



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

March 3, 2011

Grace E. Simons Lodge
1025 Elysian Park Drive, Los Angeles, CA 90012

Board Members Present:

William “Bill” T Fujioka Chair, CEO, County of Los Angeles
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing Contract Cities Association
Leroy “Lee” D. Baca, Sheriff, County of Los Angeles County
Reginald “Reggie” Harrison, Deputy City Manager, City of Long Beach
LeRoy J. Jackson, City Manager, City of Torrance, representing At Large Seat
Daryl L. Osby, Fire Chief, County of Los Angeles
Kim Raney, Police Chief, City of Covina, At Large Seat
Harold Scoggins, Fire Chief, City of Glendale, representing the Los Angeles Area Fire Chiefs Association
Miguel Santana, CAO, City of Los Angeles
Gregory “Greg” L. Simay, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat
Steven K. “Steve” Zipperman, Police Chief, Los Angeles School Police Department

Representatives For Board Members Present:

Cathy Chidester, representing Dr. Mitchell H. Katz, Director, DHS, County of Los Angeles
Andrew “Andy” P. Fox, representing Millage Peaks, Fire Chief, City of Los Angeles
June Gibson, representing Gerry Miller, Chief Legislative Analyst, City of Los Angeles
Sandy Jo MacArthur, representing Charles “Charlie” L. Beck, Vice Chair, Police Chief, City of Los Angeles

Officers Present:

Scott Poster, Task Force Leader
Connie Yee, representing Wendy L. Watanabe, Los Angeles County Auditor-Controller

Absent:

Donald “Don” Pedersen, Police Chief, City of Culver City, At Large Seat
Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Mark J. Saladino, Los Angeles County Treasurer and Tax Collector
Vacant, Board Secretary



I. CALL TO ORDER

A meeting of the Los Angeles Regional Interoperable Communications Systems Authority Board of Directors was called to order on March 3, 2011 at 9:00 a.m. by Chair Bill Fujioka.

A. RECOGNITION OF NEW BOARD MEMBER

Chair Bill Fujioka welcomed and recognized new Board Member Steve Zipperman (formerly of the City of Los Angeles Police Department (LAPD)) to the Joint Powers Authority (JPA). He said that Steve Zipperman is the new Chief of Police for the Los Angeles School Police Department. Board Member Steve Zipperman thanked the Chair for the recognition.

II. ANNOUNCE QUORUM – Roll Call

Chair Bill Fujioka made an acknowledgement without a formal roll call that a quorum was present.

III. APPROVAL OF MINUTES

Motion was made for approval of the Minutes from the February 3, 2011, Board of Directors Regular Meeting. **MOTION APPROVED**

IV. CONSENT CALENDAR

None.

V. REPORTS (1 – (5)

1. Committee Reports

- Finance Committee. Greg Simay, Chair of the Finance Committee, said that Jan Tanaka would bring a presentation a financing option that had not yet been considered. He provided the Board with a copy of a (1) summary of Mello Roos Community Facilities Districts; and (2) flow sheet/charts of the process for the establishment of the District; and proceedings through the Election (that's necessary to authorize the issuance of bonds).

Mr. Jan Tanaka stated that the Finance Committee had been looking into a number of financing structures that would meet the needs of the System as well as the JPA. They were looking at a two-tier financing structure that would allow the JPA to finance on a long-term basis (the basic infrastructure with the useful life of 25 to 30 years); but more problematically was the equipment which only has a useful life of 5 to 7 years that would need to be refreshed on an ongoing basis.

He further stated that another major concern was maintenance costs and any additional operating costs that each agency or city would encounter. They looked at General Obligation Bonds and Special Benefit Assessments and found that Community Facilities Districts offer the most flexibility. This financing method allows the JPA to finance on a long-term basis the capital assets, construction improvement, rehabilitation of capital assets as well as the acquisition of equipment. All the assets have to have a useful life of 5 years or more. It allows us to finance: (a) site remediation or removal of hazardous materials; and (b) most significantly, maintenance and operating costs of the assets and/or the acquired equipment. We could only finance costs that exceed currently incurred/existing or any incremental costs but cannot use this to supplant existing costs.



Mr. Takata then said that the District could be Countywide or any geographic area. This allowed them to create certain tiers.

- A baseline Countywide District would allow us to: (a) Finance the entire baseline infrastructure over the long-term; and (b) establish smaller sub-districts, individual districts, according to agencies, according to city boundaries.

The special tax would be assessed on property owners that could be grouped into geographical units and create sub-districts that could be layered on top of the baseline district.

Based on the timing requirements or priorities of each individual agency, this will allow us to align. It will allow them time when they would hook-up to the baseline infrastructure system and take into account where they are currently in their refreshing efforts on their own equipment. If the equipment expires, it requires refreshing in 5 to 7 years which they can time their attachment and the commencement of that sub-district; and at that time: (a) they would have the choice to pay as you go with the assessment; (b) or a second series of bonds could be issued for that particular sub-district.

It will also allow us to align the benefit received by a particular geographic group of property owners specific to their area.

- One geographic area and its special tax for its own equipment is being paid for by the property owners in that area and not spread across another area. On a long-term, that baseline infrastructure would be the only truly shared cost everybody would share.

Board Member LeRoy Jackson had a question regarding timing. He said that "this is an assessment in a sense based on an engineering analysis of benefit received". Therefore, we need to know: (1) the cost of the proposal; (2) what the capitalization is going to be; and (3) an analysis of how that cost is going to benefit individual property owners throughout the County of Los Angeles. He was curious as to how long phasing would take and asked that a report be brought back to the Board for notification and advertisement to the people for a vote.

Jan Takata said those details would still need to be worked out and that the Finance Committee had not seen the cost proposals.

Board Member LeRoy Jackson said his assumption is, this could not begin until we actually had the agreement in hand and the price tag probably in July of this coming year.

Jan Takata responded that as to the actual timing they have just now started to work in conjunction with the committees so he could not give a firm timeline and that they would need to know the costs before fully analyzing the benefits.

Board Member LeRoy Jackson then asked what the costs of the engineering, the benefit spread study, would be?

Jan Takata stated that we are still working on that. Consultants were just retained and had just started vetting that process out. And if they are going to target the November 2012 Election, they would need to start work right now.

Board Member LeRoy Jackson said that if he was reading this right, it would not be an election. It looked like it was a Reverse Election, like a 218.

Jan Takata said it would be a General Election requiring a 2/3's vote of the property owner. They would need 2/3's voter approval at that election.



Board Member LeRoy Jackson asked what would happen "if no majority protest resolution adopted".

Jan Takata responded that there is a Protest Resolution that needs to be passed requiring a public hearing. If a majority of those that attend the hearing, protest; then it won't work. They would need a public hearing before this could be on the ballot.

Board Member LeRoy Jackson asked if this would not be a mail-out ballot; and that everybody would come to the meeting to protest. Mr. Takata confirmed on both items. He said that it would not be a mail-out ballot. It was not a special benefit assessment but was a special tax.

Chair Bill Fujioka stated that this is a very complicated structure; however, from Mr. Takata's brief comments it will provide maximum flexibility. It allows entities, the City in this case, to decide when they are going to engage as it relates to their own specific systems. We will be providing more information on a go-forward basis but just wanted to put this concept out on the table.

Board Member Miguel Santana asked if this would be a General Countywide Election and if a 2/3's vote would be required? Mr. Takata confirmed.

Then Board Member Miguel Santana said that when Mr. Takata talked about there being sub-districts, he assumed they are consistent with the City boundaries. For example, if 2/3's majority of the voters in the City of Los Angeles were to vote for it, and yet it wouldn't be Countywide, there wouldn't be a 2/3's majority vote. He asked how those two reconcile.

Jan Takata responded that this would be something we would have to work out. If the Countywide vote did not pass, then this would not work because we would not have the baseline infrastructure. Then the City of Los Angeles, which did approve it, would have nothing to connect to. We would have to link these; and the actual formation and logistics of forming the sub-districts have not been worked out yet.

Board Member Miguel Santana asked if the first step, Countywide, there would have to be a 2/3's majority vote to simply have the baseline. He said to let's assume it's 2%. He asked what the second piece is as it relates to the sub-districts. How does that get paid for?

Jan Takata explained that this would be a second special tax on top of the base special tax. We would have a Tier 1 Special Tax would pay for the basic infrastructure, Countywide. There would be a second special tax that each city would vote on for their particular piece (e.g., equipment, operations, the maintenance). Board Member Miguel Santana asked if that was for that specific city. Mr. Takata confirmed.

Board Member Miguel Santana asked if there could potentially be a scenario where 2/3's of the County were to support building the infrastructure, every resident/household/parcel of a particular city would contribute towards that baseline. However, on an individual city, if a majority or a super majority wouldn't support, then that particular city wouldn't be aligned, hooked up to that system. Mr. Takata said that was correct.

Board Member Mark Alexander asked two questions on the issue of the special tax: (1) in addition to the base, was that something that would be discretionary per city and presumably covers the infrastructure cost of that city's participation in the system? (2) If a city decides to opt out, did that mean that the residents of that city would not participate in the Countywide election process?

Mr. Takata said they would still participate in the Countywide infrastructure but they could opt out of the equipment and hooking up to that infrastructure.



Board Member Mark Alexander then asked, with respect to the first question, if that is at the discretion of each jurisdiction? Mr. Takata explained that the secondary special tax would be at the discretion of each individual city.

Board Alternate Andy Fox asked if there was a Countywide vote, and City A did not by 2/3's margin, vote for even the General Base Tax, however, it passed on a 2/3's margin in the County, would those property owners in City A still be required to pay that base tax regardless of how the vote turned out in their individual city? Jan Takata said, "Correct." Board Alternate Andy Fox then asked if any additional special tax would be a discretionary decision based on the individual cities. For example, if City A wanted to be part of LA-RICS, then that tax would be higher for their individual property owners. Jan Takata confirmed.

