

G.B. 3/23/16

AGENDA ITEM A-7a

MARIN EMERGENCY RADIO AUTHORITY

c/o Novato Fire Protection District

95 Rowland Way, Novato, CA 94945

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www.meraonline.org

DATE: March 1, 2016
TO: MERA Non-Member System Users Subcommittee
FROM: Maureen Cassingham, Executive Officer
SUBJECT: UPDATE ON NON-MEMBER SYSTEM USERS

Since the Subcommittee (Pearce, Gray, DPW Team, Jeffries, Cassingham) reported to the Executive Board on September 9, 2015 (see attached minutes) on the Non-Member System Users Zero-Rate Fee Schedule and Next Gen operating costs, more research has been undertaken to address non-member users background along with the development of other anecdotal information that may be helpful to you before our next meeting.

- 1) A thumbnail historical update on Staff, Committee and Board discussions/actions might be helpful at this point. Most of this has been research from past agendas, minutes, MERA Chronology of Events and email exchanges, some of which date back to 1998.

Apparently before 2008/2009, there was no request process or documentation that formally allowed non-member users on the MERA System. Apparently, non-member users began using the MERA System at the invitation, sponsorship or requirement of one or more of the MERA member agencies as a benefit to MERA. In 2008/2009, a radio request process was put into place via a Letter of Request to the MERA Operations Officer, vetted through the Ops Group for Executive Board approval.

In August/September 2014, California State Parks requested documentation for their files authorizing them to use the MERA System for mutual aid purposes only. At DPW's request and with their input, the attached Letter of Concurrence was developed by MERA General Counsel and me formally establishing System use and conditions for same. This may be the format for use of the System by other mutual aid users with appropriate "customization".

Since May 25, 2011, when MERA developed a fee schedule for non-member users concurrent with the adoption of the annual Operating Budget, a zero-rate for those users has been approved by the Governing Board pending further analyses and recommendations. Each year since, MERA Committees and Boards have expressed support for zero-rate fees for mutual-aid users and interest in exploring fees for private users. Discussion has also favored holding off on non-members and mutual aid users sharing in MERA Operating and Maintenance (O&M) and that usage may be a factor if/when assessing O&M. Clearly there is member support for non-member System users if beneficial to MERA members.

- 2) The attached list of MERA Non-Member Agencies has been updated by DPW since the Subcommittee last met. The list notes non-member relationship with MERA (Column 2), description of operations (Column 3) and Procurement Source (Column 7) in addition to radio and usage totals.

Additional information on the non-member users is as follows:

- The Golden Gate National Recreational Area (GGNRA), which is part of the Department of the Interior National Park Service, includes Muir Woods and the Point Reyes National Seashore, both of which are entirely within Marin County and represent 55% of the GGNRA. Other areas within the GGNRA are Bolinas Ridge, Ft. Baker, Ft. Cronkhite, Gerbode Valley, Kerby Cove, Marin Headlands, Muir Beach, Muir Beach Overlook, Nike Missile Site, Olema Valley, Pt. Bonita Lighthouse, Stinson Beach and Tennessee Valley.

Point Reyes National Seashore, which is both law and fire, has leased the Point Reyes site to MERA at no charge since 9/28/2000. In September 2014, National Seashore cooperated with installation of Marin's fire detection camera equipment at Point Reyes, requiring no changes to the current lease. It should be noted that the Sheriff's Office dispatches for Point Reyes at no cost.

- Contract ambulance services are required by the County as part of their licensing to obtain MERA radios and related training at their own cost. These contractors include Northern California Ambulance, Verihealth Ambulance (formerly AMR), Pro-Transport and St. Joseph's, which provide backfill and are considered automatic aid by EMS.
 - Kaiser, Marin General and Novato Community Hospitals are EMS and considered to be part of Marin County Fire. Hospitals use the MERA System when receiving facilities talk to paramedics in ambulances.
 - Marin County Humane Society provides animal care, control and sheltering services to contracting public agencies as required by State law in lieu of those agencies directly providing those services. The Humane Society was issued radios under the original Bonds.
- 3) While a more exhaustive review might be undertaken by staff to hopefully further clarify and document how other non-member users came to use the MERA System, it seems more productive for the Subcommittee to revisit and classify Non-Member User types (e.g. mutual-aid, hospitals, reliance on MERA as primary system, etc.) and proceed from there to formalize and approve System use agreements for each classification, using the State Parks LOC as a model and making operational cost-sharing recommendations for each class. Deputy E.O. Jeffries has suggested specific terms (e.g. 3-5 years) for all user agreements which would trigger periodic review of all synched to the same timeline for contemporaneous review. Likewise, he has suggested development of a pathway to future membership for users like NPS.

