



**DRAFT MINUTES**  
**Regular Meeting of**  
**Bay Area UASI Program**  
**Approval Authority**

Monday, January 10, 2011 - 10:00 a.m.  
Oakland OES  
1605 Martin Luther King Jr. Way  
Oakland, CA

Vicki Hennessy, Approval Authority Chair, called the meeting to order at 10:15 a.m.

**ROLL CALL**

Approval Authority members present: UASI Chair Vicki Hennessy, Monica Fields, Renee Domingo, Rich Lucia, Teresa Reed, Kirstin Hofmann, and Scott Frizzie.

Laura Phillips, General Manager, was in attendance.

**APPROVAL OF THE MINUTES**

**(March 18, 2010)**

Teresa Reed asked for clarification on the changes to the March 18, 2010 minutes. Jada Jackson stated that Renee Domingo had requested Gary Massetani's (past member) full conversation on the 2010 UASI Grant Application be reflected in the minutes.

Rich Lucia made a motion to approve the March 18, 2010 minutes. Renee Domingo seconded the motion. The motion passed unanimously.

**(October 22, 2010)**

Rich Lucia made a motion to approve the October 22, 2010 minutes. Monica Fields seconded the motion. The motion passed unanimously.

**(December 13, 2010)**

Renee Domingo recommended that there be a process for tracking requested agenda items so that the Approval Authority doesn't lose sight of them; she pointed out that this request is not due to any inaccuracies.

Vicki Hennessy stated that a number of items were deferred (due to the lack of time).



Jada Jackson stated that “Future Agenda Items” will be a standard item on each meeting’s agenda.

Teresa Reed pointed out that she had requested at a past meeting a flowchart showing all of the different projects and how they relate to each other.

Vicki Hennessy stated that the flowchart was for interoperability and the information should be given in today’s presentation. Ms. Hennessy stated that when the item comes up during the meeting, she would expect that concerns or questions are brought up at that time.

Vicki Hennessy stated that she has a spreadsheet of all action items and motions that she keeps as a record.

Kirstin Hofmann made a motion to approve the December 13, 2010 minutes. Renee Domingo seconded the motion. The motion passed unanimously.

Vicki Hennessy thanked Ms. Jackson for completing all of the minutes.

### **GENERAL MANAGERS REPORT**

Laura Phillips, General Manager, gave a brief highlight of the status of grants:

- 08 UASI Grant: reimbursed \$18 million in expenditures (61%).
- 09 UASI Grant: 94% of budgeted grant dollars have been expended.
- IECGP: 43% in actual expenses have been recorded for 2010.
- PSIC: 42% has been recorded as spent. Preparing for an audit in the PSIC area, subrecipients have been preparing for the process to occur.
- There is quite a bit of equipment and milestones for the interoperability grants in general.
- Several audits are coming up that will require a lot of preparation pulling records. Two of the big audits are the State UASI monitoring visit (scheduled for January 15, 2010) and the State PSIC monitoring visit (February 2010). Additionally there will be a large FEMA audit in May 2010.

Renee Domingo pointed out that it had been requested that the General Manager provide a report on the legal services provided by the San Francisco City Attorney’s Office over the past 12 months; she didn’t see that report in the packet of documents.

Vicki Hennessy stated that she and the UASI staff have been working with the San Francisco City Attorney’s Office to provide that report to the Approval Authority. The City Attorney’s Office has not received internal permission to release this report which was requested just 3 weeks ago - at the last meeting. Due to the holidays and a week of mandatory furloughs for many San Francisco employees including members of the City Attorney’s Office, it was not possible to provide the report at this meeting. She stated that it will be sent out later and presented at the next meeting.



Teresa Reed asked about the status of the contract award for the Regional Catastrophic Planning Grants Program (RCPGP). She stated the last report given by Guy Bernardo was that two vendor's proposals were being reviewed.

Renee Domingo stated that she thought it was for the UASI 09 RCPGP contract.

Laura Phillips stated that the last she recalled was that they were still reviewing the financials on the actual proposals but deferred to Guy Bernardo for a more accurate account.

Guy Bernardo, UASI Program Manager stated that the last contract that they had for RCPGP was for Donations Management and it was down to two vendors, which he believed was approved by the Approval Authority months ago. He stated that he would come back in front of the Approval Authority with a status report.