Board Member LeRoy Jackson said that it mentions a 2% increase on residential parcels. Is there a similar thing for commercial? Mr. Takata said there would have to be a further investigation. All he could find specifically in the law was relating to residential.

Board Member LeRoy Jackson asked if the limit was 2% and if because it's a parcel tax across the County, does it include government land, churches, or other lands within the County? Mr. Takata said It could, but not necessarily so. That would be something this Board would need to address. Board Member LeRoy Jackson asked if then we could exempt City facilities and County facilities. Board Member Reggie Harrison asked about non-profits. Jan Takata said you could exempt or you could include. Chair Bill Fujioka said including commercial properties would be very important.

Chair Bill Fujioka took a moment to introduce a member of his family and very important to him, the new Fire Chief for Los Angeles County, Daryl Osby, who has attended many of these meetings.

Board Member Miguel Santana said that he was trying to understand the correlation between the concept and the price, because obviously the more of us that participate, that impacts the actual costs. He asked if we could cost out what the baseline system is; and if that will have to include some assumptions about what percentage or to what extent the rest of the County Family is actually going to be hooking up into that system. Mr. Takata said that not for the baseline tax. However, for the secondary he said, "Yes." That's where we would go jurisdiction by jurisdiction. So if a city or an agency opted out, then the cost would be removed from the LA-RICS Project. If they opted in, then the Special Tax would be applied and it would be segment by segment. Chair Bill Fujioka said a lot of those costs are specific to that city's involvement in the project (i.e., equipment). He asked whether it's either the large or small equipment and the maintenance of that equipment.

Greg Simay said he thought that was also an answer that the LA-RICS Technical Committee would have to provide the Board of Directors, not just the Finance Committee. The baseline system is meant to serve the County's traditional functions versus the baseline system that is meant to support various agencies. Communications could be two different baselines and you would need to anticipate what kind of baseline system it is you are asking the voters to approve. To be more specific, it's going to take some coordination with the other committees.

Board Member LeRoy Jackson asked about the timeline. He said that if we don't know what the system is going to cost, until August or September of this year at which time we go through a report analysis to set up a methodology for this, would we be shooting for November of the following year? He said that we have scale proposals that we would be looking at with a whole year plus between them on one stage. The other one is that we are in extreme jeopardy on our grant requirements on timeliness. He was trying to figure out the timelines for all the elements that



are required under our current grants, the RFP responses, and this election process to find a way of paying for what we have. Mr. Takata said he was absolutely correct and we needed to reconcile all those points. We have just retained the consultants to start that.

Chair Bill Fujioka said that in response to Board Member LeRoy Jackson's concerns or questions, we can lay out that timeline with the critical the points. Along this timeline, we must hit and ensure it doesn't impact our grant funding. Then we're ready. He said we all know how the benefit of a General Election, especially during a Presidential Election, will influence the type of voters we have. He asked for questions from the Board Members.

Board Alternate Andy Fox had a fundamental question on the election process. The information outlines that the formation of the District requires approval of 2/3's the property owners in an election. But it sounded like we are also talking about a General Election. It's not a 218 Mail Ballot, it's actually Go to the Polls and vote. Mr. Takata said that was correct.

Board Alternate Andy Fox asked what the mechanism for distinguishing between a property owner voter and, for example, a non-property owner?

Mr. Takata said they would have to come back to the next Board of Directors meeting with a report answering that question.

Board Alternate Andy Fox asked if this would be in a General Election. Mr. Takata said there is a lot of technical issues that have to be reconciled and we just started on this the last week and a half.

Chair Bill Fujioka expressed confidence in the County's Registrar Recorder to be able to do that. He said he would be coming back to the Board of Directors with a more comprehensive report at the following meeting.

Board Member Greg Simay had a few items to briefly go through: (1) One being the Cash Flow Analysis Grant Allowability. He said we are using the \$600M figure because that's not revealing any information since it's been around since 2006. It's saying this is based on the \$600M and some of the assumptions that had been made on how that would divide up between design, equipment, and, etc. How far could grants get you? Would there still be gap if you could get all the grants you wanted? What would you need from other sources because of what is? What would you be allowed to spend the grants? On a \$600M basis, you still need to find about \$100M from other sources. He went on to say that to the extent that your grants fell short of that, you would still face a challenge. But it is just another way of reaffirming that you do need a strategy other than grants for funding this. If there was an issue with audits, Mr. Takata, from the Auditor Controllers Office, shared a statement that provides you with ideas. He said the County is prepared to spend up to \$10M (or a war chest) and then the cash flows as needed to LA-RICS. The \$500K is not the entire County contribution; it is just what is cash flowing right now. The Auditors will do an audit this fiscal year when the numbers are firmed up. He believes that will be towards the Fall of 2011. This was a follow-up on an issue about the annual audits; (2) He also mentioned there was a presentation to the Independent Cities on February 17, 2011. At that presentation, he summarized the Finance Committee's work, reminded the group that they will at some point be asked to either say that they are in or they opt out. It hinges on when the financial plan is approved. We are talking about hundreds of millions of dollars that need to be financed under any scenario; and the more we are trying to phase, the more potential tools we have, the better chance we have for finding a solution; (3) He said that a question, were the bidders allowed for the data portion and the Broadband Technology Opportunities Program (BTOP) portion as extensive as the bidders on the voice portion? He checked with Susie Orellana-Curtiss, Deputy Administrator, and the answer was, "Yes." It was the same list of people. The deadline was



extended. So in spite of the tight deadline to get the BTOP money, the same field of vendors was approached on the data.

As a Board Member, Greg Simay had questions himself about timing because as far as the Finance Committee, he said that there is going to be a Joint Meeting of the Technical, Operations, and Finance Committees at the Grace E. Simons Lodge on March 22, 2011 at 9:00 a.m. Part of it is we have reached the point where we need to coordinate with each Committee and make sure that we all have the pieces of the puzzle. Part of it has to do with a problem he will discuss more under his hat as Board of Directors member and that is the timing of approvals versus the information that is available. To reduce that tension, the Committees need to start talking to each other.

Board Member LeRoy Jackson said that the assumption is that we will get the grants. If we enter into an agreement in August or September and don't get the grants, will our liability grow by the proportion that we have shown here? Mr. Tanaka said that was true. Board Member LeRoy Jackson asked if we had any resource for that liability. Board Member Greg Simay said he believed that was the case. Chair Bill Fujioka said we need to make sure that we get these grants.

Board Member Greg Simay asked to address the Board, as a Board Member, not as the Finance Committee Member on several issues: (a) one issue is that by the time you know the results of the procurement process, you have the tension between wanting a vendor contract that you don't want to get stale but at the same time you need to give the Board and all the constituencies adequate time to evaluate the financial plan that is going to arise out of that. And so there is a danger that you are either going to frustrate a vendor contract or you are going to have inadequate review; (b) the other issue is an ambiguity. Once a finance plan is approved, there are 35 days to say you're in or out. Then there is another provision that says if the finance plan should change substantially between that point and when the contract is awarded, there is 45 days. The agency that withdraws at that time is liable for costs incurred up to that point. Part of the two issues is what is cost incurred going back to where the end point is and you're not sure of the costs incurred. That would imply a delay in awarding the vendor contract or that provision is frustrated.

He also mentioned that we have some timing and coordination issues that have not been agendized for this meeting and that we need to tackle them and maybe get some interpretive responses on some of those provisions, perhaps for the next meeting so that we know what it is we are facing. Chair Bill Fujioka said that was fair.

- Legislative Committee. Scott Poster, Task Force Leader, addressed the Board for the Legislative Committee. He said that they convened last week and tackled some important issues. There was a quorum; and they elected a new Chair to replace Fire Chief P. Michael Freeman, who is no longer with the County. New Fire Chief Daryl Osby was elected as the Chair; and future officers will be elected at a future date.

He provided the results of the meeting: (a) one was the Technical Committee recommendation to the Legislative Committee regarding the D Block transition to Public Safety. It is the Legislative Committee's recommendation to this Board that the D Block does go to Public Safety regardless of the auction or not; (b) there were two other items on this Agenda that will be referred to as Legislative Committee Action Items towards the end of this report.

Interim Task Force Leader did mention two points of order: (1) this meeting is allotted for 90 minutes. Therefore, there was one hour left unless the Board extended it; and (2) this meeting was being taped and requested that everyone who spoke did so into the microphone identifying themselves so we can prepare accurate Minutes.



- Operations Committee. Scott Edson, Chair, provided a brief report. The Operations Committee met last month and continued discussions on operating policies and procedures. The Ad Hoc Committee continues working on some issues and developing additional requirements that may be needed for the solution that can be presented in detail at the next Board of Directors meeting. He said that could be reviewed and perhaps passed on to the Negotiation Team.
- Technical Committee. Kevin Nida, Chair, provided a brief report. The Technical Committee next meeting will be joint—here [at this location on March 22, 2011]. They will be moving the meeting to the fourth Tuesday of the month to consolidate time. It will be the Operations, Technical (at 10:30 a.m.), and then Operational Procedures Working Group.

Chair Nida said that both the Technical and Operational Committees were requested by the Finance Committee to discuss the options of a phased approach for the narrow-band and the analog, LARTCS, BTOP, and P-25 Digital Trunking. The Technical Committee also added the 4.9 GHz, which is the broadband short-range and narrowband data, to the list of issues to prioritize.

The Technical Committee had a quorum and voted that the BTOP is a separate project and can run in parallel, so it has no real impact on the voice portion.

