



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

July 7, 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
Miguel Santana, CAO, City of Los Angeles
Gerry Miller, Chief Legislative Analyst, City 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
Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing Contract Cities Association
LeRoy J. Jackson, City Manager, City of Torrance, At Large Seat
Donald “Don” Pedersen, Police Chief, City of Culver City, At Large Seat

Representatives For Board Members Present:

Andrew Fox, representing Millage Peaks, Fire Chief, City of Los Angeles Fire Department
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
Nancy Ramirez, representing Steven K. “Steve” Zipperman, Police Chief, Los Angeles School Police Department
Ray Krakowski, representing Gregory “Greg” L. Simay, Assistant General Manager, City of Burbank Water & Power, At Large Seat
Derek Webster, representing Kim Raney, Police Chief, City of Covina, At Large Seat

Officers Present:

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

Absent:

Charles “Charlie” L. Beck, Vice Chair, Police Chief, City of Los Angeles
Mark J. Saladino, Los Angeles County Treasurer and Tax Collector



I. CALL TO ORDER

Chair Bill Fujioka called the meeting to order.

II. ANNOUNCE QUORUM – Roll Call

Chair Bill Fujioka made an acknowledgement that a quorum was present.

III. APPROVAL OF MINUTES

A Motion to approve Minutes from the June 2, 2011, Board of Directors Regular Meeting was requested.

Board Member Mark Alexander stated the Board took action on item number eight, "Second term for the Board of Directors, excluding At Large members," to extend the term of the At Large member for another year. Executive Director Pat Mallon informed the Board the modification will be made to the minutes to note that correction.

MOTION APPROVED.

IV. CONSENT CALENDAR – None

V. REPORTS (1–3)

1.a. Finance Committee - No report.

1.b. Legislative Committee - Alternate Board Member Scott Poster, on behalf of Chief Daryl Osby - Chair of the Legislative Committee, reported the committee convened and discussed Bills 911 and 1040. The recommendations arrived by the Legislative Committee are consistent with today's Agenda items seven and eight. The Legislative Committee will convene as needed and will also discuss officers and will report back to the Board.

1.c. Operations Committee – No report.

1.d. Technical Committee – No report.

2. Director's Report

2a. Procurement Report

i. Status Update

Executive Director Mallon reported on the status of the Procurement, informing the Board negotiations have paused momentarily while LA-RICS continues to evaluate technical aspects of the Procurement process. Staff will continue to work with County Counsel as well as outside Counsel to determine LA-RICS' standing and to evaluate alternatives in moving forward. Looking forward to convening a Special Meeting in the near future to address these issues and will advise the Board of the same.

Board Member Jackson needed clarification as to "outside counsel," Executive Director Mallon stated that outside counsel is retained through County Counsel's office.

When the Special Meeting is held, alternatives will be brought before the Board and certainly if retention is needed for outside counsel to act specifically in the Joint Power Authority's (JPA) behalf, it would be presented to the Board for approval ahead of time.



Board Member Leroy Jackson asked if the Board will be represented by someone that they have not chosen, but that the County has chosen. Chair Fujioka clarified that County Counsel has sought additional expertise, as to the very specific issue of the procurement process. Once the recommendation comes from County Counsel, this JPA has the absolute right to engage their own Counsel to validate the information that is being provided.

Executive Director Pat Mallon informed the Board the County's Internal Services Department (ISD) requested an extension on a number of frequencies awarded to the County, which play an important role in the interoperable communication system. Those frequencies were awarded to the County a number of years ago, with extensions requested, including one very recent request up to 2015. The Federal Communications Commission (FCC) has issued a ruling that they will give LA-RICS until October 9, 2011, to have a contract and funding plan in place or those licenses will be lost. LA-RICS will be communicating to the FCC the ramifications of their ruling to the LA-RICS and the first responders in the region. Board Member Leroy Baca requested the specifications asked by the FCC.

