

# **MARIN EMERGENCY RADIO AUTHORITY**

c/o Novato Fire Protection District  
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## **GOVERNING BOARD**

### **Minutes of March 27, 2019 Regular Meeting**

**DRAFT: 4/17/19**

#### **Call to Order and Introductions**

The meeting was called to order by President Pearce on March 27, 2019 at 3:30 p.m. at the Novato Fire Protection District Administration Office; Heritage Conference Room, 95 Rowland Way, Novato, CA 94945. Self-introductions followed.

#### **Governing Board Members & Alternates Present:**

City of Belvedere	Craig Middleton
Town of Corte Madera	Todd Cusimano
Town of Fairfax	Chris Morin, Rico Tabaranza (Alternate)
City of Larkspur	Scott Schurtz (Alternate)
City of Mill Valley	Alan Piombo
City of Novato	Pam Drew, Pat Ecklund (Alternate)
Town of Ross	Tom Gaffney
Town of San Anselmo	Doug Kelly
City of San Rafael	Glen McElderry (Alternate)
	Robert Sinnott (Alternate)
County of Marin	Matthew Hymel
City of Sausalito	Bill Frass (Alternate)
Town of Tiburon	Holli Thier (Alternate)
Inverness Public Utility District	Jim Fox
Kentfield Fire Protection District	Mark Pomi, Ron Naso (Alternate)
Marin Community College District	Martin Langeveld (Alternate)
Marinwood Community Services District	Jeff Naylor
Novato Fire Protection District	Steve Metcho, L. J. Silverman (Alternate)
Southern Marin Fire Protection District	Cathryn Hilliard
Stinson Beach Fire Protection District	Kenny Stevens
Tiburon Fire Protection District	Richard Pearce
Central Marin Police Authority	Michael Norton

#### **Governing Board Member Agencies Absent:**

Bolinas Fire Protection District  
Marin Transit  
Marin Municipal Water District  
Ross Valley Fire Department

**Staff Present:**

MERA Executive Officer	Maureen Cassingham
MERA General Counsel	Trisha Ortiz
MERA Deputy Executive Officer – Next Gen Project	Dave Jeffries
MERA Operations Officer	Ernest Klock
County DPW Communications Manager	Ethan Simpson
Recording Secretary	Jeanne Villa

**Guests Present:**

Federal Engineering	David Mortimer
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Pearce noted the New Member Orientation Session that preceded this meeting and thanked those present. He said there is much going on with MERA and all hands on deck are needed.

A. Consent Calendar

All matters on the Consent Calendar are to be approved with one motion unless a Member of the Governing Board or the public requests that separate action be taken on a specific item:

- 1) Minutes from February 27, 2019 Governing Board Regular Meeting
- 2) Report No. 79 on Strategic Plan Implementation

*M/S/P Silverman/Cusimano to approve Consent Calendar Items 1 and 2 as presented.*

AYES: All  
NAYS: None  
ABSTENTIONS: None  
Motion carried.

B. Executive Officer's Report – (Cassingham)

- 1) Update on Termination of MERA/NFPD Office and Staff Services Agreement

Cassingham provided an update to her report noting Hom's Financial/Accounting Services via a contract amendment with RGS will commence April 1 and end upon Governing Board audit acceptance in December. The Corte Madera Town Council supported the Town Manager's recommendation for the Town to commence providing Financial and Administrative Services to MERA effective July 1. Earlier today, MERA and NFPD met with Rebecca Vaughn, Corte Madera Assistant to the Town Manager, and Lorena Barrera, Town Administrative Analyst, to review the

Administrative Support tasks provided to MERA. In addition to the sharing of admin communications with Town Staff, along with email “CCs” going forward, the Town and District Teams will shadow one another beginning with the May 8 Governing Board meeting through June.

Cassingham said MERA meetings will continue to be held at NFPD through June 30 and possibly beyond. Corte Madera meeting venues are still being analyzed. Pearce expressed appreciation for NFPD’s support of MERA over the last 10 years and gratitude for the Town’s willingness to take on this support role.