Chair Nida said that with regard to the specific phasing of the project, the Technical Committee did not discuss that because that is addressed in the confidential vendor proposals and they didn't want to comment on that until it is appropriate to do so. He said that with regard to Public Utilities' participation in the BTOP and Long Term Evolution (LTE) Data System, they felt it is very important to allow DWP and Utilities to participate in the data portion of it. That is, strategically, very important because DWP has a large fiber ring around the region and that would reduce costs significantly. So we don't have to incur the cost of developing a parallel fiber system. He mentioned that DELTAWRX is going to arrange for a BTOP overview. They may or may not have that on the March 22, 2011 Meeting.

Board Member LeRoy Jackson asked that the information presented on the DWP be repeated. Chair Nida explained that one of the issues that they talked about is Agenda Item 9, Attachment B. Attachment A is quite lengthy. Attachment B is essentially a short form that indicates on the Notice of Proposed Rulemaking there are many issues involved in the BTOP. However, it allows what we are asking, to allow for utilities to be able to use the data system in our particular region. Water & Power is not a private entity but a public entity and they have a lot of resources that are going to impact positively the LARTCS system. They already have a fiber ring built out. One of the things the Technical Committee and Technical Group are working on is to identify where that fiber ring is, where the sites are going to be, and how that all connects.

Chair Nida stated that fiber is extremely expensive, you got to dig up streets, and there's a lot more than just pulling cable. He said that if we can connect our sites to the existing Water & Power fiber ring, it is going to make this project a lot more cost-effective and we are not going to be duplicating efforts. It would be a real benefit to allow them; however, there are other regions that may not want utilities on. But in our particular region, what we have asked the Federal Communications Commission (FCC) to consider, and the staff is working on a report to be sent to Counsel, is that a critical infrastructure should be allowed in the broadband system; government utilities should be part of the broadband system as a secondary user, as Los Angeles Department of Water & Power (LADWP). The FCC should maintain its traditional role as a regulatory body and not take the lead on the technical operational aspect of interoperability. In other words, let the experts deal with that. Public Safety should take the lead to get the appropriate organizations.



Board Member Harold Scoggins asked if on the Utilities, fiber rings around the County, if other agencies have fiber rings around their community will they be able to tie into this also.

Chair Nida said they would definitely want to use all the fiber available so we are not duplicating efforts.

Board Member Harold Scoggins asked if they were going to include that in their report because it seems like the Technical Committee identified LADWP but it seems like it would be important to find out what other communities have fiber rings around their communities and tie it all up and that could lower the cost even more. Chair Nida said that every site out there has to have some kind of fiber backhaul, either microwave or fiber. The Technical Group, Engineering Group, is working on that. The reason they brought up Water & Power first is because they have the largest fiber ring and they would be the exception to the current rule on the 700 MHz access and that's the first priority. But absolutely, once we get this it would affect Glendale Water & Power; it would affect Burbank Water & Power. So the municipal-owned power companies are obviously going to have critical infrastructure. They will need to support us in earthquakes or major disasters. So we want them included. They would be a secondary user but you wouldn't really see any difference in the access that they have. There are several priority levels that they have designed already and we can't go into. But essentially, it puts public safety first, and then the non-governmental users, a little bit lower. It would make sense to have the Red Cross or County Fire to have private ambulance companies to have access to that. If it is a contractor to the City or the County, they would also be able to use this based on these amended rules. When you get time, you may want to read Attachment A for the specifics. Attachment B is kind of the short form; and we continue to look at these issues. The final report will hopefully occur next month with that going to Counsel.

Chair Bill Fujioka asked if there were any questions. As there were none, the Project Status report was next.

2. Project Status

This section addressed reports and communications only. No action was required by the Board of Directors.

Scott Poster Task Force Leader, prior to providing the Project Status Report, talked about the Agenda that was sent out for this particular meeting. This Agenda had 240 pages and it was very large for the e-mail systems. Those issues are being addressed. Future large attachments will either be mailed to the Board or will be available by agreement of the Board to be downloaded from the LA-RICS site so that we can maintain e-mail systems without disruption. He apologized for any error or mistakes that it could have caused the systems. We are just trying to be transparent and give all information out as requested by the Board.

- **Director Progress.**

As far as the Director, the Request For Proposal (RFP) has been out on the street and the submittals are due on March 10, 2011. The resumes will be collected by the Internal Services Department (ISD), which is our Procurement solicitation arm for the JPA. An Ad Hoc Group will be comprised of a Board Member, the Task Force Leader, County Counsel, ISD, the City of Los Angeles, Los Angeles County Sheriff's Department, and possibly Independent Cities to review the applications, resumes, and conduct a first interview. The second interview, the selection interview, will hopefully come to the Board in Closed Session on April 7, 2011. If we can't make the April 7th date we will move it off a month. But the intent is to have it completed and have a viable candidate to you by April 7th in Closed Session. Currently, we have no submittals on file but they do have until March 10th to do so.



- Negotiations.

The Negotiation Team has been selected and it comprises a majority of the agencies from the JPA. There are 16 members. The Negotiation Team has met and reviewed tactics and is also developing an Issues List and Gap Analysis and they will be meeting again to develop strategy on March 10th. Meetings with the vendor should begin shortly afterwards. As stated, the Negotiation Team does comprise people from within the JPA. Independent Cities did give us somebody to use as well as City of Los Angeles Fire Department (LAFD), County of Los Angeles Internal Services Department (ISD), City of Los Angeles Police Department (LAPD), City of Los Angeles Information Technology Agency (ITA), Los Angeles County, Los Angeles Sheriff's, County Counsel and ISD management.

The Team Leader for the Negotiation Team will be John Geiger from ISD. He will be the point of contact should any information from the Board be requested. It is important for me to relay to the Board that each one of these people on the Negotiation Team will sign a Non-Disclosure Agreement (NDA), and it would be inappropriate for anybody to contact any member of that Negotiation Team to ask any information at all regarding the RFP negotiation process. However, the contact is John Geiger, the lead negotiator, should some emergency arise that information has to be sought. He will be the only contact and no other information will be released throughout the process. We have selected a vendor to take into negotiations and those notices for the vendor were sent out this morning.

Board Mark Alexander stated he had a couple of questions regarding the negotiations process. At this point, the Board of Directors has not been told how many RFP's were received. But you just mentioned that you are going to be entering into negotiations with one of the vendors. So, is the negotiation going to be limited to one vendor or multiple vendors? Task Force Leader responded that we have moved one vendor into negotiations.

Board Member Mark Alexander asked if there was a reason why we wouldn't consider entering into negotiations with multiple vendors.

Chair Bill Fujioka asked County Counsel if we can, under the Public Safety Exemption, under the Brown Act, if we can go into Closed Session and have a very candid discussion on that point.

Board Member Mark Alexander asked if on that issue. Chair Bill Fujioka confirmed.

Jose Silva also wanted to point out that Item Number 10 on the Agenda would cover a number of those items. Scott Poster said there were some issues in Item Number 10. He asked Board Member Mark Alexander if we could defer that one question until Item Number 10. Board Member Mark Alexander agreed.

Scott Poster asked if Board Member Mark Alexander had an additional question, we can field that. Board Member Mark Alexander said he did. Scott Poster, however, said that particular one will be answered in Item Number 10.

Board Member Mark Alexander then stated his questions, which might be appropriate for later. His questions were: (1) Of those members who are participating on the Negotiation Team, do any of them have existing relationships with any of the vendors that might have submitted proposals? (2) Is it appropriate to include them on the Negotiation Team?

Chair Bill Fujioka agreed this would be discussed. It would be discussed under Item 10. At that point, he will ask if we can invoke that exception and go into "Closed Session."

Board Member Greg Simay also had two questions that he said might be appropriate and could also be for further discussion at the April meeting. He asked if there was any strategy to manage



change order risk. The reason why it's important is that in looking ahead to the finance plan, it is not only the numbers but the error bar attached to them. Chair Bill Fujioka said, "Sure." Board Member Greg Simay said the greater the potential error bar in the plan, we need some way of assuring that. The second in the Gap Analysis, if that is in effect, is making sure that the final system under consideration is meeting all the RFP requirements in the tentative RFP. Is there representation among all the constituents in that Gap Analysis Group (i.e., Independent Cities, Contract Cities, as well as large agencies like the County)?

Scott Poster said that the Gap Analyses, as well as the Issues List of what the issues are is being developed jointly by everybody concerned, all parts of the JPA. The Independent Cities have been represented by the contractors, which is the County at this point. We haven't had anyone come forth from Contract Cities to enter the process but they are being represented that way. It's very well covered by all the components of the JPA within the Negotiation Team and the people developing that Issues List as well as the Gap Analysis.

Board Member Mark Alexander wanted to point out and remind the Board that Contract Cities was excluded from participation on the Negotiations, Evaluation Team, by Motion of this Board. The Motion was to have a city, incorporated city representative, be from an Independent City.

Scott Poster stated he was not aware of a Motion by the Board restricting the Contract Cities; as a matter of fact they reached out to everybody to be part of the Negotiation Team.

Board Member Mark Alexander stated he would refer him back to the Minutes where he (Board Member Mark Alexander) specifically raised that issue.

Scott Poster agreed that we could refer back, however, he emphasized that he personally reached out to everybody to offer assistance for the Negotiation Team. If there should be somebody from the Contract Cities who would like to be involved, it was not too late. Recently they reached out quite a bit to Independent Cities; and after the meeting he attended in Beverly Hills, Independent Cities got together and pulled resources to bring somebody to the Team. So we are not excluding anyone from the negotiations. Should you or any of the other Contract Cities wish to participate, they would be welcome with open arms.

Board Member Mark Alexander mentioned that was a specific question. He had not reached out to his member agencies because of that Motion.

Chair Bill Fujioka reaffirmed there was time right now. He encouraged him to find the appropriate representation for the Contract Cities and participate and that he did not think there would be anyone on the Board who would take exception with that.

