



# **Board of Directors MEETING MINUTES**

## **LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY**

June 2, 2011

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

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### **Board Members Present:**

**Jacqueline A. White**, representing William “Bill” T Fujioka Chair, CEO, County of Los Angeles  
**Leroy “Lee” D. Baca**, Sheriff, County of Los Angeles  
**Reginald “Reggie” Harrison**, Deputy City Manager, City of Long Beach  
**Harold Scoggins**, Fire Chief, City of Glendale, representing the Los Angeles Area Fire Chiefs Association  
**Mark R. Alexander**, City Manager, City of La Cañada Flintridge, representing Contract Cities Association  
**LeRoy J. Jackson**, City Manager, City of Torrance, representing At Large Seat  
**Donald “Don” Pedersen**, Police Chief, City of Culver City, At Large Seat  
**Gregory “Greg” L. Simay**, Assistant General Manager, City of Burbank Water & Power, At Large Seat

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### **Representatives For Board Members Present:**

**Patricia “Patty” J. Huber**, representing Miguel Santana, CAO, City of Los Angeles  
**Andrew Fox**, representing Millage Peaks, Fire Chief, City of Los Angeles Fire Department  
**William Fierro**, representing Charles “Charlie” L. Beck, Vice Chair, Police Chief, City of Los Angeles  
**June Gibson**, representing Gerry Miller, Chief Legislative Analyst, City of Los Angeles  
**Scott Poster**, representing Daryl L. Osby, Fire Chief, County of Los Angeles  
**Cathy Chidester**, representing Dr. Mitchell H. Katz, Director, DHS, County of Los Angeles  
**John Gutierrez**, representing Steven K. “Steve” Zipperman, Police Chief, Los Angeles School Police Department  
**Derek Webster**, representing Kim Raney, Police Chief, City of Covina, At Large Seat

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### **Officers Present:**

**Pat Mallon**, LA-RICS Executive Director  
**Rachelle Anema**, representing Wendy L. Watanabe, Los Angeles County Auditor-Controller  
**Patricia Saucedo**, Board Secretary

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### **Absent:**

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



I. CALL TO ORDER

Chair Jackie White called the meeting to order.

II. ANNOUNCE QUORUM – Roll Call

Chair Jackie White made an acknowledgement that a quorum was present.

III. APPROVAL OF MINUTES

Motion was approved for Minutes from the May 19, 2011, Board of Directors Regular Meeting.

IV. CONSENT CALENDAR – None

V. REPORTS (1–3)

1.a. Finance Committee – Report

Board Member Simay stated that the Finance Committee met on May 26, 2011. The Finance Committee considered alternatives due to economic times since cities would not be able to bear a direct assessment and such cash flow from an assessment would not come in until January of 2014. Alternatives include a phasing approach that focuses on parts of the system that are in most need of replacement and pursuing available grant funding aggressively. Another consideration may be that cities that do not need to replace their systems immediately would not have to contribute until they began to take advantage of the system.

Board Member Jackson expressed concern over committee getting a quorum as they have not been able to have individuals stand in. Board Member Jackson suggested that the committees follow the same procedure used for the Board meetings, so that they can achieve quorum more often.

Board Member Alexander suggested that the Board refer to the JPA Agreement and Bylaws due to the Brown Act. Board Member Baca asked if there was a regulatory practice to amend bylaws so that the existing attendees could make their decisions absent the need for a quorum. County Counsel stated that he agreed with Board Member Alexander to refer back to the JPA Agreement.

Chair Jackie White requested Counsel to review and staff to place this item on the next agenda.

1.b. Legislative Committee – no report.

1.c. Operations Committee – no report.

1.d. Technical Committee – no report.

2. Director's Report

a. Executive Director Mallon reported that the negotiations team is closing in on the statement of work and anticipates presenting the contract, statement of work, evaluation process and negotiations to the Board on June 16. John Geiger clarified that the contract to be advanced includes the terms and conditions, statement of work, and exhibits.