Chair Bill Fujioka provided the Board with the specifications which included:

- A report on progress made since June 24, 2011;
- Evidence of a signed contract with a vendor to construct the project;
- Evidence of funds for the project or confirmation they have been legislatively appropriated; and
- A complete and accurate timeline that would explain the gaps in the current plan specifically the discrepancy between the current timeline showing the system redesign will be completed in 2012, followed by implementation in 2017 vs. previous timelines specifying a four month implementation period.

Board Member Harold Scoggins asked about negotiations having paused and when they are expected to resume. Executive Director Pat Mallon responded that discussions stopped a-week-and-a-half ago and should resume following direction from the Board once an alternative is identified.

- ii. Protest Update - Executive Director Pat Mallon reminded the Board that LA-RICS did receive an informal protest from one of the vendors. That review was completed by an ISD Section Head, leading an evaluation to examine the compliance with the established policies and procedures of the procurement system. The determination was made that there was no deviation from the established policies, either of the County or of the Request for Proposal (RFP) issued. Notification has been sent to the vendor closing that portion of the protest.

Board Member Mark Alexander asked what Motorola's recourse is at this point in the process. Executive Director Pat Mallon stated that Agenda Item 11 will discuss the review procedures. Once negotiations are completed, they will begin presenting the proposed contract to the Board. The opposing vendor would have the opportunity to submit a formal protest, which would then go to the review panel. Board Member Alexander asked if there was no appeal at this point, would they have to wait until the conclusion of the negotiations. Executive Director Pat Mallon confirmed that was his understanding.



Esq. John Geiger addressed the Board regarding related Agenda item 11, explaining what happens next in terms of the Administrative Protest. The Administrative Protest is a two-phase process, phase one is now completed, (which is review by an individual evaluator); and the next phase would be the three-person-panel review. The three panel review comes after negotiations close, and after staff present documents relating to the two pending Public Records Act requests received from each of the proposers. Then the Board would discuss who most appropriately should sit on that panel. Board Member Leroy Jackson asked if staff would provide the Board with the whole procedure in written form. John Geiger confirmed that information was sent to each Board member via special delivery (on June 10, 2011).

Esq. John Geiger stated that ultimately the recommendations that the Board receive from any Administrative Protest process would be funneled down the day that the contract is agendized for consideration. One of the things the Board will consider in going forward with that contract, is whether they are confident there is no ground for an Administrative Protest. At that point, anybody who believes that their grounds have been raised timely and not adequately addressed will sign up for public comment and bring it to the Boards' attention.

Esq. John Geiger informed the Board that the written determination by the Hearing Officer is attached to the agenda. Any further Administrative Process would occur at the time the public agenda contract comes before this Board.

Chair Bill Fujioka states Agenda Item 11 has a discussion and an action item. However, in light of the possibility the Board Members have not had the opportunity to review the documents, if there is no need to take action on Agenda Item 11, he would like to continue this item to a future meeting.

Chair Bill Fujioka indicated he had a speaker card for Phil Recht.

Phil Recht, from law firm representing Motorola raised a few issues. First, was the unauthorized disclosure of trade secrets. Despite having received a response to their inquiries, they still haven't been provided the documents requested, which include the declarations obtained from the individuals who were involved and any staff reports associated with the disclosure under the Public Records Act. Second, Motorola would like an explanation as to why this incident occurred in the first place, and requested the Board ask for a complete explanation of what transpired. Mr. Recht urged the Board to look into this bid protest and see if these issues are relevant. If they are, Motorola demands this procurement start over or engage in dual negotiations or some other remedy.

Chair Bill Fujioka returns the floor to Executive Director Pat Mallon.



2b. Infrastructure Site List

Executive Director Pat Mallon reported staff is updating the project site list and will be distributing the same to the members, following up with discussions with each individual jurisdiction as to their concerns. S911 brings prospect of enterprise sharing, certainly something that may be in the best interest of the project.

2c. Site Proforma Agreement

Executive Director Pat Mallon reported that the Site Proforma Agreement has not yet been developed, once it is developed, we will share that information with the Board.