- **LA SafetyNet.**
Scott Poster advised that our environmental assessment is a process; and as many may have heard from people within your different agencies, there are people visiting your sites. It was brought to his attention last week that Mr. Jackson had some of our people working through the City of Torrance. They are reaching out to all the agencies for a method to contact them before staff is sent to assess your building. That communication has been improved and we shouldn't have any issues in the future. You should get notice before the people come and start assessing structures that we may consider to use for the BTOP or any other endeavor.
- **Voice/Data System Request For Proposal (RFP) Evaluation Overview**
At the request of the Board, he then asked DELTAWRX to provide a very brief Voice/Data System RFP evaluation overview.



Mike Thayer, DELTAWRX, provided a brief overview of the evaluation process in response to a previous request from Board Members because it was not clear to them what the evaluation process was. Since Chris Odenthal helped facilitate the evaluation process, he would be speaking on the process the Evaluation Team followed. Mr. Thayer made reference to a document in the handouts that starts with Section 5.3 of the RFP, which is out of the Administrative portion of the RFP issued to all vendors. This is the process that was followed. He then asked Mr. Odenthal to briefly speak on that process.

Chris Odenthal, DELTAWRX stated that it was actually a separate document. So it was not stapled to the big packet. He showed the Board the document so they could easily identify it.

Mr. Odenthal informed the Board of Directors that on April 5, 2010, LA-RICS released the RFP to the vendors. Those proposals were due August 4, 2010. There were two Pre-Mandatory Pre-Proposal Conferences conducted on April 21, 2010; and June 29, 2010 was for all questions from the vendors based on the specifications in the RFP. On August 5, 2010 they began Evaluation Phase I, where the proposals were opened and their ability assessed to ensure they met the mandatory minimum requirements, which were very basic. There were generally five that they reviewed in a day to ensure they could proceed to Evaluation Phase II.

The Evaluation Team was constructed from JPA member agencies; and they met for the first time on August 9, 2010. They continued to meet through February 8, 2011.

The evaluation process followed Los Angeles County ISD Procurement Policies for Informed Averaging. Each of the proposals was based on the vendors' response to the given criteria. The front page of the handout lists those criteria. For Appendix B, Proposers Experience and Financial Stability, that would be 5% of the overall score or 500 total points; Appendix C, Scope of Work, was worth 30% of the total evaluation or 3,000 points; Appendix D, the Technical Specifications, was worth 40% or 4,000 points of the total score; and finally Appendix F, the Price Proposal, was worth 25% or 2,500 points of the overall proposal. A quick math means 10,000 available points for the total score.

The Evaluation Team submitted two rounds of clarifying questions to the vendors based on their responses. The first was issued October 26, 2010 with responses on November 12, 2010; and the second was January 7, 2011 with responses during oral interviews. Midway through this process, LA-RICS was granted the Broadband Technology Opportunities Grant for \$154.6M. Although there were broadband mobile data technical specifications in the RFP, one that was released in April, in order to meet the requirements of the grant and receive the total funding it was necessary to go back in and adjust those technical specifications to make them more rigorous from a technical standpoint, coverage, capacity, etc. To do that, we had to issue an Addendum to the technical specifications of Section 8 in the RFP which was released on October 26, 2010 with responses due back November 30, 2010.

The Evaluation Team conducted numerous reference checks as well as site visits when appropriate. They also conducted two-day oral interviews with the vendors. At the conclusion of all the oral interviews, site visits, reference checks, etc., the Evaluation Team came together on February 8, 2011 and conducted their final scoring based on Los Angeles County ISD Procurement Policy for Informed Averaging. That information was then passed up to Interim Director, Scott Poster. Mr. Odenthal then asked if there were any questions.

Board Member LeRoy Jackson asked if the Addendum was vetted through the process that we used on the original RFP through the vendor agencies or the participants. Mr. Thayer responded that was "Correct". There was a time crunch because of the grant requirements. The requirements that were sent out in the Addendum enhanced the requirements that were included in



the original RFP. So no functionality was taken out. The Addendum was constructed to meet the requirements of the BTOP Grant. There were coverage requirements that were much more robust than the original requirements that were in the RFP. There were through-put requirements that were much more robust; and those mandated requirements were included in the Addendum. That was really the reason to issue the Addendum.

Board Member Lee Baca stated he would like to know, with a general answer, if the distinguishing differences between the two respondents substantial enough to establish this decision as being defensible. Mr. Thayer requested to defer on that until Item Number 10 on the Agenda because that's typically not something ISD would release in a public forum at this point. Board Member Lee Baca agreed.

Board Member LeRoy Jackson asked if the Board chose to split the broadband from the general RFP, would we have that capability at some future date, seeing how the skill or the capabilities of the proposed contractor are. Mr. Thayer again requested to defer that question to Item Number 10.

Board Member Reggie Harrison, to ensure he understood correctly, asked if they had two rounds of meetings with the vendors, basically to answer any questions that had been proposed about the RFP, two days of oral interviews, site visits conducted, and then the evaluation process? Mr. Thayer responded that this was correct.

3. Grant Status

Susy Orellana-Curtiss, LA-RICS Project Team Member

- Urban Areas Security Initiative (UASI) Grant.
The Approval Authority voted on January 31, 2011 to allocate 48% to the UASI Investment Justification 1 (IJ1). On February 18, 2011 the IJ1 Sub-committee met to have the agencies present on the applications that would fall under IJ1. There were four applications submitted: (a) one was for the Interagency Communications Interoperability System (ICIS) requesting \$2.4M to fund a UHF Trunk Repeater; (b) a second one was for ISIS as well for \$2M to fund a Radio System Microwave Links; (c) the third application was from LA-RICS to fund \$25.5M in equipment purchase; (d) and the fourth application was from the City of Los Angeles for \$5.1M to fund a planning staff cost.

Scott Poster added some comments on the UASI '11 from the Working Group. He stated that he and his staff attended the Approval Authority meeting where the Approval Authority approved 48% of a tentative allotment. At this point, no one knows the allotment of the UASI 11. LA-RICS will receive 48% of those monies, with the direction it be towards equipment. LA-RICS did take that to the Working Group. There were other applications that were received by the Working Group during that meeting. There were two applications that were for LA-RICS. One was the 48% that the LA-RICS put in for equipment; and there was another planning request for staffing from the City of Los Angeles.

- UASI 2010

Last year in the UASI 2010, there were two applications: one for planning and one for equipment which is not uncommon. It is clear that planning could be needed by an agency to support LA-RICS. However, the direction of the Approval Authority with Sheriff Baca and Chief Beck directly required us to submit for 48% which we did.

- UASI Working Group 11 Meeting

There was confusion at the UASI Working Group 11 meeting. During the conversation at the Working Group, LA-RICS was directed to add a planning item and equipment item for the



percentage that was given to LA-RICS, which is not quite the 48%. As the Working Group works on behalf of the Approval Authority, the Approval Authority is the decision maker.

At the point when the Working Group asked the LA-RICS Team to work through those shared costs of planning and equipment, we would have to come back to the Board to decide how to work that and would recommend that it gets referred to the Finance Committee to work through that on the UASI '11. At no point or no time does the LA-RICS Team working under me solicits and looks for anything other than the direction of the UASI Authority or the Working Group. He would hope the Board would defer the UASI '11, anything related to that, to the Finance Committee.

Chair Bill Fujioka agreed it was a reasonable recommendation. He asked Jose Silva if we could move forward with that recommendation and refer this matter to the Finance Committee. Jose Silva indicated, "Yes."

Board Member Lee Baca agreed that the Finance Committee would have to come to this Board for ultimate approval. Chair Bill Fujioka agreed the Finance Committee would look at it, vet it, and submit a recommendation to this Board for final approval.

Board Member LeRoy Jackson made a Motion to approve. Board Member Miguel Santana seconded the Motion. **MOTION APPROVED**

- State Homeland Security Grant Program (SHSGP).
SHSGP '07 Grant was closed out on February 28, 2011, fully expending our grant allocation.
- Broadband Technology Opportunities Program (BTOP).
Susy Orellana-Curtis stated that in their weekly conference call with the BTOP Program Manager, LA-RICS received favorable news that they were not precluded from drawing down advances on payments projected verses claiming for reimbursement, which is great news for the revenue flow. LA-RICS has made its first payment out of the BTOP Grant. It will be completing a claim for this quarter which was for payment of the environmental assessment contractor.

Ms. Orellana-Curtiss also said they working together with agency staff to develop a detailed LA-RICS staffing plan which, among other things, will help us track staff hours that are going to be allocated to satisfy the in-kind match under the BTOP Grant. It will help to develop a spending plan for future in-kind hour-use and that will help us successfully meet our match requirement.

She mentioned there was another item which will be addressed under Administrative Matters, Number 7, Action Item 7a, regarding 1511 Certification for our BTOP Grant.

- Justice Association Grant (JAG) / (American Recovery and Reinvestment Act (ARRA).
No reportable action.
- Public Safety Interoperable Communications (PSIC) Grant.
No reportable action.

4. Comments & Reports from Counsel

Jose Silva, Counsel for the JPA, provided a brief description of applicable Brown Act provisions for our Director's search. Basically he was asked at the last meeting whether this Board could interview the person who would be considered for the Director of LA-RICS. He stated that there is



a specific section of the Brown Act which allows those meetings to be held in Closed Session. The reference is there on the Agenda item (Section 54957[b][1]). He asked if anybody has any questions, he would be happy to answer them.

5. Comments & Reports – RFP Information Sharing

John Geiger, General Manager of Standards and Practices, County of Los Angeles ISD, said that a question came up as to when we can put information from the various proposals into the public record? He said that our JPA Agreement, Section 4.04, states that “all common powers that are to be exercised by this Board are such powers as are applicable to the County of Los Angeles”. Consistent with that, at all times since creation of the JPA, we have used the Procurement & Contracting Policies and Procedures of LA County. To that end, you have retained the Internal Services Department to facilitate drafting and issuance of the RFP, acting as facilitator during evaluations and now acting as the single point of contact during the ongoing open procurement. As a matter of law, proposals do not become public records until negotiations have concluded with the recommended vendor.

