



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, San Ramon Valley Fire Protection District, and the University of California, Berkeley

AGENDA ITEM 6.1

DRAFT MINUTES

BOARD OF DIRECTORS MEETING

REGULAR MEETING – October 15, 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, October 15, 2010 in the Third Floor Conference Room of Walnut Creek City Hall, 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), Nice (Alt. for Bm. Ahern) Twa, and Woo (Alt. for Bm. Uilkema)

City Representatives: Boardmembers Calabrigo, Catalano, Cheeves, McNeil, Pattillo, Pollard, Rodriguez, Shinn, Silva (Alt. for Bm. Wilson)

Public Safety Representatives: Boardmembers Dunbar, Maples, and McQuiston

Special District Representative: Boardmember Anderson

ABSENT: *Boardmembers: AlCo Fire Chief (TBD), Haggerty, Hosterman, Johnson, Muranishi, and Santos*

Also Attending:

Paul Clancy, Alt. Boardmember, Hugh Henderson, Alt. Boardmember, and Clancy Priest, City of Hayward

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:

Director McCammon noted that Karen Stepper, Councilmember from the City of Danville, was appointed to serve as an Alternate Boardmember by the Contra Costa County Mayor's Conference to replace Will Casey. Bill Shinn was also re-appointed to a new three year term as Boardmember by the Contra Costa County Mayor's Conference.

6.1 APPROVAL OF MINUTES:

On motion of Bm. Dunbar, seconded by Bm. Anderson, and by unanimous vote, the Board approved the minutes from the September 17, 2010 meeting.

7. WRITTEN COMMUNICATIONS: *None*

8. PUBLIC HEARINGS: *None*

9. ACTION ITEMS:

9.1 Consider Adoption of a Resolution Authorizing the Issuance and Sale of East Bay Regional Communications System Authority Revenue Bonds in an Aggregate Principal Amount not to Exceed 17 Million; the Execution and Delivery of a Trust Agreement with a Trustee to be Determined, Financing Agreements with the County of Alameda and the

County of Contra Costa, and Operating Agreements with the Users of the EBRCSA; and the Taking of all Other Actions Necessary in Connection Therewith:

Director McCammon introduced David Brodsly, Managing Director and Marian Breitbart, Vice President of KNN Public Finance, as well as Robin Donoghue, Attorney at Law, Meyers Nave, who were asked to attend today's Board meeting to answer any questions.

Director McCammon provided a financing overview that included the following financing timelines. 32 member agencies have executed the operating agreement or have it scheduled. 4 agencies still have to schedule for approval and the delay is due to timing issues. 17 agencies will prepay their share of the financing. On October 5, the Alameda County Board of Supervisors approved resolutions allowing Contra Costa County to issue bonds to be used in Alameda County. On October 12, the Contra Costa County Board of Supervisors approved the issuance of bonds for the EBRCSA. On October 19, the Contra Costa County Board of Supervisors will consider potentially approving an internal financing rather than using the bond proceeds. Bm. Twa briefly summarized that because so many jurisdictions have decided to prepay, the amount for Contra Costa County financing is now below 5 million dollars, and 2 million dollars of this represents the County's share. As a result, a suggestion will be made to the Board of Supervisors to consider prepaying Contra Costa County's portion. If approved, this method would reduce the issuance cost significantly and benefits both the County and jurisdictions; it would not affect any of the Operating Agreements. Director McCammon added that Alameda County is also considering the same course at their October 26/November 2 Board of Supervisors meeting.

Additional updates included that the current Operating Agreement proposed subscriber fees and prepayment amounts assume 11,000 users; the current user count is 12,200. This increase in the user number will reduce the prepayment amount to \$1,400, as well as reduce the monthly fees to \$40.00 per month. The invoices will reflect this reduction.

In response to a question from Bm. Calabrigo, Director McCammon confirmed that the initial \$200.00 per radio payment was seed money to start the system and would not be refunded if an agency reduced their user

count; but that if an agency later increased their radio number to their original number, they would not be double charged.

In response to questions from Bm. Pattillo, Director McCammon stated that there has been no further progress with the city of Oakland, but that meetings continue with the city of Berkeley. The city of Hayward has not yet provided their user number, and initially they do not plan to come on to the system fully.