Teresa Reed stated that she remembered that it was down to two vendors but that it never came back to the Approval Authority in regards to who was chosen or to get the Approval Authority to sign off on it.

Vicki Hennessy asked for clarification on if the Approval Authority normally approved the RCPGP contracts.

Renee Domingo confirmed that the Approval Authority had been approving the RCPGP contracts. She stated that the Approval Authority had actually requested the information on the Donations Management around September or October 2009.

#### **UPDATE ON BAY AREA UASI MOU SUB-COMMITTEE**

Vicki Hennessy stated that this agenda item was deferred from the meeting on December 13, 2010.

Kirstin Hofmann thanked Vicki Hennessy and staff for their assistance during this process; she stated that this has been a really successful process. Ms. Hofmann stated that the Subcommittee Group met a total of four times with participation from all 12 counties, 3 core cities and CalEMA Coastal Region. This process highlights the regions commitment to the UASI and this process. She thanked the CalEMA Coastal region for their participation and stated that it was oversight that they weren't invited to earlier meetings as they add a significant value and as the region they need to be involved in this process. There is a draft MOU and Bylaws and recommendations for membership for the Approval Authority for presentation at the next meeting. We need to be mindful of getting this completed before the 180-day extension to the existing MOU runs out. She felt that the MOU and Bylaws are solid documents as they went through multiple edits from everybody involved on the MOU Subcommittee, with a lot of thought going into the documents. She pointed out that different jurisdictions took the document back to their Counsel for additional review and support; there was full participation throughout the region. Kirsten feels that it is important that this item is placed on the agenda of the next meeting for the Approval Authority to come to a consensus about the MOU and Bylaws and to review the membership options. Ms Hofmann pointed out that she and Ms. Hennessy had explained to the Subcommittee that they were responsible for putting forth their best effort in putting together recommendations for the Approval Authority. She noted that the drafts are by



no means final documents but that the Subcommittee came to a consensus about the membership options and the draft documents.

Vicki Hennessy stated that it was ironic that the Department of Homeland Security had posted in December draft Bylaws and MOU's for UASI's. This is becoming more of an issue for the UASI's around the country. She pointed out that the UASI started from a small group and a natural evolution is being seen in terms of defining roles and responsibilities and making it a more formal process than it has been in the past. Additionally, accountability is being looked at more closely not just for the Approval Authority but for the Management Team. Ms. Hennessy thinks that this is a great process for moving along and that it will be very beneficial for the region.

Teresa Reed stated at the last meeting the Approval Authority voted and approved a letter to go out to the Managers regarding the extension of the current MOU. She wanted to know the status of this request and if the letters went out.

Vicki Hennessy stated that the Approval Authority had voted to extend the current MOU; this document has to go out to all of the counties legislative bodies to sign. She asked for the status.

Laura Phillips stated that Katie Porter, San Francisco City Attorney has been out of the office sick and that as of last Friday she was still working on completing the actual document for distribution.

Teresa Reed asked for clarification regarding the document that the Approval Authority voted on at the last meeting which was a sample letter that was going to be sent out.

Vicki Hennessy pointed out that the MOU extension was approved and was supposed to be sent out and was provided to the Management Team to be sent out. Ms. Hennessy stated that maybe some wires had been crossed.

Teresa Serata asked for clarification about the letter that was supposed to be sent.

Kirstin Hofmann referenced the Minutes of the December 13, 2010 meeting which states that "the Management Team will provide the document to all county executives".

Laura Phillips stated that the extension document is not available at the moment and is awaiting the City Attorney's signature. She pointed out that there have been a number of illnesses as well as the furloughs impacting these deliverables.

Vicki Hennessy stated that the Management Team will find out the status.

Teresa Reed stated that this is going to be critical because the MOU had expired on December 31, 2010. So right now currently the Approval Authority is operating without an MOU.