Mr. Geiger informed the Board of Directors on what will be asked of them when we come to Item 10. To hear details, any information of what’s in those proposals, and any of the tactics and strategy that went into the evaluation of those proposals, one of two things needs to occur: you either need to as a Board vote to waive the privilege for the JPA and put into the public record that information as may come up during the Q&A; or depending upon the question, it may well qualify for the Public Safety exception to the Brown Act and you can take it into “Closed Session.” Without usurping the power of Counsel, he can tell you from whispers back and forth what we are hearing already seems to follow squarely under that exception. We will deal with it more directly as we get to Item 10.

VI. ADMINISTRATIVE MATTERS (6 – 10)

6. Contract Broadband Engineering Services

a. **ACTION ITEM**

Scott Poster addressed the Board. He said it is recommended that the Authority authorize the Task Force Leader to execute a contract with a qualified engineering firm with expertise in LTE Technology to consult and serve as Subject Matter Experts for the technical aspects of the LA Safety Project. The contract would be for a term no longer than three (3) years and in an amount not to exceed \$1.5M. This action will further authorize the Task Force Leader or his designee to issue any necessary work orders and pay all invoices under this contract and report to the Board of Directors on a monthly basis regarding the status of the contract and any expenditure.

He also said that an RFP was issued and completed successfully. A rating of the solicitation was conducted and a vendor has been selected using the Informed Averaging. The vendor selected that we would like to bring to the Board for approval today is Televate.

Board Member LeRoy Jackson asked for the number of responses received. Scott Poster said there were three responses received.

Board Member LeRoy Jackson asked for the range of the dollars with regard to those responses and if they all met the criterion. He added that he knew it was not solely upon dollars that the decision was made. Scott Poster asked his Subject Matter Expert to respond to this.



Sara Henry, LA-RICS staff, responded that the proposal asked for hourly rates. So the responses provided hourly rates for the persons assigned to this task.

Chair Bill Fujioka asked if these responses all met the qualifications. Ms. Henry replied that they all met the minimum requirements and the qualifications.

Board Member LeRoy Jackson asked if they all responded to an hourly rate we gave them. Ms. Henry said, "No." We asked for hourly rates for personnel that they would assign to this project.

Board Member LeRoy Jackson asked if there was a not-to-exceed amount. Ms. Henry said that there was for the contract.

Board Member LeRoy Jackson asked if this was the \$1.5M. Ms. Henry said, \$1.5M for 3 years.

Board Member LeRoy Jackson said that obviously you would have \$1M, so you raise it to \$1.5M in the process. Scott Poster stated that it has always been \$1.5M.

Sara Henry stated that the environmental assessment contract is a not to exceed \$1M. But the prior contract was for the environmental assessment. This one is for the engineering services.

Board Member LeRoy Jackson asked what the range was between the three proponents, who submitted - from a high to a low,

Sara Henry said that it's hard to say the range for a single rate because it matters what company was assigned to the project. If a company assigned a Vice President or Partner versus a Level 1 or 2 Engineer, the rates would be different. The score was given based on the ranges, reasonableness for the person(s) assigned, and the rate assigned to that person.

Board Member LeRoy Jackson said that you had a cost of the proposal as one of the factors for consideration. Ms. Henry confirmed.

Board Member LeRoy Jackson asked what for the cost of the range of the proposal between the three. Ms. Henry said she would have to bring all three proposals up and she didn't have them with her.

Board Member LeRoy Jackson said, "So we don't know?" Chair Bill Fujioka then said that we do know that cost is one factor.

Sara Henry said that was correct...

Chair Bill Fujioka stated that the other factors of course are qualifications, what they bring to the job. Ms. Henry responded that this was correct.

Board Member LeRoy Jackson asked about the Evaluation Team membership.

Ms. Henry said the Evaluation Team was made up of four representatives from different agencies. We had an ISD Engineer, a Sheriff's Engineer, City of Los Angeles LAPD Representative, and Independent Cities Representative.

Board Member LeRoy Jackson asked who the Independent Cities representative was. Ms. Henry said the representative was from the City of Pasadena.

Board Member LeRoy Jackson requested the scores between the three and if there were score sheets. Ms. Henry said there were score sheets; however, they were in her laptop.

Board Member LeRoy Jackson said that for \$1.5M, we should look at the score sheets.

Board Member Mark Alexander added that given the amount of the contract, he would feel more comfortable voting on this item if he had a better understanding of the three (3) proposals and what



the recommendations were based on. He asked if there would be a problem in deferring this until next month. John Geiger said, "Yes."

Board Member Mark Alexander asked if we could enter into a short-term with the recommended vendor. Chair Bill Fujioka asked John Geiger to speak to this.

Board Member Lee Baca felt it was important to understand the details; but at the same time, this is a committee that is authorized under this Board to do this work. He said that he believes that we need to accommodate what we are doing here in a way that is confident to the task that we have delegated.

Mr. Geiger thanked Sheriff Baca. He said that if you really wanted to analyze these with greater granularity, which is not what he is recommending or endorsing, we could make all the documents available to the Board as soon as possible, either by way of posting them on the web or special delivery to their respective offices and we can come back with a Special Meeting within 72 hours because time is very much of the essence.

Board Member Greg Simay said that for future contracts of this kind, it would be helpful to establish a staff report that would summarize staff findings just to indicate what the range was. It's not so much doing the work of the evaluation, it's just being aware of the process that led to the decision. Board Member Mark Alexander agreed.

Board Member Greg Simay had a separate question. He wanted to know if the \$1.5M was covered by the BTOP grant. Mr. Geiger confirmed.

Board Member Greg Simay asked if there were three firms that were under consideration; and out of those qualifying firms, did one clearly stand out among the others? Scott Poster said confirmed there were three and one clearly stood out above the others.

Board Member Greg Simay asked if on the one that clearly stood out was there unanimous agreement among all three evaluators that that was the standout firm. Task Force Leader said it was unanimous.

John Geiger asked if of the four evaluators. Board Member Greg Simay asked if of the four (4) evaluators, was that pretty much unanimous judgment that the firm recommended was the top firm?

John Geiger said that in the front row someone was telling him yes. Board Member Greg Simay said okay.

Board Member Greg Simay said that on that basis, he felt comfortable approving that. However, he requested that for future items of this type there needed to be a brief staff report summarizing the process and presenting information that would answer these sort of questions that asked by Mr. Jackson and himself. Mr. Geiger agreed.

Board Member Miguel Santana felt comfortable supporting this as well; however, he had a question regarding the authorization of \$1.5M being requested while the actual contract is \$1M. He referred to Page 14 in the contract and requested an explanation.

John Geiger asked to bring his Grant Specialist back. Ms. Henry said that the contract attached for the Board's review is a sample agreement with all the terms and conditions that would be included. That price would change to \$1.5 million with the Board's approval.

Board Member Miguel Santana asked if Ms. Henry was asking that the contract itself be \$1.5 million or was authorization being requested. Ms. Henry said the contract will be for \$1.5M.



Board Member Miguel Santana asked for help in understanding the process and what that would look like as it relates to the change orders. It's in Section 6.3, on Page 12 of the contract. He asked Ms. Henry to explain to the Board what that would look like.

Sara Henry explained that the contract requires that the firm assign a Project Manager that would work with the LA-RICS Project Manager. Depending on the activities for the month, if there was a change order it would have to come through LA-RICS for approval prior to the firm beginning. One of the attachments to the contract is a form that they would have to fill out for approval by LA-RICS before they change something that's included in their Scope of Work.

Board Member Miguel Santana asked if it establishes the terms when it is a material change. Ms. Henry said that was correct.

Board Member Miguel Santana asked Ms. Henry if she could give an example of what a material change would look like so that we are clear on our end.

Sara Henry said it would be specific to this contract. For the Broadband Engineering we are asking the vendor to serve as a Subject Matter Expert to assist in negotiations, provide reports with the FCC Rulings, and help us on Initiatives with the National Broadband Plan. If there was a separate task that did not fall into the general categories that were included in the RFP that would probably qualify for a change order. It is hard to determine that at this point. Board Member Miguel Santana agreed.

Sara Henry said that something substantial would be beyond. . . Board Member Miguel Santana asked if that would be something beyond the scope. Ms. Henry said, "Yes."

Board Member Leroy Jackson said that it's not to exceed \$1.5 million. Sara Henry confirmed.

Board Member LeRoy Jackson asked if we have an estimate of what the contract is and as to what change orders will be added to? Ms. Henry respond, "No."

Chair Bill Fujioka said, "Not yet." Ms. Henry stated that not at this point.

Sara Henry stated that the scope of this project is such that we didn't anticipate change orders because we limited them to serving as Subject Matter Experts.

Board Member LeRoy Jackson asked if it exceeded \$1.5 million, she would return to the Board. Ms. Henry said, "Correct."

Chair Bill Fujioka said that we have had considerable discussion on this at this juncture and we will come back on subsequent contracts with the report requested by Board Member Greg Simay. He then asked if there was a Motion to move on this. Board Member Lee Baca made a Motion. Board Member Miguel Santana seconded the Motion. Chair Bill Fujioka said there was a Second and if there were any objections.

Board Member Mark Alexander said he would vote for the Motion but with one caveat. There is a termination provision within the contract which he is comfortable with; but can staff still send out the information regarding the other proposals so that at least the Board can review. Chair Bill Fujioka said, "Absolutely." Board Member Mark Alexander said that if there were any concerns, we can raise them at a future meeting.

Chair Bill Fujioka said that would be more than appropriate with that request that staff will send out information related to this bid and this contract.

