



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL
INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

August 15, 2013

Los Angeles County Fire Department – Training Room 26
1320 N. Eastern Avenue, Los Angeles, CA 90063

Board Members Present:

William “Bill” T Fujioka Chair, CEO, County of Los Angeles
Miguel Santana, CAO, City of Los Angeles
Gerry F. Miller, Chief Legislative Analyst, City of Los Angeles
Daryl L. Osby, Fire Chief, County of Los Angeles
Leroy “Lee” D. Baca, Sheriff, County of Los Angeles
Steven K. “Steve” Zipperman, Police Chief, Los Angeles School Police Department
Reginald “Reggie” Harrison, Deputy City Manager, City of Long Beach
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing the Contract Cities Association
LeRoy J. Jackson, City Manager, City of Torrance, representing At Large Seat
Kim Raney, Police Chief, City of Covina, representing At Large Seat

Representatives For Board Members Present:

Sandy Jo MacArthur, representing Charles “Charlie” L. Beck, Vice Chair, for the City of Los Angeles Police Department
Cathy Chidester, representing Dr. Mitchell H. Katz, for the County of Los Angeles Department of Health Services
Scott Ferguson, representing Bill Walker, for the Los Angeles Area Fire Chiefs Association
Ronald Iizuka, representing Donald “Don” Pedersen, City of Culver City, At Large Seat

Officers Present:

Pat Mallon, LA-RICS Executive Director
Patricia Saucedo, Board Secretary

Absent:

Brian Cummings, Fire Chief, City of Los Angeles Fire Department
Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Gregory “Greg” L. Simay, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat
Wendy L. Watanabe, Auditor-Controller, County of Los Angeles
Mark J. Saladino, Treasurer and Tax Collector, County of Los Angeles



I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

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

III. APPROVAL OF MINUTES – (1)

1. August 1, 2013 Special Meeting Minutes. **MOTION APPROVED.**

IV. CONSENT CALENDAR – (None)

V. REPORTS – (2–3)

2. Director's Report – Pat Mallon

Executive Director Pat Mallon began his report by stating that the LMR System will be discussed under agenda Item number 4 and provided an update on the LTE System. I have some very, good news. On Sunday, August 11, 2013, NTIA lifted our suspension on our BTOP Grant. We are now able to move forward. The Office of Management and Budget granted the two-year extension to our performance period to September 2015. As reported to you at the August 1st meeting, I was invited to provide a project status report to the FirstNet Board. Los Angeles County Fire Department's Battalion Chief John Lenihan and I traveled to Washington DC Tuesday morning to deliver that update. We were very well received by the FirstNet Board Members. They were all very supportive of the LA-RICS Project and want to see us succeed. We are one of two of the seven BTOP recipients in the Country to have a Spectrum Managers Lease Agreement in place. Also, I would like to report that as of Tuesday, August 13th, we released the RFP for the LTE System. It has been published in a number of periodicals and we have a number of entities that have expressed interest and registered to receive the RFP. We are still in need of evaluators. I think at this point we have three, maybe four committed. We would like to have at least six. As I have reported in the past, we do have the ability to pay for the evaluators. This is particularly important for the independent cities where their budget is a concern. We can use BTOP funds to pay for those evaluators.

On the Site Access Agreements, a draft agreement has been completed and a copy has been delivered to each of the effected City Managers. We have also distributed via email, a copy of that Site Access Agreement to the Police Chiefs and the Fire Chiefs for each of those jurisdictions. And if it's a Contract City, like those through the LA County Fire, or through the Sheriff's Department, we have distributed a copy of that Site Access Agreement to the Assistant Fire Chief or the Sheriff's Station Captain. This is so that they can be prepared to answer any questions.

3. Grant Status Report – Pat Mallon

Executive Director Pat Mallon stated that a Grant Status Report we will be provided on September 5th.



VI. ADMINISTRATIVE MATTERS (4-6)

Chairman Bill Fujioka moved to the Administrative matters.