### **LEGAL SERVICES PROVIDED BY THE SAN FRANCISCO CITY ATTORNEY'S OFFICE**

Vicki Hennessy stated that the Approval Authority members will discuss the legal services provided by the San Francisco City Attorney's Office. She stated that there was a letter in the Approval Authority members' packets dated January 3<sup>rd</sup> and there was supposed to be a report from the General Manager. The report from the General Manager was to include a historical perspective of the services that have been provided and which grants that they have been charged to. However the City Attorney's Office was unable to have that information turned around from the last meeting in December due to the holidays and the furloughs. Ms. Hennessy recommended deferring the item until the next meeting.

Kirstin Hofmann referenced page 7 of the December 13, 2010 Minutes as stating "the UASI General Manager will provide a written report regarding what legal services have been provided by the San Francisco City Attorney's Office and at what costs since the last MOU was approved in 2006. The report should detail where staff has sought the advice of the San Francisco City Attorney's Office".

Laura Phillips confirmed that the report should include that information but that she had interpreted the request to mean any time that assistance was asked for whether it was billed to a grant or not. She pointed out that this was probably the reason for the delay as the UASI doesn't keep these records if it wasn't billed to the grant.

Kirstin Hofmann pointed out that the second part of the motion was that UASI staff request a written statement from the San Francisco City Attorney's Office specifying the scope of services provided to the Approval Authority and the Management Team, specifying whether the services include representation of the Approval Authority, and should include a review and confirmation of the General Manager's staff detailing legal advice sought of the San Francisco City Attorney's Office. Ms. Hofmann is assuming that the forthcoming letter will address this motion. Ms. Hofmann confirmed that the letter dated January 3<sup>rd</sup> states that the San Francisco City Attorney's Office advises San Francisco through its representatives on this body (Approval Authority) and employees but does not represent the UASI Approval Authority as a body.

Kirstin Hofmann referenced the motion that San Francisco City Attorney Counsel be present at all Approval Authority meetings moving forward in which this motion passed unanimously. She pointed out that San Francisco Counsel would not be present at the meetings.

Vicki Hennessy stated that she feels that that motion was a little premature. The fact is that the letter from the City Attorney's Office states that they don't represent the Approval Authority so there is no reason for them to actually attend unless there is something that they need to be in attendance for with representing one of the Approval Authority members from San Francisco or the UASI. Ms. Hennessy stated that the Approval Authority may want to look at other options for representation for the Approval Authority members as a body.

Kirstin Hofmann stated that based on the feedback from the San Francisco City Attorney and the confirmation that the Approval Authority is not represented. She feels that it is prudent that the Approval Authority look at options for legal representation as a body. She assumes that each most members consult with their own jurisdictions attorneys but that doesn't provide representation for the Approval Authority. Ms. Hofmann requested for the UASI staff prepare a



scope of work for legal services for the Approval Authority members and provide a report of the findings of the options.

Rich Lucia requested that potential funding mechanisms be identified as well.

Laura Phillips clarified that this report was due within the next 30 days. She pointed out that she didn't see a problem with the request but would still have to consult with the City Attorney's Office.

### **EXTERNAL REVIEW FOR PROJECT CORNERSTONE AND THE BROADBAND PILOT INITIATIVE**

Kirstin Hofmann stated that the members of the City of San Jose and County of Santa Clara prepared a full draft of RFP and within the RFP is a full scope of work which the main deliverables are on pages 4, 5, and 6. This was prepared for the Approval Authority to review as it was important as there has been some sense of urgency for some time and they didn't want to delay this document any longer; hopefully it's a near final draft. Ms. Hoffman referenced the letter from CalEMA dated December 15, 2010 to Laura Phillips. She was unclear what the scope was for this particular review. She stated that she had asked the General Manager a number of times about the scope so that she could understand what specifically was asked to be reviewed. The intent with this RFP is to clearly lay out the different documents that need to be looked at to give a product that hopefully will allow the Approval Authority to make more informed decisions about these two projects.

Teresa Reed reiterated that they didn't know what CalEMA was looking at in their report. However the proposal that they (Santa Clara and San Jose) laid out is very specific in regards to questions or areas of review.

Kirstin Hofmann pointed out that they still have the outstanding item of the funds to pay for this review. It has been discussed a couple of times at Approval Authority meetings and she has also asked the UASI staff to provide several options for funding this review and nothing has been received yet. She believes that at this point she would like to put forth a motion to move forward with this RFP to get the review completed and then for the UASI staff to complete a report with funding options to support the RFP moving forward.