He then asked for a motion to approve. **MOTION APPROVED**

7. 1511 Certification for the BTOP Grant



a. **ACTION ITEM**

Sara Henry presented information on Item 7 regarding Section 1511 Certification that is a federal grant requirement from the BTOP grant. On Page 46, regarding Guidance for the BTOP, since the BTOP is American Recovery and Reinvestment Act (ARRA) funding, we are required to comply with the terms and conditions of the ARRA Legislation. We are required to submit a 1511 Certification. This means that all infrastructure projects, where the recipient is the State or Local Government, must receive Certification from the State Governor, City Mayor or other Chief Executive confirming that the project has been reviewed and as required by the law, the project uses taxpayer dollars appropriately. This Certification would include a description of our project, the estimated total cost which we would break down with the in-kind, and the Grant portion. The Certification must be posted on our website, submitted to the grantor, and there must be a link to the ARRA.gov website as well.

Sara Henry informed the Board that a sample letter was attached for their review and this would be the letter signed by Scott Poster with your approval.

Chair Bill Fujioka asked for a motion to approve. **MOTION APPROVED**

Scott Poster said that relating to Item 8 and Item 9; we are requesting permission from the JPA Board to work with an attorney in Washington regarding the FCC Rulemaking Orders.

8. FCC Notice of Proposed Rulemaking regarding Channels 14-20

a. **ACTION ITEM**

It is recommended that the Authority approve the Task Force Leader to engage and retain legal counsel to file comments to the FCC's Notice of Proposed Rulemaking prior to the March 18, 2011 deadline. Technical staff has reviewed the Notice of Proposed Rulemaking and has met and reviewed it in order to assess a potential impact to LA-RICS. After careful review, the LA-RICS staff provided the Legislative Committee with their recommendation to support comments in regards to the fixed and land mobile allocations in the 470 through 512 MHz band segment, Channels 14 through 20, specifically that LA-RICS should it oppose the Proposal made by the FCC as the region has suffered from intermittent and harmful interference from the licensed, unlicensed, and uncoordinated users.

The Technical Committee has evaluated this proposal and is recommending that the Board authorize us to consult and provide our comments to legal counsel regarding this. We are looking for your approval.

Chair Bill Fujioka asked for a motion to approve. **MOTION APPROVED**

9. FCC Notice of Proposed Rulemaking regarding Technical Framework of the Broadband System

a. **ACTION ITEM**

Scott Poster recommended that the Authority similarly authorize the Task Force Leader to engage and retain legal counsel to file comments to the FCC's Notice of Proposed Rulemaking prior to the April 11, 2011.

Immediately following the publication of the Notice of Proposed Rulemaking, the LA-RICS staff met to review the document and assess any potential impact to LA-RICS. After careful review, LA-RICS Staff presented to the Technical and Legislative Committees the a list of topics they believe LA-RICS should submit comments on which include: (1) support for a broader interpretation of Section 337 in the Communications Act to permit use of the Public Safety Spectrum by utilities and critical infrastructure entities; (2) support the FCC's tentative



conclusion that Network should have the ability to support both home routed and local roaming configurations; and (3) support the FCC's effort to better engage public safety agencies to enter voluntary roaming agreements with the commercial operators.

Both the Technical and Legislative Committees approved recommendations made by the LA-RICS Staff. We are asking your approval to engage the attorney and comment to the Notice of Proposed Rulemaking.

Chair Bill Fujioka asked for a motion to approve. **MOTION APPROVED**

10. Motion by Board Member LeRoy Jackson

a. **ACTION ITEM**

Motion to release certain non-public information in connection with the voice/data solicitation to the Board of Directors.

Chair Bill Fujioka asked Jose Silva if using the Public Safety exemption the Board could move into "Closed Session." Mr. Silva believed that was appropriate. Chair Bill Fujioka said that as a group we will be moving into "Closed Session."

Board Member LeRoy Jackson asked for a scripting of how that is and why we can do that specifically. Chair Bill Fujioka asked for John Geiger to step up to the microphone to explain why we are going to do that. We will be sharing and discussing information specific to the RFP process. We some of that information is very confidential; it could impact our negotiations.

John Geiger said that a number of the questions that have come up from the Board this morning go to the status and strategy of the number and the reason for the vendors that are proposed for negotiations. Those go to the heart of the nature of the system which go to the heart and nature of public safety. He is confident that if the questions stay within those parameters we will be within the exception that allows us to go into "Closed Session." He also responded to Mr. Jackson, who had raised a Motion which is in Item 10. Those are really prerequisite questions to getting into the broader discussion of why we are taking the steps that we are proposing at this time. So he thinks that it is fine to merge those into a "Closed Session" discussion. Mr. Geiger anticipated that at end of this "Closed Session," this Board will come back out and answer or not, those questions, as well as advise whether we are going into negotiations with one or two vendors.

Chair Bill Fujioka mentioned that he saw Mr. Jackson's questions and there are some that we can report out. However, that will be a discussion among us.

Board Member Mark Alexander wants to ensure this is being done appropriately. He said that Item 10 on the Agenda is not listed as a "Closed Session" Item; therefore, would we need to take steps to add a "Closed Session" to the Agenda.

John Geiger said that the questions that are embedded in Item 10, which he expect to be a Motion, really are the prerequisite threshold questions that get you into the more difficult probing questions as to which vendors, why the vendors, how many vendors. And he thinks they merge together fairly quickly once the discussion starts.

Board Member Mark Alexander stated he understood the reason for having the Closed Session. His is more of process because it's not on the Agenda as a "Closed Session." It was on the Agenda as an "Open Session" item. He asked if the Board needed to take the action to add a "Closed Session" item to the Agenda that would encompass those issues.

Board Member Lee Baca said that in response to Board Member Mark Alexander's question, he believes that we should not be told the names of these vendors in contrasting whatever their bids



are. These vendors should be designated either as A or B, or 1 or 2. Chair Bill Fujioka said we can do that and asked John Geiger or Jose Silva if they would speak on how we can move this into Closed Session.

John Geiger deferred defer to Counsel as to whether we simply spill Item 10 in or add an additional item for those particularized Closed Session points which will come out of Closed Session.

Board Member Lee Baca said that the reason for his Motion or my point is that whether we are in Open Session or Closed Session, the prospective vendors will not be known to anyone on this Board in the discussion context. He did not think we should air, even in Closed Session, what the implications of the Closed Session will entail. Chair Bill Fujioka said he understood.

Jose Silva said he was not familiar with any part under the Brown Act that requires an item to be agendaized, specifically a Closed Session Item. However, in the interest of caution, if the Board needs to take an action to allow that to happen, he did not see any problem with that. He hoped that responded to their question.

Board Member Lee Baca agreed that Board Member Mark Alexander raised a good question. He believes there's no doubt that whoever didn't get selected is going to have some back-up considerations as to an Appeal process. We went through this before, and months ago with the prospects of appeals. He said the net outcome is not going to change, unless we are trying to overturn something. Chair Bill Fujioka said he understood; and at this time, we are just trying to find out if we can properly move into Closed Session.

Board Member Greg Simay also agreed with Board Member Mark Alexander. An abundance of caution is called for because we're not sure how the discussion will go or what might be discussed. He felt it was better to have a "Closed Session" and not a procedural question in consideration for the rest of the audience. He suggested the other Agenda items be taken care of first and then deal with this as a last item. John Geiger said that would be fine.

Chair Bill Fujioka said that at the conclusion of a Closed Session Item, we would be required to speak to our final decision. He recommended a Motion given what was discussed today, to move Item 10 into "Closed Session." **MOTION APPROVED.**

Board Member Mark Alexander requested to debate that a little bit because there were those two prongs. He wanted to know why the need to take immediate action and whether these issues are in fact items that came to the attention of the Board following the posting of the Agenda. He felt that for the record this should be in the Minutes.

Chair Bill Fujioka said that was a good point and at this juncture right now, was this the time to have this discussion.

John Geiger said that you have the clock ticking very loudly on your grant funding, and he could provide more details about that if the Board wanted to either waive their privilege or take this into a Closed Session discussion. He restated the fact that time is very much of the essence.

Chair Bill Fujioka said that one was a timing issue. The second issue relates to whether or not there is an urgency factor to discuss this Item 10 right now. A number of questions have been raised because of Item 10 causing this Board to invoke the Public Safety exemption to move into Closed Session.

Board Alternate Andy Fox said that we were then not really adding an item to the Agenda.

Chair Bill Fujioka stated that we were not adding an Item. Item 10 was already on the Agenda. What we are deciding to do today, under the provision of the Public Safety exemption, is to move this into Closed Session. John Geiger agreed.



Board Member Lee Baca stated that as a point of clarification, this is a Motion to release certain non-public information in connection with the Voice Data Solicitation. Are we talking about the whole project or are we talking about something distinct?

Chair Bill Fujioka confirmed that we are talking about Voice Data Solicitation. We understand there are some other issues that have been raised that are not appropriate for an Open Session meeting because there is very confidential information that could impact the negotiations and the solicitation process. That's why the need to go into Closed Session.

Board Member Lee Baca said that we have to be really clear that the implication is that there is a potential conflict somewhere on this Board. Chair Bill Fujioka said that it's not a conflict. It's information that is disclosed.

Board Member Lee Baca stated that if any one of us has a system that is ostensibly managed and operated or brought about on-line because of one of these vendors, then ultimately the purpose of this conversation is to understand what the impact is regarding that. He said that we either have a vendor that we are going to approve or we don't. Now, all the analytics that we want to have in the way of open questions on this Board could lead to what, is my question. Are we doubting what this process is or are we in a position to even doubt this process? If anyone wants to step into the RFP Response Team and challenge the element Response Team, then he thinks we are wasting our time.