2) Proposed Amendment No. 3 to MERA’s RGS Management and Administrative Services Agreement Permitting Addition of Financial/Accounting Services and Related Staffing Support as Needed

Cassingham said the Proposed Amendment will initiate Phase 1 of two Phases to transition MERA’s support services to Corte Madera. Financial/Accounting Services will be provided by retired NFPD Finance Director Hom, who has supported MERA in these areas for the last 10 years. She added his willingness to help MERA during that transition will be invaluable. Estimated cost of these services is \$50,000 over two fiscal periods, which may be reduced by about \$10,000 due to savings from the termination of these services in the NFPD Agreement. Cassingham said the Amendment gives MERA the flexibility to add more financial support services if needed without further Governing Board action. Pearce added RGS has been a great resource to MERA and now they are making Hom’s services possible.

*M/S/P Hilliard/Gaffney to approve the Proposed Amendment No. 3 to MERA’s RGS Management and Administrative Services Agreement permitting addition of Financial/Accounting Services and Related Staff Support as needed.*

AYES: All  
NAYS: None  
ABSTENTIONS: None  
Motion carried.

3) Report No. 53 on Next Gen System Project – (Jeffries)

Jeffries recapped his report with updates on the MERA Team’s bi-weekly Next Gen calls which include coordinative work on the current System. Motorola bi-weekly meetings have started again. He referred to the updated Project Budget summary with expenditures through 3-11-19. Budget updates will be presented quarterly. The Citizens Oversight Committee has requested the addition of a column for a percentage of expenditures against percentage of Project completion.

Jeffries said the annual process of advertising the Low-Income Senior Exemption

from the Measure A Parcel Tax has begun. He distributed copies of the Exemption informational packet, which includes the Media Advisory, FAQs and application for Members to take back to their public areas for dissemination. The first Media Advisory was issued on March 11, 2019 to be followed by Advisories on April 22 and May 13. He reiterated that the application was annual due to the change in income threshold and as applicants achieve age eligibility. This information is also available on MERA's website. Jeffries confirmed for Hilliard the Low-Income eligibility for 2018 is \$82,200.

Jeffries said his report includes a summary of approved Motorola Change Orders and pending C.O. #8, MPLS/Microwave. Cost information and payment milestones are noted for each. C.O. #8 will be presented to the Project Oversight Committee on April 24. Regarding recent IJ coverage of the Next Gen Project, Jeffries distributed an NGP Media Contacts update for Member use. He noted Pearce was contacted by the local media about the Project, which was followed by an article. Future media inquiries should be referred to him as the Project's Media Spokesperson. Pearce added that all the Members should remember Jeffries' role and refer Project inquiries to him after apprising him a call would be coming. Jeffries said his Media Contacts Update includes historical and current reference points about the Project that members can use if needed. One of a number of steps the Governing Board has taken to reduce the completion timeline is C.O. #11 Early Mobile Radios, which will save 8 months on the Project Schedule. After CEQA and on completion of Design Review, other opportunities will be identified to reduce the Schedule.

Jeffries said the handout also includes Project objectives, Proposed Sites both existing and new, and sites to be decommissioned. All NGP documentation to date is posted on the MERA website. He provided a brief one-page NGP update to be taken back to the Member's Agencies, which he provides at Governing Board meetings to recap current issues. Kelly noted he regularly reports to the San Anselmo Council on the Project. One Councilmember referenced the IJ article on the Project as improving MERA frequencies. He responded that MERA's current frequencies would be auctioned off by the Federal Government by 2023 thus requiring us to go to 700 MHz. This, in addition to aging equipment, has been the impetus for the Next Gen Project. Jeffries added that Next Gen also improves coverage and reliability.

Pearce said much of what was conveyed for the article did not get included. Jeffries said Chief Brown was interviewed on KCBS about Next Gen, noting it went well. Key is getting out the correct information, so he requested media inquiries be referred to him.