In response to a question from Bm. Pollard, Director McCammon reviewed that every jurisdiction took the Operating Agreements forward and there have been questions and concerns with various sections of the complex Agreement. EBRCSA legal counsel, Robin Donoghue, has been working with the City Attorney's to review some of the provisions and resolve the issues. Progress has been made and any edits are planned to be minimal. Robin Donoghue commented that the development of a side agreement, interpretation document, to clarify some of the provisions, is being considered. Bm. Calabrigo recommended avoiding the need for jurisdictions that have already passed the Agreement to pass a revised version.

Director McCammon summarized the Staff Report for Agenda Item 9.1.

On motion of Bm. Twa, seconded by Bm. Cheeves, and by unanimous vote by roundtable roll call, the Board Adopted Resolution # 10-15 Authorizing the Issuance and Sale of East Bay Regional Communications System Authority Revenue Bonds in an Aggregate Principal Amount not to Exceed 17 Million; the Execution and Delivery of a Trust Agreement with a Trustee to be Determined, Financing Agreements with the County of Alameda and the County of Contra Costa, and Operating Agreements with the Users of the EBRCSA; and the Taking of all Other Actions Necessary in Connection Therewith.

10. COMMITTEE UPDATES:

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

Director McCammon reported that the Finance Committee did not meet in September.

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

Director McCammon reported that the Operations Committee did not meet in September.

11. REPORTS:

11.1 Receive Verbal Update on Financing Plan:

Director McCammon provided this update during agenda item 9.1.

11.2 Receive Verbal and Written Update on Grants PSIC, SHSGP, UASI:

Director McCammon reported that we have not heard more on the release of the earmark funds due to a delay in the federal government budget process. Our grant application in the amount of 1,070,000 was approved for the Prime Site upgrade for Glenn Dyer.

11.3 Receive Verbal and Written Update on Infrastructure Implementation:

Director McCammon reported that the West Cell is being tested and is working well; during a West Cell test that was run yesterday, a portable used in the city of San Leandro was able to communicate with the EOC in Dublin. As approved at the September Board meeting, the EBRCSA entered into a contract with CTA Communications for independent coverage testing; this work will begin soon. The console effort in the West Cell is moving forward. After these consoles are installed, the users can be brought on to the system. Alt. Bm. Woo has asked the vendors that responded to our subscriber unit RFQ last year to provide a “refresh” on their responses. A subscriber unit vendor fair is planned to be held before the end of the year.

Alt. Bm. Clancy provided a status update for the West Cell that included some suggestions for potentially avoiding the need for re-banding in some cases. The funds for re-banding could instead be used to purchase subscriber units. Discussions on how best to proceed are ongoing, and may be brought to the Board for future consideration.

Director McCammon reported that the tower strengthening work at Doolan in the East Cell is nearly complete. The East Dublin BART is ready to construct; Alameda County approved the contract for this work. Alt. Bm. Woo and Director McCammon plan to meet with representatives from CalTrans next week to discuss bringing their users onto the system when operational.

11.4 Receive Verbal Update on Project Cornerstone:

Director McCammon provided an update that included that the project is moving forward. Equipment is being installed and testing will begin soon afterwards. This project will be rolled into the larger, 193 site Broadband Technology Opportunities Program (B-TOP) project.

12. BOARD COMMENTS:

Bm. Anderson asked about the process for the procurement of subscriber units. Alt. Bm. Woo responded that there are two methods: a joint purchase made by multiple agencies or agencies can purchase units individually based on the RFQ responses and tiered pricing.

Alt. Bm. Casten commented that Motorola provided Contra Costa County with a lower price than the RFQ contingent on a minimum order of 1000 units; the price of the APEX 7000 radio would be \$4,400 including tax which represents a discount of approximately \$1,200 per radio. These APEX 7000 radios could be used on the current system and the future system. Director McCammon added that the Operations Committee plans to meet in November and additional information will follow.

13. NEXT ACTION STEPS:

Director McCammon commented that the EBRCOA web site will be reviewed and refreshed as needed.

The draft Audit is complete; the final will be presented at a near future Board meeting.

14. ADJOURNMENT

The meeting was adjourned at 10:50 a.m. The next regular Board meeting is scheduled for November 19, 2010 in the Assembly Room of the Alameda County Office of Homeland Security and Emergency Services, 4985 Broder Blvd., Dublin, CA 94568.

APPROVED BY A MOTION OF THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY THIS XX DAY OF XXXX 2010.

Respectfully submitted,



Susan Lyon
Authority Secretary

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