Board Member Jackson requested a presentation by staff, written, followed up by oral presentations of the process, the original RFP, things modified in the RFP and significant changes done in documentation. John Geiger explained that the Board will have complete visibility as to all changes. John Geiger further explained that after the initial presentation, subsequent weekly meetings will allow the Board to come back with questions and the staff will provide presentations on those particular topics.



Board Member Jackson commented that he would like to have items ahead of time, in written form and an outline of County procedure that was followed. Board Member Baca suggested a subcommittee to review the contract that can meet for a day or two. John Geiger recommended that the Board meet for the first meeting and then decide the most effective way to deal with it, whether directly by the Board or subcommittee.

Board Member Simay requested that the meeting also address the changes from what was proposed to what was in the original RFP and whether the negotiations team had been made aware of various strengths and weaknesses of the proposals. John Geiger stated that these questions will be address in the presentation.

Board Member Baca discussed LA Innovation day and requested the Board to write a letter to Senator Rockefeller about the D Block and the Board's willingness to enterprise with the private sector. Further discussion took place regarding the Rockefeller bill and funding opportunities. Board Member Poster clarified that such funding is for the broadband system only.

Executive Director Mallon reported that on May 23rd proprietary information was disclosed from one proposal to the representatives of the group that are currently in negotiations. It was immediately brought to the attention of John Geiger, negotiations were immediately suspended, the information was immediately retracted and digital files were deleted. The individual who share this information was under a nondisclosure agreement and has been terminated from further participation. A letter was sent to Motorola on May 25<sup>th</sup> advising them of the situation in the interest of full disclosure. On May 31<sup>st</sup>, LARICS received correspondence from Motorola formally protesting a breach of confidentiality, demanding cessation of negotiations, explanation as to why the information was shared and request to speak to the individuals involved.

Board Member Baca asked if the information was shared after the RFP responses were submitted. Executive Director Mallon responded that it was after vendors submitted their proposals. Board Member Baca asked if the details of what occurred were disclosed in the letter to Motorola. The Board discussed the disclosure of information and whether the matter should be considered in closed session. Board Member Jackson requested a copy of the Motorola letter and the response letter.

- b. Executive Director Mallon reported that to move the project forward there is a need for project management services. This service should include document control, cash flow analysis, monitoring of progress, CEQA mitigation and technical expertise. Executive Director Mallon proposed releasing an RFP for project management services. Once the RFP is developed it will be shared with the Board for approval prior to release. This will be a 4-6 month process at best.
- c. Executive Director Mallon reported that an amendment will be executed with UltraSystems to close the environmental assessment that was required for BTOP. Executive Director Mallon stated that a new solicitation will be issued for the additional environmental services required for this project.

### 3. Grant Status

Susy Orellana-Curtiss reported that there are no grant updates. Ms. Orellana-Curtiss introduced the BTOP grant federal program officer, Lance Johnson visiting from the Department of Commerce.



Board Member Scoggins asked if there were updates on the 2008 extensions. Susy Orellana-Curtiss explained that supplemental information was requested from the Grantor, which LA-RICS staff provided and she hopes to hear back within the next few weeks.

Board Member Scoggins asked if LA-RICS can we spend the \$34 million between June of '11 and May of '12. Susy Orellana-Curtiss answered that with successful execution of the contract, LA-RICS plans on spending by those deadlines.

VI. DISCUSSION ITEMS:

4. Whether agencies must be a member of LA-RICS to benefit from the data network supported by BTOP funding.

Board Member Simay posed a question as to whether member agencies must be a member of LA-RICS to benefit from the data networks supported by the BTOP funding. Board Member Simay stated that the Board may have to consider modifying the JPA Agreement so the agencies can join the broadband component of the project. Lance Johnson stated that he sees no reason why other first responders may not use this system as long as they meet the definitions found under the FCC's use of the spectrum.

Board Member Jackson asked if the JPA will be entering into agreements with agencies for site use. John Geiger stated yes based on a site by site basis, LA-RICS would enter into appropriate agreements. Board Member Poster stated that site agreements are important to facilitate and expedite with the LA-RICS project team. Board Member Jackson stated that if there are draft agreements, they should be sent to the cities so that they can review the provisions.