4. Approval of Contract (Motorola *continued from August 1, 2013*) – Pat Mallon

It is recommended that your Board:

1. Make the following findings:
 - (a) Find that approval and execution of the Agreement for the Land Mobile Radio ("LMR") System and execution of an Amendment for the Unilateral Option for all Work in Phase 1 of the Agreement for the System Design is exempt from review under the California Environmental Quality Act (CEQA) as it is not a project under CEQA pursuant to CEQA Guidelines Sections 15378 and 15061(b)(3);
 - (b) Find that the Phase 1 System Design is statutorily exempt pursuant to CEQA Guidelines Section 15262 and categorically exempt pursuant to CEQA Guidelines Sections 15304 and 15306; and,
 - (c) Find that the purchase and use of selected equipment during Phase 1 of the Agreement is categorically exempt from CEQA pursuant to Sections 15301 and 15303 for the reasons stated in this letter and in the record for the projects.
2. Delegate authority to the Executive Director to execute the Agreement with Motorola Solutions, Inc. (Motorola), substantially similar in form to Attachment A, for Work related to the design, construction, and implementation of a Land Mobile Radio (LMR) System for the Los Angeles Regional Interoperable Communication System Authority (Authority).
3. Delegate authority to the Executive Director, to execute an Amendment to the Agreement exercising only the Unilateral Option for all Work in Phase 1 and for the purchase and use of selected equipment during Phase 1, for the Contract Sum of \$24,135,501, and to issue one or more Notices to Proceed to Motorola for this Work.
4. Delegate authority to the Executive Director as follows:
 - (a) To approve and execute Amendments that do not affect the scope of work, term or any terms or conditions of the Agreement;
 - (b) To execute Amendments for changes in Work, to adjust Tasks, Subtasks, Deliverables, Milestones, Project Schedule, and respective payments, as necessary, but that do not affect the scope of work, term, or any terms and conditions of the Agreement;
 - (c) To issue Notices to Proceed only after your Board has authorized approval of a Phase and Work in that particular Phase to proceed forward; and
 - (d) To authorize payments of invoices; all in accordance with the Agreement, all subject to the availability of funding, and all up to the amounts authorized in the most current version of the LA-RICS Fiscal Manual.
5. Delegate authority to the Executive Director to approve and process Amendments for changes in Work, up to the maximum amount of \$210,000 per Amendment for changes in Work without further Board action, but only after your Board has authorized approval of a Phase and Work in that particular Phase to proceed forward. The Executive Director will fully comply with Public Contract Code Section 20142 and will report back to the



Board monthly regarding what Amendments were approved and executed by the Executive Director in the prior month.

- 6. Delegate authority to the Executive Director to:
 - (a) Adjust the Contract Sum, annually if required, for the term of the Agreement to allow for an annual Cost of Living Adjustment (COLA) in accordance with adopted County of Los Angeles policy and the provisions of the Agreement; and,
 - (b) Increase the Contract Sum by Amendment for each Phase that has been authorized by your Board up to an additional 15 percent by Phase, for unforeseen, additional Work within the scope of the Agreement, if required. The limitation of the 15 percent contingency will be proportionately applied by Phase, as outlined below, and the Executive Director will report back to the Board monthly regarding how much of this contingency has been spent for each Phase.

	Contract Sum Summary	15% Contingency
Phase 1	\$24,135,501	\$3,620,325
Phase 2	\$41,395,106	\$6,209,266
Phase 3	\$54,152,472	\$8,122,871
Phase 4	\$29,945,810	\$4,491,872
Phase 5 (15 Years)	\$55,898,518	\$8,384,778

Executive Director Pat Mallon stated, agenda Item number 4 is a consideration of the LMR Contract with Motorola Solutions that was continued from your August 1st meeting. The first recommendation is with regard to CEQA. We can go through these entirely, then go back, or we can take them one at a time. Chairman Bill Fujioka asked the Board Members what is there preference?

LeRoy Jackson asked, do we adopt the overall contract and then come back to point one for the implementation? Pat Mallon replied, we adopt the overall contract and then as each phase arises we will be bringing it back to your Board for approval of that phase. So, in this instance we are asking for approval of the contract and an approval to proceed with Phase 1. Chair Bill Fujioka noted there may be some confusion regarding this point. People may believe once we adopt the overall contract, we are adopting everything. The key however is that at each, phase, we'll be coming back to the JPA to have that discussion and to approve the next phase. Chair Bill Fujioka further stated, as we move forward his reporting process will be very robust and detailed. If there are any issues, we'll learn from those issues and incorporate any changes or improvements.