Finally, the Subcommittee should also opine on Next Gen radio replacements for non-member users who were provided radios under the original bonds (e.g., EMS, County Fire and Humane Society users).

ATTACHMENT: Includes - Excerpts from 9-9-15 Executive Board Minutes (page 4 & 5)
Letter from MERA to California State Parks dated 9-22-14 (2 pages)
Updated Non-Member Agencies List from DPW dated 9-22-15

outreach to work on a Gen III Reserve. In response to Hogan, Gaffney said it may be possible to create a Next Gen Reserve with the parcel tax that could have bearing on Gen III. Bond Counsel will need to advise.

Hogan asked about the SUA. Pearce said it could be paid for by a self-funded Sinking Fund or it could be a vendor contract option. The F.A. can advise us on the best, most cost-effective approaches for MERA. Gaffney added that the first approach is a capital charge and an SUA is an operating cost. Hogan asked if the parcel tax can be used to pay for the SUA if it supports Next Gen System updates. Gaffney said the SUA is an eligible parcel tax use but use for a Gen III Reserve would have to be explored with Counsel. Hymel said this is a longer term consideration which the F.A. can assist with.

3. Report #6 on Next Gen Project Oversight Committee (NGPOC) - Jeffries

Jeffries presented his report as an informational update. On July 8, the Executive Board authorized DPW to negotiate a contract with Federal Engineering. The process concluded with presentation of the contract to the Governing Board on August 26, which was approved with the inclusion of an FE draft Project timetable. He confirmed with Hymel that the presentation date to the BOS was moved to September 22.

Jeffries said once approved, DPW would issue a Notice to Proceed to FE. MERA staff will work with FE on a detailed Project timeline and create a corresponding meeting schedule for MERA reviews and approvals. FE monthly reports would be disseminated to MERA Committees and Boards to keep them apprised of the status of key tasks, work in progress and upcoming project activities. He added that staff would be restarting a MERA Newsletter, including updates on the Project's progress.

4. Report on Non-Member System Users Zero-Rate Fee Schedule and Next Gen Operating Costs

Cassingham reported on the Non-Member Users Subcommittee meeting today prior to this meeting. Pearce, the DPW team, Jeffries, and Cassingham met to discuss the current zero-rate fee for non-member use and their possible contribution to Next Gen O&M. The spreadsheet attached to the Board staff report on this was reviewed. It was agreed that Inverness Fire Volunteers be removed as they are covered by member IPUD. The type of service they provide was discussed, for example mutual aid, automatic aid and reliance by some on the MERA system as an agency's own system. Number of radios and source of procurement of MERA's radios was also included on the list. Some non-member radios were paid for by the original Bonds.

Cassingham said when the zero-rate fee is discussed in conjunction with the annual budgets, questions arise about non-member use, system impacts and whether they should be charged. The Subcommittee generally concurred to leave the rate for mutual-aid users as is but research how, for example, Federal and State non-member users came to use the System, their current and future relationship with MERA and its members and possible formalization of their continued use by Governing Board action. More time will be

→ [needed to complete this research and communicate in advance to the non-members if any changes are proposed.

Pearce confirmed with Doyle that the Sheriff dispatches for Pt. Reyes and noted they have 47 radios. Doyle said the number should be reviewed as it sounds high. Hogan said Pt. Reyes has its own fire which may account for part of this number. Pearce said it's hard to determine system utilization unless non-members have their own talk group. Hogan confirmed Pt. Reyes are regular users during the day. Nelson said statistics cannot be generated without separate talk groups.