Board Member Mark Alexander added to the Sheriff's comments. He said that at least the two questions that he asked may be suitable to an Open Session discussion. His questions were: (1) Are we going to negotiate with one vendor or multiple vendors and what is the jeopardy to this Board having that discussion in Open Session without mentioning names of the vendors; and (2) Are any of the negotiations on the Negotiation Team members of a city that currently contracts with either or any of the multiple vendors.

Chair Bill Fujioka said that with respect to the first question, the vendors who were at least in the final round are here. There is information specific to their proposals used to reach the decision to move forward in the manner in which we are moving forward. That information which would be shared in Closed Session would have an impact in negotiations.

John Geiger said it would. He said that certainly under the most traditional, invariable County procurement procedure he would rather bring all this information to the Board as part of the open record for very robust discussions/questions with a finalized final offer in the form of a signed contract from a vendor on July 7, 2011 than to try to go through the machinations of finding a way to give the Board piece meal information which may not advance your curiosity because there are certain variables that remain influx until you have that signed contract from a vendor.

Board Member LeRoy Jackson said that it was his Motion, in a sense, that started this. He didn't think it is machination or odds-mend information. It is very important to him as a member of the Board to understand the process that you have gone through. You have a process that is exceedingly different than what we would use in the City of Torrance. He was trying to relate to it as best he could. Two things, you had asked that we take a Motion at 10:30 to extend the meeting?

Board Member Greg Simay reminded the Board that someone (Scott Poster) had mentioned a 90-minute limitation. Board Alternate Andy Fox asked if there was ruling.

Board Alternate Andy Fox made a Motion to extend the meeting. Board Member Greg Simay Seconded the Motion. Chair Bill Fujioka said there were no objections. **MOTION APPROVED.**



Board Member Lee Baca asked for a discussion before the objections point. He stated that he really didn't believe you can cherry-pick this project to the extent that's appropriate for all on this Board because we are an approval body. We hired a lot of people and we have contributed a lot of people into the process. We set the terms and conditions of these RFP's. The process within the RFP's were approved and vetted within our authority. He felt that if there is something that Board Member LeRoy Jackson is uncomfortable with, he should put it on the table and asked him what he would have done differently had he had the full, sole authority to do so as a City Manager of the great City of Torrance.

Board Member LeRoy Jackson stated that he addressed the five points that he brought to the Board as an Agenda item. He said that normally this would be done before we go into negotiations so these five points would be covered. Second, if we are going into an Executive Session, we should have a scripting of how that is. It's not safety; it's regarding security measures that are allowable under the Brown Act. We should be very accurate on what we are doing and the constraints of what the discussion should cover in an Executive Session.

Board Member Greg Simay stated that he supported Board Member LeRoy Jackson. The significance of Item 10 to him is that ultimate responsibility for whoever is selected and however the project turns out will rest with this Board. However talented the staff is and however technical the issues are, there is a distinction between policy and the staff work. His concern was that it is very easy, especially in projects of this type, for policy decisions to be automatically embedded in staff work rather than drawn out. An example would be a decision to negotiate with one vendor rather than multiple vendors. There may be good reasons for that, but unless there is a legal or procedural constraint that says we have to do it that way, that's something that that can and should be debated by the Board and can be debated even in a way that doesn't necessarily require you to know specific vendors or bids. Other policy decisions that needed to be discussed are Change Order Risk. These are all things that should be debated by the Board, especially because in the end it's the Board that's going to have to answer to any legal or other challenge or our various constituencies on the progress of the project. We need to make sure that we have the appropriate policy debate and how much of that information may require specific bids as part of what Item 10 is. But we need to know enough information to have a decent policy debate on these issues.

Chair Bill Fujioka agreed with the policy debate. However, he felt what was important is that we do so with the proper context and with that information. Doing so in a vacuum, one could easily say there's no difference between negotiating with one or two. Once, we understand the specific reason and the basis for moving forward in one of those directions then we can make an informed decision. He mentioned that there was a Motion to move into Closed Session, where the Board could have that discussion. If after that, people are unsatisfied, then we will take appropriate action from there. He again repeated that there was a Motion to go into Closed Session and asked for a Second. Board Member Reggie Harrison Seconded the Motion. Chair Bill Fujioka said they would now go through a roll order vote because we needed that 4/5's.

Scott Poster said that we need the findings Board Member Mark Alexander mentioned first. Those findings are important before we can even put that on the Agenda. Chair Bill Fujioka agreed.

Board Member Miguel Santana asked that the Board members be reminded what the two findings need to be.

Board Member Mark Alexander stated the first item is to add an item to the Agenda adding a Closed Session to the Agenda. There must be a finding that the matter came to the attention of the Board following the posting of the Agenda, that's the first issue; and the second is, if there is a need to take immediate action that requires a 4/5's vote.



Chair Bill Fujioka directed his comments to Jose Silva telling him that he did not believe that an Agenda item was being added. He said we were speaking to Agenda Number 10. With information that has been presented, we are now asking to use the Public Safety exemption to discuss this Item in Closed Session.

Jose Silva said, "Right." However, he believed that Board Member Mark Alexander is basing his view on that, and he thought that may be correct. Chair Bill Fujioka reminded Jose Silva that he was our County Counsel.

John Geiger stated that the new items that have come up since the posting of Item 10 relate to the fourth question under Item 10, additional questions that were raised during this Board meeting. These are Items 3 and 7, which we agreed to hold until Item 10. Board Member Mark Alexander responded to those two prongs saying it might be helpful and asked County Counsel, City Attorney, for assistance. He said that the first prong was on the issue of when the matter came to the attention of the Board following the posting of the Agenda. The item that we are adding to the Agenda is a Closed Session. He would say that in that first prong the questions raised at today's meeting were after the posting of the Agenda and those questions give rise or a need to discuss them in a Closed Session. Board Alternate Andy Fox agreed.

Board Member Mark Alexander stated that his second prong is the Board needs to take immediate action; and for that, he needed help to understand why we would need to meet in Closed Session today in order to move this particular item.

Board Member Lee Baca expressed that he had no problem doing this in Open Session. His concern was that he did not want the vendors identified in this discussion.

Chair Bill Fujioka stated that with the information that is going to be discussed it would be very easy to identify the two vendors. A discussion followed on the number of vendors.

Board Member LeRoy Jackson said was partially why he brought this matter up. He said that apparently folks do know how many vendors and an awful lot of information. Board Member Lee Baca thought that was in the presentation that was made earlier. Board Member LeRoy Jackson stated that it was decided on one vendor to negotiate with. Board Member Lee Baca stated that if we decided on one vendor then we are saying that we want to challenge the one vendor and is what this discussion is about?

Chair Bill Fujioka mentioned that the question regarding whether or not to negotiate with one or multiple vendors was posed by Board Member Mark Alexander.

Board Alternate Andy Fox asked Jose Silva for clarification. His understanding is it is Jose Silva's recommendation that as the Counsel any further discussion with respect to Item 10, we've discussed Open Session. Now he's hearing that further discussions need to be taken into Closed Session. Jose Silva confirmed and said that was based on information that received. Board Alternate Andy Fox further stated that in a sense Jose Silva was stopping the Board and saying "hold it," your discussion thus far is appropriate for Open Session, but he is recommending now that you go into Closed Session to protect the public safety. Jose Silva confirmed and said that was the argument.

Board Member Reggie Jackson asked, going back to Board Member Mark Alexander's original question which was, "Is it the intent to negotiate with one vendor or is it the intent to negotiate with multiple may be two vendors" what the Closed Session requirement was to have that discussion.

Chair Bill Fujioka said that was one question being asked; and to reach a proper decision, we need information, we need context. However, you just can't, in a vacuum, decide to negotiate with one, two, three, twenty of them.



Board Member Reggie Jackson said the other question is the number of proposals that were submitted by vendors regarding the RFP. This is a simple straight-forward question. How many proposals were submitted? Can we discuss that? John Geiger, said that only if this Board so moves to waive the confidentiality. Board Member Reggie Jackson stated they were asking for the number, not names, of the proposals submitted by the vendors.

Chair Bill Fujioka reminded the Board that they made a policy decision related to confidentiality. As a Board we could waive, however, he suggested that we don't and to move this forward.

Board Alternate Andy Fox said that if we could go into Closed Session and discuss these issues based on the Chairman's comments and the questions that Board Member LeRoy Jackson asked, some of the information would then be reported after the Closed Session. Some of the questions would be reported out after discussed in Closed Session; some the Board may choose to not disclose.

Board Member Lee Baca for more clarity asked if Board Member LeRoy Jackson had not posed this Item at all, what would we be doing at this point in order to move this process forward.

Chair Bill Fujioka stated that Board Member LeRoy Jackson asked a number of questions that are well within his rights to ask; and the one thing that we are trying to do as we move this effort along is to be responsive to the needs of the Board. Right now it's whether or not we can move it to Closed Session and Board Member Mark Alexander's concerns are well stated.

Chair Bill Fujioka acknowledged that there is a problem on whether or not we can go into Closed Session and suggested that maybe we should consider Special Meeting the early part of next week. We properly agendaize this and that will make the Motion move. Then we have the Sheriff's concerns of whether or not some of these discussions should in fact be in an Open Session or even entertained at all. He agreed we need to be sensitive to one person's request.

Board Member Lee Baca said that he agreed with the point, but you are talking about an RFP process that we approved. Chair Bill Fujioka agreed.

Board Member Lee Baca expressed his concern that some of these questions should have been raised prior to the RFP going out; and now that the authorization for the process has already been approved some say that we have some post policy issue from the RFP. However, it involves the RFP because we want to know if we can go to multiple vendors. He felt this should have been raised at the onset and that if we have authorized what we currently got before us today, now is not the time to say, "But you didn't do this."