Board Member Mark Alexander requested clarification from Executive Director Pat Mallon. Just to make sure that we're all clear. As you know, we have not yet developed the Funding Plan for the participating agencies. That's still coming? Pat Mallon stated, yes sir. The Joint Powers Agreement requires an approved Funding Plan and an opportunity for Members to opt out before the commencement of construction. Construction is in Phase 2. In order to be able to provide an accurate picture of what the system would look like, e.g., what sites will be used, what limitations might be, result from the CEQA process, or the NEPA process, what kind of height restrictions, or installation restrictions we might run into, will all effect the system design. So Phase 1 is a detail design. We will look at every site; we will look at site access agreements; we will look at the CEQA analysis; we will look at the NEPA analysis and at the end of Phase 1, we will bring back



to this Board a finance plan to be approved before we move to Phase 2. And also during that time, the Funding Plan has to be provided to every member of the Authority who can then exercise their option to opt out. Chair Bill Fujioka asked, and for Phase 1, we have the finances? Pat Mallon stated, yes, we have funds dedicated to us in the forms of UASI '09 and '10 that will fully complete Phase 1.

Board Member Mark Alexander stated, getting to my question, once we get to that point and we are able to share that with the participating agencies, there may be some agencies that decide to opt out, which will have an impact on the remaining agencies. My question is, again to be clear, is that, in adopting this or approving the agreement we are not locking ourselves in anytime to cancelling the agreement subsequent phases if we are in a financial situation where we cannot fund it. Pat Mallon stated, "That is absolutely correct. We have very robust language incorporated in the contract that allows us to not proceed. We can declare no project. That's actually one of the requirements of the CEQA process. In order to move to Phase 1, we cannot commit to building a project until CEQA is complete. So through the course of the first phase we will be developing and identifying every impact to every other site that's involved in the project relative to CEQA. We cannot proceed with any construction until all that CEQA findings are complete. To allude to your point about members that opt out, I am anticipating that the funding plan will be an iterative process. Some cities, which may opt to drop out will have an effect on the cost mode. Clearly those that are opting to remain in will have to have the most up-to-date information to make their own decisions." Chair Bill Fujioka stated, now on the basic premise of whether the cup is half full or half empty, you can have confidence that, as we move forward with this, we are going to see a system that, whether it's someone like myself, who knows nothing about these kind of systems, or technology people who have intimate knowledge of it, will see that what we are building is worthwhile. It has a huge impact on our region. I don't think we should walk into this with a half cup, half full, mentality. As we go forward together, the ability for us to go back East and show them what we are doing...people are excited about this. Because, we've got to remember this isn't some small County. We are LA County. This is a regional effort and they see this as a regional effort. If they see it as just a couple of agencies, it's not going to go anywhere. But, if they see it as a regional effort, with representative of our independent cities and our contract cities and our school districts, when people see that, the ability to get funds and pay for this is significantly higher. If they see it as one or two agencies, it's not. So we need to stand together on this.

Board Member Gerry Miller stated, I have many concerns and I will say that a lot of it has to do with cost over runs. Most of the City's concerns are related to the later phases. I'm now satisfied that there really is a distinct break between the two and there's no further commitment. There is only one further concern that I have, and that's in 4b as it relates to the authority for the Executive Director to approve schedule changes. Miguel (Santana) and I, and of course Chief Mac Arthur and Chief Beck, sit on Oversight Committees on Bond stuff. Frequently with scheduled changes, they do a lot of finger pointing. Whose fault is it? Is it the Authority's? Is it Motorola? Is there a change order, because somebody owes somebody money? And, if there is a problem with the project schedule, I think the Board needs to know about that. I also can't imagine that there would be an emergency that would come up, where a schedule change would have to occur between Board meetings. So I would move, that the Authority would approve Schedule Changes, not Pat, but the Board approve Schedule Changes. Second by Miguel Santana.

Pat Mallon stated, I'd like to respond to that. There are 5,000 line items in the schedule. One of the things we're concerned about is the need to take back any change to the schedule on these 5,000 line items to the Board. To do so could result in an accusation that we are delaying the contractor. So, I think we are going to need flexibility to adjust to schedule changes. Clearly the major Milestones, as well as the completion of the Phases will be something that will be reported to this Board on a monthly basis. We have a Project Management firm that will be reporting on any issues, any significant issues, and schedule impediments that will arise, any changes that occurred in the previous 30-days, any payments that were authorized in the 30 days, and any