Laura Phillips stated that the original request (for a review) to look into the process was based on the first letter that she had received. The content of the letter was the only thing that she knew was being questioned at that point. Other allegations have obviously been made since then. Ms. Phillips pointed out there was no formal written scope of work; the review was based on the letter that was originally received. Her understanding is that CalEMA met with some of the members of the Approval Authority during the process with the goal of fully understanding members concerns. She feels that she has responded but is certainly open to any further direction that the Approval Authority would like to give her. Ms. Phillips stated that in regards to the funding, M&A can cover anything related to Cornerstone and anything related to how staff's time was used, even if it was used towards BTOP, she believes. She states that CalEMA did receive a copy of the draft RFP for review. Per the report from the last meeting that the UASI was looking at a certain figure for doing a review based on the initial discussions that Ms.



Hennessy had with Harvey Rose & Associates about the costs for a review. It looks as if there are things that are going to be eligible to use Management & Administration funds.

Vicki Hennessy paraphrased that basically Ms. Phillips had sent the draft RFP to CalEMA asking them to comment and provide information about the eligibility for the grant funding for this.

Laura Phillips stated that CalEMA verbally stated that anything related to Project Cornerstone is obviously eligible but that they will look at the full draft RFP as there are other things in there that weren't clearly spelled out. Ms. Phillips stated that she is still awaiting this report.

Vicki Hennessy stated that she is concerned that the Approval Authority is beating a dead horse and beating this issue to death. She does understand the need for some members of the Approval Authority to feel much more comfortable with the processes that were used for Cornerstone and BTOP. She is concerned that the Approval Authority just keeps going over the same issue and is spending more of their money to do this. She still thinks that in some ways it is good to get it done once and for all; she is torn on this one but wanted to state this position for San Francisco.

Renee Domingo stated for the record that she thinks it is good to do this process so that the Approval Authority ensures accountability and transparency. The reason other jurisdictions are concerned including Oakland is because they were omitted from the process and there was funding that had been allocated to them that was reallocated without the approval of San Jose and Oakland. Therefore, yes it would be of concern to them, just as would be if San Francisco's funds had been reallocated without their knowledge. Ms. Domingo thinks that it is important to do this process to ensure accountability and transparency at this point.

Rich Lucia stated that he would support the concept and wanted clarification on the fact that there may be some parts of this scope of work that is not grant eligible for funding and how the Approval Authority will deal with that part.

Kirstin Hofmann requested for Laura Phillips to elaborate on what she thought might not be eligible.

Laura Phillips stated that she wasn't sure on which parts might not be grant eligible; her comments were made based on what CalEMA had said as they are the ones that make that decision. She pointed out that it is frequent for these questions to be posed to CalEMA so that the general fund is not impacted.

Teresa Reed pointed out that there was a real quick review by CalEMA to determine which part of the draft RFP would be eligible and which part isn't but they haven't made this determination. She received clarification from Ms. Phillips that at a later date CalEMA would have more definitive answers and asked for Ms. Phillips to come back to Kirstin Hofmann or herself once a response was received from CalEMA identifying what is grant eligible.

Laura Phillips agreed to come back to the full Approval Authority with information from CalEMA.



Kirstin Hofmann felt that the Approval Authority could move forward with the process for the RFP without the information regarding funding sources as the RFP doesn't have to be awarded. She stated that she was confused about what might not be eligible for funds as these were all projects that UASI staff has been working on.

Laura Phillips stated that she was unable to answer this question as she didn't have the details about it and doesn't know what CalEMA is referring to.

### **PUBLIC COMMENT**

Jim Bouziane, City of Sunnyvale Public Safety, inquired if the RFP would be made public so that the public could view the responses.

Kirstin Hofmann confirmed that the RFP would be released publicly via BidSync, which is a website that is used for the release of RFP's. She pointed out that once responses are received and as the process moves along there is some confidential things that occur during this process. At the end it will be announced who was awarded the contract.

Vicki Hennessy asked for clarification about the RFP being released but not awarded.

Kirstin Hofmann stated that she thought it would be appropriate for each Approval Authority member to identify a representative to be on the review committee for the RFP. She stated that she would facilitate the RFP process in terms of procurement.