3. Grant Status

Susy Orellana-Curtiss reported extensions have been received for Urban Areas Security Initiative (UASI), Public Safety Interoperable Communications (PSIC), and State Homeland Security Grant Program (SHSGP). An attachment was provided showing the following extension dates:

3a. UASI 08 is extended through May 31, 2012;

3b. SHSGP 08 is extended through May 31, 2012; and

3c. PSIC 07 is extended through June 30, 2012.

3d. A letter was distributed inviting JPA members to Assistance to Firefighter Grant (AFG) workshop hosted by Los Angeles County Fire Department, to be held Tuesday, July 12, 2011, from 1:00 pm – 4:00 pm.

VI. DISCUSSION ITEMS (4-5)

4. Delegated Authority Procurement/Protest – Esq. John Geiger reported that a letter dated June 9, 2011 was sent by Federal Express containing the County's Protest Policy, as well as the implementation guidelines. On January 29, 2009, the JPA Agreement was approved. In Section 4.04 of that agreement the Exercise of Power clause defers and delegates the common power to be the common powers of Los Angeles County. On January 15, 2010, in an open session meeting there was a Committee report to your Board by the Ad Hoc Review Committee. ISD presented a Contracting Process Workflow diagram. That presentation detailed the entire solicitation process including the County review panel in the methodology of the Administrative Protest. On August 5, 2010, the Board adopted the JPA Fiscal Manual, including Section 3.1.1, which reads "Overall Authority procurement and contracting policies and procedures will be governed by County procurement policies and procedures".

Board Member Mark Alexander questioned if the interpretation is that this Body's action in adopting the procedures and policies of the County's Procurement process delegated the Authority. Esq. John Geiger confirmed that is the interpretation.



5. Quorum Requirement – Jose Silva

Chair Bill Fujioka requested Authority Counsel Jose Silva come back with recommendations relating to the quorum requirement discussion.

VII. ADMINISTRATIVE MATTERS (6-11)

6. Fiscal Year 2011–2012 Operating Budget for the Authority – Susy Orellana-Curtiss

- a. ACTION ITEM: Approve the operating budget of \$9,786,000 to be utilized for the continued operation of the Authority for the 2011–2012 Fiscal Year.

Susy Orellana-Curtiss – absent of the Finance Committee Report, informed the Board the Finance Committee met on June 30, 2011 and unanimously approved recommending this budget be approved by this Board.

Chair Fujioka asked for motion to be approved. **MOTION APPROVED.**

7. Senate Bill 911 – Sara Henry

- a. ACTION ITEM: It is recommended that the Authority authorize the Executive Director send a letter on behalf of the authority to support provision of Senate Bill 911 (S. 911)

Sara Henry addressed the Board regarding Senate Bill 911, Public Safety Spectrum Wireless Innovation Act, stating this Bill directly relates to the waiver order that the FCC issued on May 10, 2010. The key provisions of this Bill include allocating the D-Block to public safety, establishing a private non-profit corporation to hold the license, currently with the PSST, responsible for building, deploying, and operating a nationwide interoperable public safety broadband network. This Bill also established a public safety trust whereby 250 million is set aside to state, regional, and local jurisdictions to identify a plan and implement the most efficient and effective way to integrate with the nationwide network.

Per staff review and consultation with other waiver recipients, this Bill set up a good governance model for the nationwide system. On June 1, 2011, the Legislative Committee considered the item and approved provisions of the current version of the Bill. Their recommendation was to support the themes that have already come before the Board, which included supporting the allocation of the D-Block for public safety, including communications to congress that frequencies used by the Los Angeles region must not be auctioned or jeopardized, and seeking future funding that becomes available to states and local entities.