implications to the schedule. So we will be reporting on a monthly basis to this full Board any of the schedule impact. I'm not sure to what degree you are interested in getting into that. Board Member Gerry Miller stated, I would hope that the contract isn't structured that changes in all 5,000 things will affect the contract. I'm sort of thinking that a major Milestone would require a change to the contract. That there is enough flexibility for changes within a contract. Pat Mallon stated that perhaps not in the form of an amendment, but clearly, if there is a shift in the schedule we have to be notified of it and we have to agree to it. Chair Bill Fujioka stated, given the concern, is there a way to refine the request so we are not looking at the small things. Could we just look at the larger Milestones? Is there a way to give comfort to our JPA say to these major steps, before anything is changed? Pat Mallon stated, certainly. We will be working with the contractor to fully develop a detail schedule that we have to accept and incorporate costs loading. That is so we know what our cash flow requirements are going to be. As part of that process, we can certainly develop a major milestone schedule. We can bring that back to the Board. It'll probably take us a couple of months, to get to where we have an accepted schedule. But we can deliver to you a major milestones schedule that would highlight any deviation. As an example, in the first 90 days we have a project description that's due. We don't anticipate that that is going to be delayed. As we get into the CEQA process, even in Phase 1, we know that there is going to be some changes just because of the difficulties we have in dealing with the CEQA clearances process. As we approach those, if it's a day or two perhaps that's not something that the Board would like to resolve. If it's a month or six months clearly that would be something that the Board should be involved in. We can bring that back when we fully develop the project schedule and identify those milestones. The Board can then consider what kind of limitations they would like to impose on any adjustments in those schedules.

Board Member Miguel Santana stated Mr. Chairman, perhaps this is somewhat related to Item number 7, in relations to the Oversight Committee or if using the Finance Committee. Perhaps as a way of addressing the issue that you raised, I agree with you. I think that what Gerry (Miller) and I are accustomed to are a schedule with major milestones and whenever there is deviation from that schedule, then the Oversight Committee grants authority to proceed or inquiry as to why there is a change. But utilizing the Oversight (Board) Committee or whether its option one or option two may be a vehicle to allow for some level of oversight at the same time responsiveness timely to the issue that's raised. Chairman Bill Fujioka stated, I think that the key is the major milestones. And so, if we could put that structure in place on what really...something that is one or two days, should never come back, in my opinion. Something that has a substantive impact, like 30 days, that might be something else or a very specific major milestone. And so as part of this we can ask staff input from anyone that wants to develop that structure. We could come back recognizing that everyone wants something like that. Board Member LeRoy Jackson stated, what if today, we put in the less than, and modify it for today. Then, let it be only claused to less than 30 days, modify it for a motion today on 4b.

Board Member Miguel Santana stated, I would recommend that it be actually tied to the Milestones. The schedule, some of them are going to go 90 days, some of them are going to go 120 days, some go a week, and so, it's helpful without knowing the context of what those milestones are we're sort of just randomly picking. Chair Bill Fujioka stated, that's a good point, because I don't know a Milestone, it could be huge and take less than 30 days. Board Member Miguel Santana stated, I'm not ready to vote on a specifics schedule yet, or on what points. I think having the staff come back with the Milestones and then authorizing the Oversight Committee to be the vehicle in which any deviations get reviewed and ultimately recommend it to this Board. I think the consensus that I'm hearing is that there is going to be a change to a milestone ultimately and this Board has to authorize that. Actually, it's helpful to you to have an Oversight Committee to run those ideas by first, and then the recommendation of that committee go before the full Board. Pat Mallon stated, we can work with that Oversight Committee in identifying those milestones to bring back to the Board. Chair Bill Fujioka stated, so the recommendation of having it tied to the milestones, would that have a negative impact or delay the project? Pat Mallon stated, I don't think so. If we have to adjust the milestone, there is going



to be some cost implications involved that we need to be reporting to the Board. It's possible, say within a major grouping of activities that we might have to extend some activities. But there are other activities where we might be able to fast-track or run in parallel. We can make up that time, so that in the end the milestone date does not shift. Chair Bill Fujioka stated, so as an interim measure pending completion or development of this proposal, this schedule, we agree that any changes to a Milestone must come back to this Board. Now, I know we kind of jumped around. Let's go back to the first item. Pat Mallon stated, Counsel has asked that we take a voice vote for each of the action items. So what I'll do, if the Board approves, is read the action item and then we'll take a vote on each of these as we move.