Vicki Hennessy pointed out that once funding has been identified then the Approval Authority can discuss the review committee at more length, at the next meeting.

Kirstin Hofmann recommended that the Approval Authority identify representatives for the review committee within the next week or two.

Kirstin Hofmann made a motion to issue the RFP with the understanding that funds have not been yet identified. Teresa Reed seconded the motion. The motion passed unanimously.

Kirstin Hofmann made a motion for UASI staff to request a written report from CalEMA regarding the items that would be eligible or not for the current RFP and identify a funding source if possible for the next meeting. Teresa Reed seconded the motion. The motion passed unanimously.

Kirstin Hofmann made a motion for each Approval Authority member, including CalEMA, to identify a participant to serve on the review committee for this RFI and for the name and contact information to be sent to Ms. Hofmann by January 21, 2010. Teresa Reed seconded the motion. The motion passed unanimously.

### **UASI PROJECTS STATUS REPORTS**

Vicki Hennessy noted that this agenda item was deferred from the December 13, 2010 meeting and revised to provide an update on interoperability projects including BayRICS and Project Cornerstone.



Renee Domingo stated that the Approval Authority had requested status reports from the UASI Management Team at the October meeting but ran out of time during the December meeting. She pointed out that the reports that they will hear today relate to item 8 on the agenda (UASI 2009 Grant Allocation for Interoperable Communications Pilot Projects). She stated that she would like to hear a staff report on the latest update on BayRICS and Project Cornerstone and how it all relates as UASI staff has been spending a lot of time on BTOP. She requested that the staff report not exceed 15 minutes.

Heather Tannehill-Plamondon, Bay Area UASI Program Manager for Interoperable Communications and Information Sharing, gave a status report and update on the UASI's interoperable communications initiative, which is one of the most significant initiatives that the Bay Area UASI works with.

The Bay Area UASI's role in interoperable communications is to coordinate at the ten county UASI level and then back with the twenty-two counties of the Capital Bay Planning Region to ensure that the Northern California efforts are consistent with an agenda of ensuring interoperable communications for first responders. This stems from a national and a state initiative to ensure interoperable communications being the number one priority in our response to terrorist, which is the UASI's primary function.

The UASI supports a region wide standards-based communication "system of systems" for voice interoperability and ensures that the strategic plans and strategic goals that they work on within the ten counties and twenty-two counties of the Capital Bay Planning Area work very closely with state and federal interoperability requirements.

A UASI Region Strategic Plan was completed in 2008 for Land Mobile Radio, which is voice communications that support the P25 standards based equipment which is consistent with the States plan (CalSCIP).

Vicki Hennessy asked how the UASI came up with the initiative of supporting a region wide standards based communication "system of systems".

Ms. Tannehill-Plamondon stated that the UASI is directly responding to the role of the UASI's funding supporting the state and federal plan, which are the National Emergency Communications Plan (NECP) and the State Emergency Communications Plan. She confirmed that these plans are required for the eligibility for use of UASI funds. In 2009 and 2010 SAFECOM, which is the public safety communications group at the federal level, put out plans that all of the UASI's work has to be directly connected to the SAFECOM continuum.

Laura Phillips pointed out that the UASI did conduct a strategic planning process which is used to refer back to when making decisions and working back with the State through the Capital Bay Planning Area. This is a very dynamic process in getting people from all of the organizations involved in developing the CalSCIP, which is the State's Plan.

Heather Tannehill-Plamondon stated that the BayRICS concept of "system of systems" includes four primary components:

- BayCOMM, which is the P25 standards based land-mobile radio for voice.



- BaySHARE, which is the information sharing initiative which is run with applications. The two most notable applications at this time are COPLINK and ARIES which are both information sharing initiatives that the UASI is funding throughout the ten county region.
- BayLOOP is the digital microwave system which is used as backhaul for voice and data. The term “Backhaul” is the mechanism by which the data gets moved from point to point.
- BayWEB is the wireless broadband network infrastructure. Phase 0 (zero) is the pilot which the UASI has funded (Project Cornerstone). Phase 1 is the BTOP funded portion of the wireless broadband network. Phase 2 will be when the BTOP portion is completed and/or the UASI is in search of other funding sources.