Hymel asked about the difference between contract services and mutual aid. He thought ambulance might be considered mutual aid. Pearce said automatic aid is a requirement through the EMS office. Jeffries said EMS requires ambulances to have MERA radios since they are part of the response system and part of their contract requirements. Pearce said if there is a significant drawn-down of ambulances, they act as backfill. Doyle noted that GGNRA breakdown as law and fire but Seashore does not. Nelson confirmed Seashore uses for fire and law under one user name.

[Hymel asked about next steps. Cassingham said a closer look at the non-mutual aid users would be in order, followed by formalization of their system use. She will work with the Subcommittee on this. Hymel asked how hospitals use the system. Pearce said the receiving facilities talk to the paramedics in the ambulances. Pearce agreed with Jeffries that since ambulances are for-profit, cost-sharing with them is worth exploring. Jeffries said, as with the Humane Society, any cost-sharing may result in contract pass-throughs back to the member agencies that use them. Hymel said research on how non-members came to use the system may shed light on all this.

5. Other Information Items

None.

C. Operations Reports - Tackabery

1. Update on Bay Hill Tower Replacement Project

Tackabery summarized his information report noting Executive Board approval of installing a temporary tower and relocation of MERA equipment to the replacement tower. Work is underway on the temporary and the new tower is being installed by others. When the new tower is complete, MERA will install its equipment and cable on October 4 and remove the temporary. Final cost is expected within budget.

2. Discussion of Need for End-User Training Policy

Tackabery presented his report which provided historical background on the Operational Issues Working Group Subcommittee's efforts to review and update end-user, dispatch and manager supervisors' training materials. The completed materials are now posted to

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WWW.MERAONLINE.ORG

September 22, 2014

Rob Walton
California State Parks
Mount Tamalpais State Park
801 Panoramic Highway
Mill Valley, California 94941

Subject: Letter of concurrence for use of radios

Dear Mr. Walton;

This letter of concurrence is in response to your request to document the existing agreement between Marin Emergency Radio Authority (MERA) and California State Parks in Marin County (State Parks). State Parks is not a member of MERA, however, since December of 2007, the Marin County Sheriff has sponsored State Parks to use MERA radios (the "Radios") for mutual aid purposes. State Parks currently uses eight Radios.

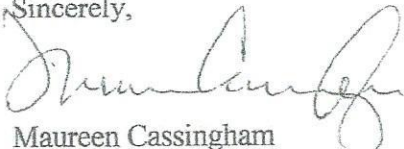
MERA has authorized State Parks to use the Radios, and continues to authorize use of the Radios, subject to the following terms and conditions:

1. Use. State Parks shall use the Radios for mutual aid purposes only and in compliance with the "MERA Mutual Aid and Communications Plan" as amended from time to time. MERA may terminate State Parks' use of the Radios for any reason at all and at MERA's sole and absolute discretion.
2. Training. State Parks shall only permit use of Radios by persons that have received training for use of the Radios. Such training must be approved by MERA. State Parks shall be responsible for the cost of training each person that uses the Radios.
3. Fees. State Parks shall pay MERA fees, if any, required for use of the Radios. The Fiscal Year 2014-15 fee schedule does not require any fees for State Parks' use of the Radios. MERA may change the fee schedule at any time, at its sole and absolute discretion. MERA shall notify State Parks at such time that MERA adopts a fee for State Parks' use of the Radios.

4. Interference. State Parks' use of the Radios shall not cause harmful interference with MERA's operations. At such time that State Parks' use of the Radios causes harmful interference, State Parks shall immediately take any and all actions to correct such harmful interference. If State Parks cannot correct such harmful interference within a reasonable amount of time, as determined in the sole and absolute discretion of the MERA Executive Officer, State Parks must cease use of the Radios.
5. Indemnity. To the fullest extent permitted by law, MERA and State Parks agree to hold harmless, indemnify, and defend each other, their officers, agents and employees, from any and all liability, claims, suits, losses, demands, actions, expenses, or any injury or damage of any kind whatsoever, whether actual, alleged or threatened, attorney fees, court costs, and any other costs of any nature without restriction, incurred in relation to, or as a consequence of, or arising out of, the use of the Radios, and attributable to the fault of the party, the party's officers, agents or employees, or any officers, agents, or employees working under the direction and control of such party. This provision shall survive the termination of the use of the Radios.
6. No third party beneficiaries. This letter of concurrence shall not be construed as, or be deemed to provide any benefit to any third party, and no third party shall have the right of action hereunder for any cause whatsoever.