Board Member LeRoy Jackson agreed it was a good argument if this is discussed in public. That may be a "yea" or "nay" on whether 10 is approved or not. This does not deal with the process itself or with any changes in what has happened at all. It is a discussion as to how transparent the process should be and the information that should be made available, not only to the public. The only way it can be available to the Board is through this Motion. It's a reasonable discussion of how public we should be as we go through this process. The Sheriff's position is very strong and it may be argued that this should not be public and that's something that certainly can be persuasive to the Board. His issue of making it public may be persuasive if we discuss it publicly or if we discuss it in Exec Session.

Board Member Greg Simay said that unless staff is proposing that the negotiations be with one vendor, his past experience says it's good to have at least two for more negotiation leverage, particularly if you have structured your bid in such a way that staff has the freedom to award different items to different contractors in a way that makes technical sense. If yes, then why don't we make maximum use of that assuming that Vendor A may be competitive in Item X and Vendor



Y competitive in Item Y. He said if we go down the road negotiating with one vendor possibly with insufficient information this is basically making a hundreds of million dollar decision or acquiescing in something that could potentially swing a lot of money. It's an issue of policy as to whether we want to restrict negotiations to one vendor.

Board Member LeRoy Jackson stated that this takes us into Items that are not on the Agenda today.

Chair Bill Fujioka said that there has been considerable discussion and reminded the Board that there was a Motion on the table. He also said he would entertain any other Motion that anyone else has.

Board Member Lee Baca presented a counter Motion to handle now in Open Session and predicate it on the advice of County Counsel on whether an Open Session discussion on Board Member LeRoy Jackson's Item in any way encroach upon future elements of this Board's responsibilities as to the RFP process that we have authorized.

Chair Bill Fujioka added or compromise the integrity of the process and asked County Counsel if we could have that discussion. John Geiger added that while County Counsel is making his way to the podium, as Lead Negotiator, he is reluctant as we are still in the midst of the process. We have not even gone into the room with a vendor yet. It is absolutely unprecedented under County policy to even be taking this into Open Session. He compared it to having public negotiations or putting it on the Board of Supervisors meetings each Tuesday.

Board Member Lee Baca said that whether it's Closed Session or Public Session, we shouldn't be doing either one if you are talking on the level you just said. He believes that the key point of the Chair's concern, which is all of our concern, is that we have a timetable to meet. And at the same time, he believes this discussion that is being proposed for all good purposes should happen. But the question is, "Is this the right time?" Does it stop the process at a later point for the approval when we get to that place?

Board Member Mark Alexander indicated that he had no problem coming back on another day within the next week and doing this properly.

Board Member LeRoy Jackson made a Motion to adjourn this meeting to a time and place that the Chair sets forth to consider this Item. Board Member Greg Simay Seconded the Motion. **MOTION APPROVED**

Board Member Miguel Santana asked that for a point of clarification, we be clear as to what specifically will be agendized and what action would be expected from this.

Board Member Mark Alexander asked the Chair Bill Fujioka if County Counsel would take a serious look at the questions that were raised today and parcel out which items are suitable for an Open Session discussion and which are suitable for a Closed Session.

Board Member Miguel Santana speaking on Item 10, said that if he read the Motion correctly, there are a series of questions that being asked; however, it's not clear what the anticipated action would be.

Board Member LeRoy Jackson said the purpose for the letter and the questions is that the County procedure is very finite and straining. If the Board chooses they can make more things available to the public than is prescribed under the County process. Based on a discussion of these items, they could be added to information that we could make available or not.

Board Member Miguel Santana asked if the larger discussion is really in relations to this process to provide direction to our negotiators as they precede forward in negotiating this contract.



Chair Bill Fujioka did not view this as direction. These were specific questions asked by Mr. Jackson. He said that there are also questions that arose as we discussed other Agenda Items which were deferred and moved into Item Number 10. But we do have the Motion for a future meeting as deemed fit. He asked if we are also going to start negotiations soon. John Geiger confirmed. Chair Bill Fujioka then stated that we are proceeding. This should not delay what we are trying to do, right? John Geiger confirmed. Chair Bill Fujioka added that the Sheriff has raised a very good issue but on a procedural basis. A Motion has been made and Seconded calling for a Special Meeting to discuss Item 10, the questions, and previous items that have been moved into 10. He also felt that Board Member Lee Baca is going to have a Motion following that speaks the need to do that. He asked to deal first with the Motion on the table. He asked if a roll vote was needed.

Board Alternate Andy Fox had a question regarding clarification. He wanted to hear from staff regarding the ramifications of a future meeting as it relates to the negotiations process versus dealing with the issue now. John Geiger said that Sheriff Baca questioned earlier if we weren't having this discussion what would be happening. The short answer is the process is self-executing. We will continue under standard operating procedures to move forward in completing a Gap Analysis, preparing to go into the room with a vendor, and commencing negotiations. It should not have an impact. However, what would have an impact would be if there were some instruction that would spell out that these are the Items on how a vendor was selected, what criterion was used, and contrary instruction which would supplement what we would otherwise be doing under standard operating procedures.

Board Member Lee Baca was concerned about what Board Member Greg Simay had said regarding what we've done today. As a matter of process and this Board's authority he felt that Board Member Greg Simay should have raised that issue when we were putting the RFP criteria together because it's a substantial departure from any project that he has ever been involved in. Board Member Lee Baca said that he, himself, has experience when it comes to Joint Powers Authorities. He understands what the technical systems are in a radio communication network and understands the federal law which he's lobbied for to get us to this point. But it troubles him for any member of this Board to think that somehow this is some kind of exercise of liability. When you are in place where the users are firefighters, police officers, and medical people, this is an unprecedented process and opportunity. What we need is to have confidence in our Chair and confidence in our Board as a sound component of the success path that is necessary to get this thing done. These have been good to raise questions but if someone on the Board cannot accept that we have established the RFP process very finitely with huge investments on all the elements of the participants now at the twelfth hour when the battle is about to ring wanting to change the rules that is totally unacceptable.

Board Member Greg Simay stated the RFP process is not being challenged, unless the RFP process restricted to negotiating with only one vendor, which he does not believe it does. Whether or not you negotiate with one vendor is an issue that is at least potentially a policy issue or at least an issue when you are talking about a contract that is worth some hundreds of millions of dollars. That is something that deserves some discussion by the Board. Just as in the negotiations process of making sure that the Error Bar of the Change Order Risk. This is true of any vendor of any RFP process. The Board has let the process run its course. The vendors were evaluated, a ranking has been made, and now we are simply saying that the ranking has been made and we are about to negotiate with a vendors in the absence of specific knowledge. There are good general reasons to negotiate with more than one vendor and there may be good reasons not too. But at this point, the Board doesn't have enough information to know from a policy point of view which might be best. Now we can rely on staff but that is surrendering too much policy



discrepancy that the Board needs to retain. John Geiger said we very deliberately do write the RFP so we have maximum latitude and exercising discretion in the best interest of the Authority. If there were a policy question necessary in which discretion needed to be exercised we would have brought that forward to the Board.

Board Alternate Andy Fox asked to pick-up on what Mr. Simay discussed. From staff's recommendation, if you were to get direction either today or two weeks from now from the Board regarding negotiations, either dual or separate negotiations with the various vendors, would you need to know that sooner rather than later? John Geiger responded that sooner is always preferable; however, it didn't have to be immediate.

Chair Bill Fujioka asked John Geiger if in the evaluation of the RFP process, he ever felt that his course of action met not only the structure that we put in place, but is the best decision to find the best vendor for this very important effort.

John Geiger responded that he believed that we are on very solid ground and that we do not preclude any options at this juncture. We continue to keep an eye open for those and he would most certainly, as Lead Negotiator, bring forward in Closed Session any questions that require a discretionary call by the policy makers.

Chair Bill Fujioka asked John Geiger if at any given point in time there was the need to bring a significant policy decision to this Board would he hesitate in doing so. John Geiger responded, "Not at all." He then acknowledged that someone asked a question but hearing from Sheriff Baca, there might be a subsequent Motion to this. The first question is related to having a Special Meeting that we would agendize very quickly to have this Closed Session discussion. Chair Bill Fujioka conducted a roll call vote. Below is a summary of the votes:

YES	NO
Jackson	Baca
Gibson	Zipperman
Chidester	Osby
Simay	MacCarthur
Santana	Fox
Harrison	Fujioka
Alexander	
Webster	

Chair Bill Fujioka stated that with a majority, the Motion carries. **MOTION APPROVED.**

Chair Bill Fujioka said that we will work with staff and County Counsel regarding calling a Special Meeting sometime next week. It will be posted to meet the 72-hour requirement.

Board Member LeRoy Jackson wanted to take note saying that six months, seven months down the road, when the Agenda Item comes forward on the proposal so we have an overall ongoing cost factor as well. Chair Bill Fujioka noted Board Member Leroy Jackson comments and said no action required for that.

VII. MISCELLANEOUS – (None)



VIII. ITEMS FOR FURTHER DISCUSSION AND ACTION BY THE BOARD

These issues are **to be discussed at a future meeting**:

1. a. Project Funding and Guidance Feedback
 - To what extent a subscriber unit would speak to part of the financing packet
 - To what extent will that be viewed as the responsibility of the agency
- b. Project Risk Controls
2. The Lifespan of Equipment and Associated Costs
 - Depreciation and Replacement of Equipment
 - Annual License Costs related to any proposals (e.g., software or other elements)
 - Annual Anticipated Maintenance Costs
 - Annual Management Operational Costs

Chair Bill Fujioka noted Board Member Leroy Jackson comments and said no action required for that.

IX. PUBLIC COMMENTS

No additional comments from the public on items of interest were received.

X. ADJOURNMENT and NEXT MEETING

Chair Bill Fujioka mentioned that a Notice of the Special Meeting would be sent out. He adjourned the meeting at 11:05 a.m.

The next regular meeting of the Board of Directors is scheduled for Thursday, April 7, 2011, at 9:00 a.m. at the Grace E. Simons Lodge