Gaffney asked about Motorola payment milestones and whether MERA can dictate shipment dates. Jeffries noted the 45% payment for Fixed Network Equipment cannot be shipped until the MERA team approves it as successfully tested and functioning offsite. Conversations are continuing with Motorola on the remaining

milestones, as well as reasonable periods of time for delivery and use based on Project needs. In response to Pearce about the Citizens Oversight Committee's requested Budget columns, Jeffries said they are seeking our best estimates of what should have been expended per line item by now and percentages of expenditures against Budget.

4) Other Information Items

None.

C. Operations Reports – (Klock)

1) CEQA Process and Schedule Update – Next Gen Project

Klock said the SEIR review teams are highly aware of the need to expedite their efforts. DPW is working with dual teams from Motorola regarding fast-tracking installation. C.O. #11 for early mobile radios will reduce the Project schedule by 8 months and other options are also under review to shorten the timeline. Extensive steps are being taken regarding Legacy System Support. They are working on site construction packages to further squeeze down the Project Schedule so construction can proceed upon completion of CEQA and final Design Review.

Klock said we are awaiting two final SEIR Chapters 5 and 6, which are expected in the next few weeks. One month is anticipated for Project Team and legal review after receipt with hope for a May release. A much better Project Schedule update is expected in August. Hilliard noted prior meeting minutes said the EIR was aggressively being worked on with a draft expected in mid-March. Klock said it is looking like mid to end of April.

2) MERA Legacy System Motorola Support

Klock reported on the status of the Motorola Legacy System support letter, which expires April 16, 2019. Motorola has indicated it will issue a new letter, which is pending. Legacy System boards are being worked on and tested, but no communication system interruptions are expected in the meantime. The System goes into air mode when other equipment is introduced and efforts are being made to insure there is no downtime.

Hymel asked Klock to explain the backup as boards are reconfigured. Klock said each site is controlled by various pieces of equipment. There are not many spares to replace old motherboards should they fail. Spares don't have the same firmware and there is specific programming to each board. Motorola service technicians have flashed those spares with new firmware. They are plugged into vacant slots for testing to confirm they are working. This is being done for all boards to assure a cache of backup boards. Klock added the Motorola Smartzone

Support letter commits them to helping locate replacement spares.

Gaffney asked about support cost. Klock said there is no extra cost for this. Pearce asked about reliability of Motorola's support assurances. Klock said Motorola has provided verbal assurances awaiting their updated letter confirming this. Pearce asked for MERA General Counsel review of the letter, especially with the added years of completion time. Klock said he will present the letter at the April Governing Board meeting given Motorola's assurance it will be generated before April 16.

3) Federal Engineering (FE) Contract Update

Klock said FE's current contract ends July 2019. He is working with them on an amendment which will have no impact on the Next Gen Budget. This will include tasks they have been performing and will perform in future months against the Next Gen Implementation Agreement.

FE has been supporting Klock and his efforts with the Project. This will be a shorter term agreement through possibly February 2020. A multiyear contract will not be considered until after CEQA. He will present the amendment to the Governing Board.

Pearce noted FE had billed 80% of the budgeted Contract amount and completed only 20% of the work. Klock confirmed this. Pearce said this and other Project issues have been frustrating. 1.5 of their tasks are completed with 4 to go. Klock said FE has been performing during Motorola Project delays. Pearce said these delays were created by contractor actions or inactions. Klock said the Project as scoped was to be done by this month, which did not happen, and there are several more years to come. The last several months there has been downtime with FE and he has utilized them on other Project activities. He is doing his best to stay within budget.

Thier asked if the FE budget was tied to the performance of specific tasks and if they billed per work order or time spent. Klock said the budget was not based on time and materials. Thier asked how the billing could be ahead of Contract tasks. Klock said this was due to all the delays with Task 1. Thier said given this, there would be work not needing to be performed until the next tasks. Klock said this is what is being negotiated with FE. It is not realistic that FE can deliver all the tasks for the original Contract amount.

