebtedness:

Director McCammon provided a brief summary that included that both Alameda and Contra Costa Counties are passing similar resolutions.

On motion of Bm. Muranishi, seconded by Bm. Twa, and by unanimous vote, the Board adopted Resolution # 10-5 declaring the Official Intent of the EBRCSA to Reimburse Certain Expenditures from Proceeds of Indebtedness.

9.3 Receive the Staff Report and Finance Committee Recommendation for the Selection of Bond Counsel, and Consider Authorizing the Executive Director, and Financial Staff from both Counties, to negotiate a Contract with Orrick, to be signed by the Chair of the Board:

Director McCammon summarized that the EBRCSA issued an RFP for Bond and Disclosure Counsel on April 9, 2010, and 8 responses were received. The names and prices for services are included in the staff report. After evaluation by AlCo and CoCo financial staff, and KNN, our financial advisors, Orrick was selected to provide bond counsel services and Strading, Yocca, Carlson, and Rauth was selected to provide disclosure counsel services. The Finance Committee supports their recommendations. Based on the financing option under consideration, there may not be a need to contract for disclosure counsel services.

On motion of Bm. Rodriguez, seconded by Bm. Catalano, and by unanimous vote, the Board adopted Resolution # 10-6 authorizing the Executive Director, and Financial Staff from both Counties, to negotiate a Contract with Orrick for Bond Counsel, in an amount not to exceed \$70,000, to be signed by the Chair of the Board.

9.4 Consider Passing a Resolution to Adopt the FY 10/11 Administrative Budget as Approved by the Finance Committee:

Director McCammon provided an overview of the FY 10/11 Administrative Budget that he jointly prepared with the AlCo Auditors Office based on input from the recent audit. This FY 10/11 budget is different from previous budgets as recommended by our auditors to include only those revenues that the EBRCSA will directly receive, and only those expenditures for infrastructure directly incurred by the EBRCSA.

The Finance Committee approved the FY 10/11 Budget at their June meeting.

On motion of Bm. Calabrigo, seconded by Alt. Bm. Casten, and by unanimous vote, the Board adopted Resolution # 10-7 to adopt the FY 10/11 Administrative Budget.

9.5 Consider Passing a Resolution to Authorize the Executive Director, with the Approval of the Board Chair or Vice Chair, to Approve Certain Expenditures that Require a Timely Response:

Director McCammon summarized that were a few recent cases where a timely expenditure of funds was required, and there were no committee and/or Board meetings scheduled. At their June meeting, the Finance Committee approved this recommendation to amend the bylaws to authorize the Executive Director to expend funds up to \$25,000 with the approval of the Chair or Vice Chair. The expenditure made would be reviewed at the next committee meeting.

On motion of Bm. Uilkema, seconded by Bm. Anderson, and by unanimous vote, the Board adopted Resolution #10-8 to amend the Bylaws Authorizing the Executive Director to Approve Certain Expenditures up to \$25,000, that require a timely response, without Board Approval, with approval from the Board Chair or Vice Chair.

9.6 Consider Authorizing the Board Chair to sign an MOU with the Bay Area UASI for Reimbursement of the Purchase of the Pleasanton Dispatch Consoles:

Director McCammon provided a brief summary that included that the reimbursement would come from the Bay Area UASI in the amount of \$195,185 upon execution of the MOU. The remaining \$220,127 will be reimbursed through CoCo County. The required 25% match will be provided through purchases made by AlCo County.

On motion of Bm. Dunbar, seconded by Alt. Bm. Casten, and by unanimous vote, the Board authorized the Board Chair to sign an MOU with the Bay Area UASI for Reimbursement of the Purchase of the Pleasanton Dispatch Consoles.

9.7. Consider Authorizing the Board Chair to sign the Master License Agreement and the first Amendment to the Master License Agreement with BART for the East Dublin and Warm Springs sites:

Director McCammon summarized that the EBRCSA design identified two repeater sites within Alameda County that are on property owned by BART. The first site is the east Dublin BART Parking Structure and the second site is adjacent to the planned Warm Springs BART station. The agreement includes some co-locating and sharing of a shelter. KPA Architects are approximately 70% complete with the site plans for both sites.