Pat Mallon continued by reading Item 4.1 from the agenda, noting that he needed to add a reference to Section 15060(c). Item 4.1, as amended, is as follows:

1. Make the following findings:
 - (a) Find that approval and execution of the Agreement for the Land Mobile Radio ("LMR") System and execution of an Amendment for the Unilateral Option for all Work in Phase 1 of the Agreement for the System Design is exempt from review under the California Environmental Quality Act (CEQA) as it is not a project under CEQA pursuant to CEQA Guidelines Sections 15378, **(AMENDED)** 15060(c) and 15061(b)(3);
 - (b) Find that the Phase 1 System Design is statutorily exempt pursuant to CEQA Guidelines Section 15262 and categorically exempt pursuant to CEQA Guidelines Sections 15304 and 15306; and,
 - (c) Find that the purchase and use of selected equipment during Phase 1 of the Agreement is categorically exempt from CEQA pursuant to Sections 15301 and 15303 for the reasons stated in this letter and in the record for the projects.

Board Member LeRoy Jackson moved to motion for approval, seconded by another Board Member with no objections.

MOTION APPROVED.

Pat Mallon continued with Item 2 which is as follows:

2. Delegate authority to the Executive Director to execute the Agreement with Motorola Solutions, Inc. (Motorola), substantially similar in form to Attachment A, for Work related to the design, construction, and implementation of a Land Mobile Radio (LMR) System for the Los Angeles Regional Interoperable Communication System Authority (Authority).

Board Member LeRoy Jackson asked, and this is for the entire contract. Pat Mallon concurred, yes, this is for the entire contract. Five Phases and the contract value is slightly in excess of \$280 million that includes 15 years of maintenance. Phases 1 through 4 for the base system, is for a total of \$149 million and the additive alternates are about another \$55 million. With reference to the 15 years of maintenance, should you decide to contract with the vendor for the maintenance, it's about \$75 million over the 15 years. Board Member LeRoy Jackson stated, "But going back to the original discussion, even though we have these numbers, there is no commitment to these numbers because of the opt out clause that are provided in the contract." Counsel of the Authority, Truc Moore, stated, yes, that's correct. The contract has potential to have the total maximum contract sum of \$280 million, but the action that is being authorized



today is just for the award of the contract and only the work and the funds related to that work will be exercised when Pat comes back to the Board and seeks Authority to exercise an amendment to move those unilateral options sums and work into the contracts. Truc Moore responded, "There is no commitment to the later phases and those phases are not authorized by your Board."

Board Member LeRoy Jackson stated, I appreciated the language and I think you guys have really worked hard to put together a very tight document to those ends and have protected us of those decisions and elements. Chair Bill Fujioka commented, good job! He further mentioned that Item number 2 is on the table. Board Member Leroy Baca motioned to approve, second by Board Member Jackson, with no objections from the Board.

Motion Approved.

Pat Mallon continued with Item number 4.3 which is as follows:

3. Delegate authority to the Executive Director, to execute an Amendment to the Agreement exercising only the Unilateral Option for all Work in Phase 1 and for the purchase and use of selected equipment during Phase 1, for the Contract Sum of \$24,135,501, and to issue one or more Notices to Proceed to Motorola for this Work.

Chair Bill Fujioka called for questions. None were stated. The Board Members Jackson and MacArthur approved, with no objections from the Board.

Motion Approved.

Pat Mallon continued to Item 4.4

Board Member Gerry Miller stated, I thought that in reference to Milestones that you were going to take that out. I would suggest for the moment is to take the Milestones out. If you are going to come back with a schedule and have the milestones refined so that we'll know exactly what the major Milestones are that are required. So for now just take the Milestones out. Chair Bill Fujioka stated, remove milestones from that provision. Don't you want something that says that any changes to Milestones, comes back to this Board, should that happen in this interim period? Board Member Gerry Miller stated, I understand that the intent is to come back when the schedule is complete. Chair Bill Fujioka stated, yes, fine. Board Member Gerry Miller stated, then we know specifically which milestones there are. Chair Bill Fujioka asked Pat Mallon read item 4b again with exclusion of the word "Milestones". Board Member Daryl Osby asked, in reference to 4b, is this only talking about Phase 1. Pat Mallon stated, its talking about the entire contract. But you are only voting to move forward to Phase 1. Board Member Daryl Osby asked, is there a projected time-frame for Phase 1? Pat Mallon stated, we are projecting 12-18 months. The contractor's period for the detailed design is 12 months, but we do anticipate that we could encounter some delays in the CEQA approval process. We are anticipating it's going to be somewhere between 12 and 18 months. Board Member Daryl Osby stated, my only thought is that, I know we are talking about the Milestones for the entire project that are going to be developed in Phase 1. But what I wouldn't want to be confused about is that if Phase 1 is going to take longer than necessary, to identify the milestones, that there be some type of report back to this Board articulating that. Chair Bill Fujioka stated, well Pat is going to come back in about two months to fully flush out and approve a schedule, at least initially, where we will identify those Milestones and we can show you the projected completion timeline. LeRoy Jackson asked, and that would be the complete milestones for Phase 1? Pat Mallon stated it will be the complete milestones for the entire project. LeRoy Jackson asked, when would the Milestones for Phase 1 be ready? Pat Mallon stated, I'd have to discuss that with the contractor. I don't know what their specific requirements are as far as with how much effort they would have to do to refine the schedule. Clearly, I think as we move through Phase 1 and we identify the exact sites that are



being used and the exact amount of work that needs to be done, there could be some adjustments to those Milestones for Phase 2, 3, and 4. I would anticipate that probably the Milestone for Phase 1 could be completed by the October Board meeting which would be in six weeks. Board Member Steven Zipperman asked for clarification regarding milestones and asked, "right now when you take them out...it seems to me the Milestones and project schedule go hand-in-hand. Am I missing something?" Pat Mallon stated, the project schedule as it stands today, incorporates 5,000 line items. That's the difficulty and if we throw in the term, project schedule then every single line item they become part of the equation. Chair Bill Fujioka stated, it will become more significant every month. Board Member Zipperman was satisfied with that response.

Pat Mallon continued reading Item 4.4. Item 4.4, as amended, is as follows:

- 4.4.(a) To approve Amendments that do not affect the scope of work, term or any terms or conditions of the Agreement;
- (b) To execute Amendments for changes in Work, to adjust Tasks, Subtasks, Deliverables, ~~Milestones~~ **(AMENDED)** Project Schedule, and respective payments, as necessary, but that do not affect the scope of work, term, or any terms and conditions of the Agreement;
- (c) To issue Notices to Proceed only after your Board has authorized approval of a Phase and Work in that particular Phase to proceed forward; and
- (d) To authorize payments of invoices; all in accordance with the Agreement, all subject to the availability of funding, and all up to the amounts authorized in the most current version of the LA-RICS Fiscal Manual.

Chair Bill Fujioka called for questions, hearing none he further requested a motion to approve. Board Member Leroy Baca moved, seconded by Miguel Santana with no objections from the Board.

MOTION APPROVED.

Pat Mallon continued with Item 4.5 as follows:

5. Delegate authority to the Executive Director to approve and process Amendments for changes in Work, up to the maximum amount of \$210,000 per Amendment for changes in Work without further Board action, but only after your Board has authorized approval of a Phase and Work in that particular Phase to proceed forward. The Executive Director will fully comply with Public Contract Code Section 20142 and will report back to the Board monthly regarding what Amendments were approved and executed by the Executive Director in the prior month.

Chair Bill Fujioka stated, he had mentioned when instructing Pat to give us a very detailed report so that we can see what has happened during that time period. And should we need to tighten it up, we can, upon review of those reports. That allows us to move forward. Any questions on that? A motion to approve? Board Member Cathy Chidester motioned for approval, seconded by LeRoy Jackson, with no objections from the Board.

MOTION APPROVED.

Pat Mallon continued with Item 4.6, as follows:



6. Delegate authority to the Executive Director to:
 - (a) Adjust the Contract Sum, annually if required, for the term of the Agreement to allow for an annual Cost of Living Adjustment (COLA) in accordance with adopted County of Los Angeles policy and the provisions of the Agreement; and,
 - (b) Increase the Contract Sum by Amendment for each Phase that has been authorized by your Board up to an additional 15 percent by Phase, for unforeseen, additional Work within the scope of the Agreement, if required. The limitation of the 15 percent contingency will be proportionately applied by Phase, as outlined below, and the Executive Director will report back to the Board monthly regarding how much of this contingency has been spent for each Phase.

Executive Director Mallon noted that the amount shown in your Board letter for Phases 1 through 5 is for the base contract only and does not incorporate any consideration of the additive alternates. This totals about \$149 million, plus \$55 million for the maintenance of the base system in Phase 5. The 15% contingencies are reflected in the column to the right. Chair Bill Fujioka opened the floor for questions. Board Member Leroy Baca motioned the approval, seconded by Reginald Harrison and Miguel Santana, with no objections from the Board.

MOTION APPROVED.

Chair Bill Fujioka stated, let's everyone take a deep breath and say it's a very important moment for us to get this contract approved. We've been doing this for a long time and so, I think, congratulations are in order. Thank you Pat, thank you staff.