Thier said if the tasks could not be performed, contract staff could be assigned elsewhere. Klock said there has been Project work to do. He noted Motorola's Contract originally called for 12 sites and it was determined 16 would be needed. RPC then created delays. FE's help was needed to get through this. Thier said the required system redesign should be explained to the public.

Hymel asked if FE would receive full-time billable rates during CEQA. Originally, they were going fulltime, but hasn't this been reduced due to CEQA? Klock said FE has been working on a reduced capacity for their scope for some time now and supporting him on Next Gen Implementation activities. Thier asked about this different scope, which Klock said he was working on. This is coming out of County Implementation monies and has no impact on the Project Budget.

Gaffney recalled FE was hired on a set monthly dollar amount. Pearce confirmed it was \$33K per month. Gaffney said they have billed at this rate as part of the Project. Design issues affected their ability to work on future tasks. Thier said given Next Gen is publicly funded, there needs to be a clear explanation of Project delays, especially if more tax funding is needed in the future. Gaffney said there is no plan for another Measure as we are fairly certain about the adequacy of funding sources. Pearce added there have, however, been some surprising Change Orders requiring additional expenditures.

Thier expressed concern about the adequacy of the Site Construction Budget line item given rising construction costs. She understands this line item has been refreshed but the bid climate continues to be challenging. Hilliard asked about the Change Order approval process and dollar thresholds. Hymel and Gaffney confirmed all no cost and cost Change Orders come to the Governing Board. Gaffney said Change Order #1 was approved in conjunction with the Motorola Contract. Pearce asked staff to provide further clarifications to the Governing Board based on the FE Contract issues discussed under this Agenda Item.

4) Next Gen Project Staffing Update

Klock said his report lays out how Project staffing is being provided. The County is engaged to manage the Project per the 2015 Implementation Agreement with MERA. Management is provided by a variety of County staff from various divisions for different phases of the Project as well as other contract staff. The County is responsible for managing the Project through the CEQA process and site construction. Motorola is responsible for providing and installing the site equipment. FE is providing oversight over the Motorola work throughout.

Klock said Project work is expected to accelerate in the coming months post CEQA. The County is considering bringing an additional full-time staff to see it through, especially during the Project's heaviest periods. His staff report will be updated as we move forward. Pearce noted Mortimer introduced himself as County staff and asked if this posed a conflict with his role as FE staff. Mortimer said he and his predecessor have done this. Klock confirmed he is a County contractor. Gaffney asked if additional staffing would be within the \$2M line item for County implementation. Klock confirmed it would be.

5) Update on MERA First Gen Radio Return Policy

Klock said this matter arose as radios were being turned in as a result of early new radio deliveries. Old radios were being returned to the Radio Shop. He realized a formal procedure was needed to receive them. Ops reviewed the proposed procedure last month. He added the Shop needs to disable old radio code plugs and encryption before new radios are put into service.

Klock said he will present a draft policy at the Governing Board's April meeting to establish return procedures including development of a cache of donated radios for member agency use. He said all current System radios are Member Agency assets. Gaffney said he did not recall this. Jeffries said MERA bought the radios, which were included in Member Agency Bond payments. Gaffney said he thought MERA had a basic supply of radios and some agencies bought additional ones. Jeffries said member initial orders affected the amount of Bond payments. Any additional radios have been at Member expense.

Klock said returned radios will be inventoried, de-plugged, and de-encrypted, returned to members if requested or accepted as cache donations, if authorized by the member. He noted Tiburon's request for spares and Simpson arranged for them to work with Novato for their old radios. These requests will be handled between agencies until this policy is in place. Kelly asked about the dollar value of an old radio. Simpson estimated about \$800. Jeffries noted demand for these radios will shrink as frequencies go away, but parts may still have value.

Gaffney supported the need for the policy. Kelly suggested monetary value be assigned as part of the policy. Pearce noted the value added by a cache as members have needs. He cautioned about liquidation given unknown future needs.