Chair Bill Fujioka asked for motion to be approved. **MOTION APPROVED.**



8. Senate Bill 1040

- a. **ACTION ITEM:** It is recommended that the Authority authorize the Executive Director send a letter on behalf of the authority to support provision of Senate Bill 1040 (S. 1040)

Sara Henry reported that on May 19, 2011, Senators Joe Lieberman and John McCain introduced Senate Bill 1040; this is the Broadband for First Responders Act of 2011. This Bill was referred to the Senate Committee on Commerce, Science and Transportation; however, there is no status at this time in regards as to when this Committee will consider this Bill. LA-RICS' staff has expressed serious concern regarding section 207 of this Bill which states the FCC shall not renew any licenses to use spectrum located on their frequencies above 570 MHz and below 512 MHz, granted to public safety licenses unless they are able to fulfill those requirements. This Section is an effort to force public safety to relocate to the 700 and 800 MHz spectrum. Although LA-RICS is likely to meet this criteria, LA-RICS staff recommends opposing the Section.

On June 16, 2011, the Legislative Committee convened and approved supporting provisions of this Bill as it relates to the Broadband Network and the D-Block and opposing the provisions that directly impact the current use of the spectrum within the Los Angeles region. The Legislative Committee agreed on the following themes for the outreach effort, 1) supporting the D-Block to public safety; 2) including communications frequencies used by Los Angeles region must not be auctioned off; and 3) supporting the Bill contingent upon public safety retaining the VHF and UHF frequency bands.

Board Member Leroy Baca requested a written report from the Committee explaining the impact of the various options contained within this Bill. In addition, Chair Bill Fujioka requested a Fact Sheet relating to the Bill. No action was taken. Staff will return with committee input.

9. Agenda Guidelines and Procedures – Pat Mallon

- a. **ACTION ITEM:** Recommendation for adoption of policy standardizing submissions of items to be placed on the Agenda.

Executive Director Pat Mallon stated this item was developed out of discussions held with individual Board Members in an effort to establish a standardized policy for agenda item submittal.

Esq. Jose Silva pointed out the Board adopted public meeting protocols and wanted to make sure that the Board adopts the new protocols and instruct staff to revise the protocols to reflect the new rules.

Board Member Mark Alexander asked if Esq. Jose Silva checked the proposed policy against the JPA and Bylaws. Staff will confirm there is no conflict and provide both the current and revised protocol to the Board for approval.

10. Suspension of Bylaw Pertaining to Membership – Jose Silva

- a. **ACTION ITEM:** Suspend election of At Large and their Alternate Directors for a period of one year.



This item was addressed at the June 2, 2011 meeting, and mistakenly included in today's agenda.

11. Review and Adoption of Protest Procedures – John Geiger

a. DISCUSSION and/or ACTION ITEM

Request the LA-RICS Board of Directors review the administrative protest procedures to be used to address the pending administrative protest to the Request for Proposal (RFP) process.

Chair Bill Fujioka reiterated this item was addressed under the Director's Report, and that no action would be taken today.

VIII. MISCELLANEOUS – None

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

- 1.a. Establishing a sub-committee to the Finance Committee to evaluate membership policies, to be considered opting in or out policies, whether the standing of an entity should come in to the broadband separate and apart from the LMR, or a phased approach.

X. PUBLIC COMMENT – None

XI. ADJOURNMENT and NEXT MEETINGS

Chair Bill Fujioka asked Board members for flexibility in scheduling the Special Meetings.

Chair Bill Fujioka adjourned the meeting.

The next regular meeting of the Board of Directors is scheduled for Thursday, August 4, 2011, at 9:00 a.m., at the Grace E. Simons Lodge.



LOS ANGELES
REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING

Thursday, July 7, 2011 • 9:00 a.m.

SPEAKER CARD

REQUEST TO ADDRESS THE BOARD

AGENDA ITEM NUMBER:

4/11

FAVOR ☐ OPPOSE ☐

NAME:

Phil Recht

ORGANIZATION (if applicable):

Mayer Brown LLP, representing Motorola

TELEPHONE NUMBER (optional):

213-229-9572

ADDRESS (optional):

E-MAIL ADDRESS (optional):

Please provide a brief summary of your position on the matter: