

MARIN EMERGENCY RADIO AUTHORITY

c/o Town of Corte Madera
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DATE: February 26, 2020

TO: MERA Governing Board

FROM: Maureen Cassingham, Executive Officer

SUBJECT: AGENDA ITEM **B-1**: PROPOSED FOURTH AMENDMENT TO
NEXT GENERATION RADIO SYSTEM
IMPLEMENTATION AGREEMENT BETWEEN THE
MARIN EMERGENCY RADIO AUTHORITY AND
THE COUNTY OF MARIN

Recommended Action: Approve the Fourth Amendment to the Next Generation Radio System Implementation Agreement Between the Marin Emergency Radio Authority and the County of Marin as presented.

Background: On June 26, 2019, the Governing Board approved a three-month extension of the original Next Gen Implementation which was due to expire on June 30, 2019. This First Amendment was to permit more time for further discussion between the parties on MERA's proposed revisions before presenting a Second Amendment addressing those areas. It was also agreed that MERA staff would provide the Governing Board monthly updates on the progress of the Amendment process, which has been done to date.

On September 25, 2019, the Governing Board approved a Second Amendment permitting another 3-month extension to December 31, 2019, again to allow for additional discussion between the Parties. Numerous meetings and calls between the Parties have occurred during the extensions, including discussions between Legal Counsels, along with exchanges of draft documents. None of these negotiations resulted in revised Implementation Agreement acceptable to both parties.

In an effort to address this impasse, a Third Amendment was presented to the Governing Board on December 11, 2019, which contained many of the revisions proposed in MERA's First Amendment. The intent was to have the entire Governing Board weigh in to help resolve the stalemate. The Governing Board approved a third 3-month extension to March 31, 2020 to permit resolution of the parties' differences including mediation.

Since Governing Board approval of the Third Amendment to March 31, 2020, mutual mediation scheduling is not likely until the end of March. The Governing Board is being asked to approve a Fourth Amendment extending the Implementation to June 30, 2020 which will either result in a mutually agreeable renegotiation of the original Agreement or mutually agreeable negotiation of a succession plan ending the MERA/County Implementation Agreement.

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President Pearce and Vice President Cusimano will provide an update on the negotiations and proposed Amendment to the recently extended County/FE Consulting Services Agreement to provide for a direct reporting relationship of FE to MERA.

ATTACHMENT:

- B-1a Approved Third Amendment to Next Generation Radio System
Implementation Agreement Between MERA and the County of Marin
(G.B. 12/11/19 and BOS 12/17/19)