6) MERA System Operations Update – February – (Simpson)

Simpson recapped February Shop support activities, noting minor storm damage at Sonoma Mountain, resulting in degraded service. Repairs were made accordingly. Pearce asked if this was repetitive with the prior report. Simpson said this may have overlapped or been brought up earlier due to relevance at the time, like the Mill Valley dish. He reported on corrections made in Mill Valley with digitized audio and degraded service where users had service before. A Quantar was not passing audio traffic and was replaced and there have been no further complaints.

Simpson reported on replacement of an air conditioning coupler at Mt. Burdell. Burdell may have been damaged by a power outage in November. The outage took out 3 rectifiers. The Shop was able to deliver fuel to Pt. Reyes before storm road damage. Spares for 6809 central site controllers will be brought online by Motorola technicians to confirm their usability. On April 15, there will be intermittent service



compaction throughout the week, which may produce site trunking issues. There is a possibility for this simulcast cell to be in fail soft for a short time. Downtime for sites will occur in low impact times. Dispatches will be alerted before the work commences.

Simpson said they are reviewing revisions to the System usage reports to make information more relevant and accurate by taking into account patching effects. This has to do with how the System is reporting patching. Hymel confirmed with Simpson that busy times are accurate and overall System usage is accurate. Simpson said the breakdown of usage between individual agencies is affected if patching or large talk groups are involved. Agency consolidation or sharing of dispatch has also had an effect.

7) Other Information Items

Jeffries reported Morin and Grasser have formed a group to handle knobology and radio aliases. Pearce noted increased Ops attendance and encouraged members to get their representatives involved.

D. Open Time for Items Not on Agenda

Pearce said, in response to member frustration with Project implementation, he and Cusimano delivered a letter to Hymel and Rojas expressing concerns over Project delays, accountability and increased costs. A meeting has been scheduled to review the letter. He distributed copies of it to the members. A report on this will be presented at the next meeting. Kelly noted the longer we wait on radio delivery, this may present an opportunity for newer radios. Therefore, some delays may not put us behind the eight ball.

Pearce said the public was advised of the current System planned obsolescence and replacement by this year. Further delays make us accountable to our constituents, which is a big issue. His major concern is getting Next Gen online with the latest equipment as soon as possible. Hymel said the County, as a member, has a shared interest in having a successful project. There have been delays, some of which are in our control and some have not been. He takes issue with the letter's reference to the delay of five years and does not know where that came from. If it is the Motorola Contract, it did not include CEQA and site construction so that was never a realistic go-live date.

Pearce said we are now looking at Project completion in 2023. Hymel said he sees the delay as 1 year. The RPC held us up and CEQA analysis has been longer than expected, but this is not a 5-year delay. Cassingham said the RPC approval process was missed. Hymel said this was a legitimate delay but the system was not going live in 2019. Cassingham said the CEQA delay also contributed to the schedule delay, and Hymel agreed. Hymel said a complex project is likely to encounter delays. The CEQA analysis has also been more complex, especially with additional sites.

Hymel said the County understands how important this Project is. As much pre-work as can be done is being done to avoid future delays. Going forward, there is CEQA and site construction, some of which requires Coastal Commission permits. All of us have to do our best, but there will be things beyond our control to impact this Project. Hopefully, CEQA can be completed without delay, site construction prework will be beneficial and Coastal Permitting will go quickly.

Hymel said the County is doing everything it can to make the Project a success. They have been meeting with Pearce and Cusimano and will be bringing in more resources to this end. In response to inquiries, members as a group are doing all they can, as is the County as the Implementor. He said the County is not taking this responsibility lightly. Pearce thanked Hymel for his comments.

Cassingham reminded the members of the April 2 deadline for Form 700 filings. In response to Thier, MERA's filing is for the entire County as its jurisdiction.

E. Adjournment

The meeting was adjourned at 4:28 p.m.

Respectfully submitted by:

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Maureen Cassingham  
MERA Executive Officer  
and Secretary