Pat Mallon stated, I would like to thank the staff, first off for the indulgence of this Board, through all the mountains, hills and valleys that we've climbed. But also to the staff that worked very long and hard on this project. I would like to thank each and every member of the staff. I believe that they have represented your interest in an ethical and outstanding manner. You can be very proud of them, because I certainly am. Chair Bill Fujioka added, "A lot of people have been on this for a very long time."

Board Member Leroy Baca stated, you know it's wonderful where we are in this stage. So many people have invested into this project. Thanks to the City's contribution of staff, obviously the County has been, within all the conversations that we've had with the leaders over the years including the law enforcement, the fire leaders and this has surely been an incredible journey. But, I also want to say that the County is maturing in many respects as to how we work well together. I particularly want to call out praise to the Santa Monica Police Department and the Police Chief for the active shooter incident that occurred there on college campus. We still rallied around each other in a manner that was effective. But, this tool will allow us and when we get to this Phase, I think it will get done, to really do better. Because the unexpected will occur and we get to that place where we have this tool of robust communication, we will have answered one of the Federal recommendations on the post 911 mission that implicitly said that all law enforcement must be interoperable. That's why this money is out there. That's why we are able to get money from the Department of Commerce. That is why we are getting money from Homeland Security. It's the national vision for this to happen. It isn't merely a local innovation. It is a National strategy and I just want to thank everybody for all the hard work that they've done.

Chair Bill Fujioka stated, I think some of us, I was on a LA-RICS meeting, I think my hair was black. This was a long time ago, when people started thinking about doing it. And the one thing that I've been trying to emphasize since I've sat on this Chair, this is a regional effort. This is not "LA County.. This is not LA City". This is a regional effort, and that has to be emphasized over and over again. Unless we don't believe that it will never work; especially when the boots hit the



ground. That has to happen. And my message, because we are moving forward, and I know there is a number of Motorola folks out there, that understand what we did today is significant. Even more significant, is your accountability in your performance. And what you do right now on this project, you need to be looking at the long range vision and to be a true partner with us. We're going to be extremely vigilant. We are going to watch this project like a hawk. And we're going to hold you accountable. This is a real partnership. So you have to embrace it as a partnership, as we move forward. And, if not, this Board, I can tell you as a collective entity, for every one of our agencies, we'll hold you absolutely accountable. And so you have to stand up. We are moving forward folks. This is the time to go forward in a very positive way. So we need that partnership. Alright? So with that, let's move on to the agenda.

5. Accept 2009 & 2010 Urban Areas Security Initiative (UASI) Funds

It is recommended that your Board:

- a. Accept \$16,929,838 in grant funds from the Fiscal Year 2009 UASI funds as distributed through the California Emergency Management Agency (CalEMA); and,
- b. Accept \$20,406,079 in grant funds from the Fiscal Year 2010 UASI funds as distributed through the California Emergency Management Agency (CalEMA); and,
- c. Authorize the Executive Director to execute the 2009 & 2010 UASI Sub-recipient Agreements, substantially similar to those attached from 2008, between the City of Los Angeles and the Authority.

Pat Mallon read Item number 5 as written above. He further stated, we do not have the UASI '09 and '10 Sub-recipient Agreements. We are still waiting on those from the City. But this will allow us authority to execute those agreements immediately upon receipt so that we can move forward. Chair Bill Fujioka opened the floor for questions. None heard. He moved for a motion to approve. Board Member Reginald Harrison moved to approved, seconded by LeRoy Jackson, with no objections from the Board.

MOTION APPROVED.

6. FCC Certification for FirstNet – Pat Mallon

It is recommended that your Board authorize the Executive Director or his designee to complete and sign any and all documents relating to implementing the provisions of the SMLA with FirstNet, including the attached FCC Form 608.

Pat Mallon read Item number 6 as written above and added, as you recall the FirstNet Authority granted us a Spectrum Managers Lease Agreement. There are certain forms that they need to file with the FCC in order to convey that license to us. And this is the first form, so we are asking that your Authority to execute those agreements for any and all future documents that might come up related to exercising the Spectrum Managers Lease Agreement. Chair Bill Fujioka opened the floor for questions. Board Member LeRoy Jackson moved the motion for approval, seconded by Gerry Miller, with no objections from the Board.

MOTION APPROVED.