In the first amendment to the Master License Agreement, BART has waived all licensing fees in exchange for the ability to have some mutual aid talk groups programmed into their public safety radios, and access to our microwave to access sites they currently use in CoCo County.

Bm. Pollard asked for clarification for how to assess the value of what the EBRCSA is giving in exchange for the licensing fees. Boardmembers discussed the topic. Atl. Bm. Woo estimated that the location value is high value. Director McCammon stated that the agreement will specify that that talk groups are for mutual aid use and not every day use, and added that the Operations Committee will soon begin the Fleetmapping project where talk groups will be identified, and the discussion of how to quantify the value of talk groups, including talk groups for non-members can occur.

On motion of Bm. Pollard, seconded by Alt. Bm. O’Keeffe, and by unanimous vote, the Board authorized the Board Chair to sign the Master License Agreement, and the first Amendment to the Master Lease Agreement with BART for the East Dublin and Warm Springs sites.

9.8 Consider Adoption of a Resolution Authorizing the Board Chair to Sign a Change Order with Motorola Inc. for the Completion of the East Cell:

Director McCammon overviewed that the equipment purchased on the Board approved Motorola contract for the four repeater sites did not include the antenna equipment because at the time it was not decided whether or not the spectrum to be used was going to be 700 or 800 MHz and

it was not clear if we could obtain the number of channels. The EBRCSA has been now approved for the 700 MHz licensing by the Regional Planning committee and we are assured of obtaining the licenses.

On motion of Bm. Dunbar, seconded by Bm. Rodriguez, and by unanimous vote, the Board adopted Resolution # 10-9 authorizing the Board Chair to Sign a Change Order with Motorola Inc. for the purchase of equipment in the amount of \$621,013.95 for Completion of the East Cell.

10. COMMITTEE UPDATES:

10.1 Receive Informational Update on Recent Finance Committee Activities from Director McCammon:

Director McCammon reviewed that the Finance Committee has been working on developing the Financing Plan. Board members generally discussed the potential options and considerations for structuring. Once the proposed plan is more finalized, it will be brought to the County Administrators and then to the City Managers Association for review.

Additionally, the Finance Committee approved the purchase of an Asset Tracking System, as recommended by the UASI auditor, to track all assets. The cost of a standalone system is approximately \$20,000 and proposals will be reviewed at a future meeting and then brought to the Board for final approval.

Town Manager Calabrigo has been appointed to represent the Contra Costa County PMA on the Finance Committee.

10.2 Receive Informational Update on Recent Operations Committee Activities from Committee Director McCammon:

The Operations Committee did not meet this month because there were no operational issues to discuss.

11. REPORTS:

11.1 Receive Verbal Update on Grants PSIC, SHSGP, UASI:

Director McCammon provided a verbal update on grant status as follows. The broadband technology opportunities (B-TOP) grant application

submitted by Motorola on behalf of the 10 Bay Area counties appears to have been favorably received by the NTIA. Both AlCo and CoCo counties plan to allocate FY 10 SHSGP funding to develop the following sites: Sydney, Glenn Dyer and UC Berkeley.

UC Berkeley PD recently joined the EBRCSA, paying \$200.00 per radio for 160 radios to start. UC has an additional 740 radios that may come on to the system in the future.

11.2 Receive Verbal and Written Update on Infrastructure Implementation:

Director McCammon estimated that we are close to testing the West Cell sites in CoCo County. The IP upgrade is complete. AlCo will issue an RFP for job order contracting for the non-county owned sites including Warm Springs, East Dublin, and Patterson Pass. KPA Architects are nearly finished with the design work required before construction work can begin.

12. BOARD COMMENTS:

13. NEXT ACTION STEPS:

The Operations Committee will review how to quantify the value of talk groups.

14. ADJOURNMENT

The meeting was adjourned at 10:05 a.m. The next regular Board meeting is scheduled for July 16, 2010 in the Assembly Room of the Alameda County Office of Homeland Security and Emergency Services, 4985 Broder Blvd., Dublin, California.

APPROVED BY A MOTION OF THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY THIS 16th DAY OF JULY 2010.

Respectfully submitted,



Susan Lyon
Authority Secretary