By accepting the continued use of the Radios, State Parks agrees to the above terms and conditions as specified in this letter of concurrence. Enclosed are two signed original letters of concurrence and a self addressed stamped envelope. Please return one signed original for our records and you may keep the other signed original for your records.

Sincerely,



Maureen Cassingham
MERA Executive Officer

Agreed and accepted

By: _____

Name: _____

Title: _____

MERA Non-Member Agencies Radio Totals

AGENCY	Radios	Member Agency	Description	Percentage	-----Percentage-----			Procurement Source
					Law	Fire	Other	
** Point Reyes National Seashore	47	Mutual Aid	Pt. Reyes Sea Shore law is dispatched by Marin County Sheriff Dispatch.	1.6	1.6			Pt. Reyes National Seashore
** San Antonio Volunteer Fire	18	Mutual Aid	Mutual Aid Fire District in Sonoma County.	0.6		0.6		San Antonio Volunteer Fire
** Veri-Health Ambulance old AMR	12	Contract Services	Contract Ambulance Company	0.4		0.4		VIH Ambulance Previously AMR
** California Highway Patrol	11	Mutual Aid	Mutual aid with all MERA law members.	0.4	0.4			California Highway Patrol
* GGNRA Fire	11	Mutual Aid	Mutual Aid to Marin County Fire.	0.4		0.4		GGNRA Fire
** California State Parks	8	Mutual Aid	California State Parks located in Marin county.	0.3	0.3			California State Parks
* GGNRA Law	13	Mutual Aid	Mutual Aid to Marin County Law	0.4	0.4			GGNRA Law
** Pro-Transport Ambulance	7	Contract Services	Contract Ambulance Service	0.2		0.2		Pro-Transport Ambulance
** St. Joseph's Ambulance	7	Contract Services	Contract Ambulance Service	0.2		0.2		St. Joseph's Ambulance
** Northern California Ambulance	5	Contract Services	Contract Ambulance Service	0.2		0.2		Northern California Ambulance
** Sonoma County Sheriff	3	Mutual Aid	Aircraft Mutual Aid	0.1	0.1			Sonoma County Sheriff
** US Coast Guard Pt. Reyes	3	Mutual Aid	Mutual Aid to Marin County Law/Fire	0.1		0.1		US Coast Guard Pt. Reyes
** American Red Cross	2	Mutual Aid	Mutual Aid to Marin County Law/Fire	0.1	0.1			American Red Cross
** Fish & Game	2	Mutual Aid	Mutual Aid to Marin County Law/Fire	0.1		0.1		Marin County
** Sonoma County Fire Services	1	Mutual Aid	Mutual Aid to Marin County Law/Fire	0.0	0.0			Sonoma County Fire Services
* Humane Society	17	Marin County	ACU Radio Mutual Aid to all MERA agencies	0.6	0.6			Original Bond & Agency
** Muir Beach Volunteers	14	Marin County	Animal control for Marin County.	0.5		0.5		Original Bond under Marin County Fire total
** Nicasio Fire Volunteers	10	Marin County	Muir Beach Volunteers part of Marin County Fire.	0.3		0.3		Original Bond under Marin County Fire total
* Kaiser Hospital	3	Marin County	Nicasio Volunteers part of Marin County Fire	0.1		0.1		Original Bond under Marin County EMS total
* Marin General Hospital	3	Marin County	EMS - Considered to be part of Marin County Fire	0.1		0.1		Original Bond under Marin County EMS total
* Novato Community Hospital	3	Marin County	EMS - Considered to be part of Marin County Fire	0.1		0.1		Original Bond under Marin County EMS total
				-----	-----	-----		
				6.8	3.4	3.3	0.1	
				200***				

* Non-member agencies with their own talkgroup
 ** Airtime usage statistics for most Mutual Aid agencies is not available since their usage is in support of MERA members on the member's talkgroup.
 *** Total number of radios for all users on system November 4, 2014 is 2,951.

TRANSMITTED: 9/22/15