5. Administrative Protest Procedure Review

Board Member Jackson stated that he had a major concern with this item as it has been shorthanded to administrative protest procedure. Board Member Jackson concern is that if agenda items are requested in writing, and later not placed on the agenda then why are we putting them in writing and how do we put something on the agenda. Board Member Alexander stated that there was to be an action item to determine the delegation of the process which is also not on the agenda.

John Geiger stated that he knows the central concern is in regards to who handles the administrative protest and the second concern is exactly what does that protest look like. John Geiger stated that upon receiving the letter of protest, per protocol, a single evaluation is reading the protest and is going to provide a recommendation. The recommendation is anticipated on June 16<sup>th</sup>, at that time the Board may accept, reject or ask for further recommendation. Once negotiations close, both vendors will have the opportunity to request a three panel review on the issues which have been raised now or future issues.

Board Member Jackson requested the protest procedure in writing and copy of the protest. Board Member Jackson also requested that an action item as to the makeup of the review panel be placed on the next meeting agenda for full discussion.



Board Member Alexander stated that his focus is on the delegated authority, who are the individuals or what is the body that takes up this process and has this body been delegated that authority to those individuals.

John Geiger stated that it was a two-step delegation. First, the Board adopted the County process for procurement. For turnkey system procurement, the Board has retained the County's purchasing agent, Internal Services Department. When protests come up, there are individuals who have been trained to evaluate protests. Board Member Jackson stated that he wants to talk about the process at the next regular meeting since it was not an action item on this agenda. John Geiger stated that all written motions that are timely will be captured in the agenda.

John Geiger stated that the procurement process afforded an administrative review which provides a cost effective way to get an early look to see if there has been any deviation from the process or a mathematical error. Board Member Scoggins asked if staff was going to send the letter that Motorola sent back to LA-RICS, along with the original protest letter and responding LA-RICS response letter, to get a complete picture before the next meeting. John Geiger said yes and in addition the written recommendation of the evaluator when he completes his review.

Public Speaker Card – Andrew Kugler from Mayer Brown, representing Motorola, urged the Board to get the full information of the protest letter. He stated that he believes some very serious defects have occurred in the evaluation process, which are delineated in the protest letter. Andrew Kugler also stated that he suggests the disclosure of information is related to the evaluation flaw. Andrew Kugler stated that the ultimate issue for the Board is to decide whether the Board is going to get the best possible system at the most cost effective price and that the Board to have full information.

6. Funding Plan and Infrastructure Commitment

Board Member Jackson stated that this item comes back to a consistent theme of participation, whether there is a linkage in the contract between available grant funds and deliverables in a phasing concept. Board Member Jackson stated that if they are buying into a funding plan without funding there is going to be serious concerns from the agencies.

John Geiger stated that there is another issue regarding system design, he will need infrastructure commitments before they talk about money.

Board Member Baca stated that there is a financial concern from the independent cities and that there needs to be flexible decision making options. If a city is not able to meet the risk, does not have to be a part of the system. Board Member Baca stated that the process should consist of a mechanism that when you are able to opt in, here are the obligatory financial elements that you would need to fulfill. Board Member Baca suggested setting up a subcommittee that can have a more extensive dialogue on this issue and come up with a membership plan to take back to their councils.

Board Member Jackson asked if there will be an infrastructure plan that will have an identification of what agencies within LA-RICS will be committing to when the contract comes to the Board. John Geiger agreed. Board Member Jackson explained that in a sense individual agencies don't opt out



but rather they opt in when they are ready to join actively in the system. Board Member Baca stated that LA-RICS is in a position to set policy regarding cities that cannot purchase a system.

John Geiger stated that the JPA Agreement is very rich about not committing resource until a finance plan is put in place but the system design will require knowing who is in and who is out.