VII. DISCUSSION ITEM (7)

7. Oversight Committee Discussion (Invoice Review & Report to the Board) – Pat Mallon

The following options are presented to your Board for discussion and consideration:

1. Create an oversight committee made up of one representative from each of the following:
 - (a) County of Los Angeles
 - (b) City of Los Angeles
 - (c) At Large Cities

to review monthly expenditures, invoices and/or Amendments that were approved and/or executed by the Executive Director for work completed under phases exercised via unilateral option, as authorized by your Board for the Land Mobile Radio System Agreement, should it be awarded. The three (3) Representatives should be available to meet at various times a month, as needed. A Representative from the oversight committee will provide the Board with a summary of activity relating to the LMR System Agreement at the standing Board meetings, as well as report any findings.

– OR –

2. Task the Finance Committee to review monthly expenditures, invoices and/or Amendments that were approved and/or executed by the Executive Director for work completed under phases exercised via unilateral option, as authorized by your Board for the Land Mobile Radio System Agreement, should it be awarded. The Finance Chair will provide a summary of activity relating to the LMR System Agreement at the standing Board meetings, as well as report any findings.

Pat Mallon stated the purpose of this item, per Mr. Santana's recommendation, is to have a discussion regarding establishment of an Oversight Committee to review invoices and report to the Board. Pat informed the Board that he had an internal discussion with staff and has two potential recommendations. The first is a small oversight committee of representatives from the County of Los Angeles, the City, and an open At-Large Cities (like the City of Long Beach) to review monthly expenditures and invoices that were approved and executed and the three representatives should be available to meet probably on a weekly basis. The other option would be to task the Finance Committee to review the monthly expenditures. This would require advance notice because it is a Brown Act committee.

Board Member Miguel Santana stated as we're proposing this, it was frankly less about the invoices and more about broader oversight. I don't know if it's necessary to have such aggressive oversight of invoices. As we all know it can be a bit overwhelming. As we've seen in the previous discussion, having the committee to evaluate major milestones, changes that occur, and a number of different issues, particularly the change orders, it is a useful tool to vet some of these issues and to ultimately bring them to a full Board for consideration. I'm agnostic as to which one of the two options. It seems to me that the Finance Committee already has an agenda based on just looking at the finance of the overall project which is he significant. Adding this to their agenda may be a little overwhelming. But the specific task is really providing that broader oversight.

Board Member Mark Alexander stated, I have two issues that I want to bring up. One with respect to either option 1 or 2, I think I do have a preference for one and not two. The reason being is that there may be issues that come up where Pat would like some policy advice. It may not be in a specific direction, but coming from representatives from this Board, might give him a clearer direction in terms of where the Board might be headed, as opposed to where the Finance Committee might. And, so that might be an advantage, having the representatives from this Board. Second point is with regard to the Brown Act, it's my understanding of the Brown Act that if this body appoints this subcommittee than it would be subject to the Brown Act. But if the Chair appoints, it would not be subject to the Brown Act. I think this is something that we would not want to be subject to the Brown Act. Chair Bill Fujioka stated,



based on the suggestion, he would take the recommendation under consideration and work with everybody. Chair Bill Fujioka opened the floor for any other comments.. Pat Mallon stated, we can agendize that for the next meeting.

Board Member Mark Alexander stated, I have one more point, in respect to who comprises this committee. It might be worthwhile that on some intervals, that we rotate members from this committee so that it's not limited to just three people. Chair Bill Fujioka stated, I guarantee, if its weekly or more frequently, we would be rotating.

Board Member Miguel Santana agreed that the discussion item should be agendize for the next meeting as the Chair's Report. Chair Bill Fujioka stated, we will do that. We'll put it on the next agenda. Any other questions? Comments?

VIII. CLOSED SESSION REPORT – (None)

8. Conference with Legal Counsel – Anticipated Litigation (subdivision (d)(2) of Government Code Section 54956.9) Significant exposure to litigation (one case)

Chair Bill Fujioka announced we have no closed session today.

IX. MISCELLANEOUS – (None)

X. PUBLIC COMMENTS

Chair Bill Fujioka stated, I have no requests for public comment.

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

9. Project Funding
10. Project Risk Controls

XII. ADJOURNMENT

Chair Bill Fujioka announced the future discussion items to be funding, risk control, and the Oversight Committee. Pat Mallon added the item of moving forward on Elections for the At-Large Seats.

Chair Bill Fujioka announced the next meeting to be held on September 5, 2013, and adjourned the meeting.