Board Member Fox stated that the technical people that are designing the system need to fill a hole. If the City of Torrance, for example, decides that they do not want antennas on their fire stations, and if this is done after the contract, it will result in a change order. That will be a very expensive change.

Board Member Baca stated that on the idea of a funding plan, his job and other peoples job, is to try to find more money. Board Member Baca stated that he hopes that they decide as a governance body to support the Administration's effort to give us the D-Block. To do that, LA-RICS will have to also maneuver the politics of Congress and the Senate. The Administration has asked for political help to ease the private sectors politic against us having the D-Block by supporting enterprise sharing. Board Member Baca stated that he would like to amend the bill that would allow us to option into enterprise sharing based on the approval of the authority.

Board Member Poster clarified that this item has already come to the Board, that the Board has approved a position to support the D-Block to public safety. Board Member Poster stated that the Board was briefed on Senate Bill 28 and HR 607 and proposed Senate Bill 911 and this information will be incorporated into the letter. The Board agreed that they can support the letter.

Board Member Baca explained the history of the D-Block and stated that LA-RICS needs to give the members of Congress a reason not to oppose. That reason is that LA-RICS is not opposed to enterprising with the private sector. Board Member Simay added that Los Angeles County is the most populous county and one of the greatest first responder demands. If we can have it here then it ought to work throughout the country.

Board Member Fox moved to extend the meeting time. Approved.

Board Member Harrison stated that they haven't had time in this meeting to thoroughly vet what it means that local government are going to participate with the private sector. Board Member Harrison explained that in the City of Long Beach they have modified how they will work with private vendors in terms of cell towers and there is nothing in the packets to provide the information to articulate back to the elected officials in Long Beach.

Board Member Baca explained that the City of Long Beach does not have to give up towers or need to do anything with the private sector. Board Member Baca stated that the Board is capable of protecting you relative to that particular concern. The Board further discussed the language of the letter and recommended the language "willingness to explore or work towards". Board Member Simay stated that this would be potentially beneficial to independent cities and that the letter proposes a way to move forward that can be duplicated throughout the country.

Board Member Scoggins asked if the Board will be provided infrastructure information at the 16<sup>th</sup> meeting. John Geiger replied yes.



**VII. ACTION ITEMS**

**7. Ad Hoc Procurement Review Committee**

Board Member Simay stated that this item was his and that he recommends tabling and modifying it at some future meeting into subcommittees as needed to do further examination of the proposals.

Board Member Jackson moved to suspend the rules to consider the recertification of the individuals before the election item. During the discussion of the motion, Board Member Alexander stated that although he supported the concept and intention of the motion he will abstain on this vote. Board Member explained that two years ago when the bylaws were brought forth to the Board, he believed the language was inconsistent with the language of the JPA, specifically with respect to the eligibility of cities to hold the at large positions. Board Member Alexander stated that he renewed that position today which precludes him from voting in favor of the motion. After roll call vote, motion was approved.

**8. 2<sup>nd</sup> Term for Board of Directors (excluding At Large Members)**

The Board of Directors, excluding At Large Member, through roll call affirmed their second term on the Board.

**9. Election of Officers**

The Board of Directors considered election for Chair and Vice Chair. Board Member Poster nominated Bill Fujioka as Chair. Motion approved. Board Member Poster nominated Charlie Beck as Vice Chair. Motion approved.

**10. Suspension of Bylaws – not considered.**

**VIII. MISCELLANEOUS – None**

**IX. ITEMS FOR FUTURE DISCUSSION AND/OR ACTION BY THE BOARD**

Executive Director Mallon stated that items stand as present.

Board Member Jackson stated that would like an item on the next agenda regarding procedure for putting something on the agenda as well as an item regarding the quorum per the rule of the JPA Agreement of the Finance Committee. Board Member Jackson also stated there should be an item regarding the subcommittee that will look at the opt-in and opt-out options. Board Member Simay stated that it would be a continuation of item 7, so that the Board has as many subcommittees as needed to move forward.

**X. PUBLIC COMMENT – None**

**XI. ADJOURNMENT and NEXT MEETINGS**