Ms. Tannehill-Plamondon discussed the map of the BayLOOP (backhaul map) showing that the UASI has identified and established the microwave network that runs throughout the ten Bay Area county region. The map showed new paths that were worked through on a combined investment justification with the Bay Area UASI and the Sacramento UASI, which is connecting Sacramento’s microwave system (in the Capital Area) with the Bay Area which further strengthens the relationship and the interoperability between the Capital Bay and the Capital Bay planning area.

Heather Tannehill-Plamondon referenced a UASI Region map showing the official identified UASI footprint. She pointed out that Monterey and San Benito are two of the UASI’s partners primarily identified through the Regional Catastrophic Planning Grant Program (RCPGP) as planning partners. The second map that she discussed showed the Capital Bay Planning Area. The State of California through their Interoperability Coordinator’s Office has identified the twenty-two counties as the Capital Bay Planning Area. There are four planning areas in California: the Northern Planning Area, the Capital Bay Planning Area, the Central Planning Area, and the Southern Planning Area. She stated that she works very closely with representatives from the other three planning areas and also has regular meetings and works closely with representatives from all of those counties on interoperable communications projects and initiatives to ensure that interoperability is a foundational platform for the decisions that are being made for projects.

Laura Phillips noted that Ms. Tannehill-Plamondon also works back with some of the state established committees; there is one on information sharing in which she works back with the state representatives. The goal as the UASI moves forward is to make sure that ten years from now people are not talking about how they got into this mess again as was done with land mobile radio. It is important to remember as things are implemented regardless of the funding source that the UASI is working collaboratively to ensure that data will be exchanged real-time.

Heather Tannehill-Plamondon explained that the planning footprints for the Capital Bay Area as well as the UASI Planning Area are consistent with the footprints that the Fusion Centers use in terms of the Sacramento Fusion Center and the Northern California Regional Intelligence Center (NCRIC), which is the Bay Area’s Fusion Center. The same goes for throughout California such as with the Southern California Planning Area’s footprint being relatively consistent. Ms. Tannehill-Plamondon pointed out that there is a lot of interconnected work. The UASI works very closely with the partners from the Fusion Center in Sacramento and the Bay Area NCRIC to ensure that the projects being done provide some level of benefit back to the first responders that need to have access to this information.



Ms. Tannehill-Plamondon stated that there is a need for regional influence, so she works through the Capital Bay Planning Area and works very closely with members of the California Statewide Interoperable Executive Committee (CalSIEC). The UASI is doing everything that they can to ensure that they have significant influence on the National Emergency Communications Plan (NECP) and on the work that is being done by the National Public Safety Telecommunications Council (NPSTC), which is extremely involved now in the future of broadband technology. She pointed out that The Emergency Response Interoperability Center (ERIC) is being stood up at this point by the Federal Communications Commission (FCC). She stated that the primary reason for doing this is because a coordinated voice does have significant impact.

Laura Phillips commented that when the NECP validation process occurred the UASI was asked to conduct an exercise and validate the UASI portion of planning. This was coordinated through the UASI because it involved several counties. She pointed out that the UASI is unique in that it is comprised of multiple jurisdictions, which is more of a challenge.

Teresa Reed inquired about how the move to 4G LTE will impact the P25 radio projects.

Heather Tannehill-Plamondon explained that the 4G LTE at this point is intended for data only, not voice. The P25 is voice interoperability so at some point, which has yet to be determined, there is the possibility that there will be the ability to run voice on the infrastructure that is dedicated to 4G - which is the Long Term Evolution (LTE) Broadband Network that the UASI is working on. However, at this point they are parallel and don't run together; there is not an intention at this point for the UASI to run voice on the 4G system (it is data only).

Laura Phillips pointed out that since this is brand new technology and there is a lot of speculation on when it will be ready to be observed as a mission critical type of system. She posed the question, "Would you send a firefighter into a burning building with voice over IP?", and stated that the answer today would be "no". There are a lot of different ideas on when it will be ready, some say 5 years and others say 10 years. It should be taken into consideration the investments that have already been made into land mobile radio. This could be looked as a backup potentially, giving increased capability or enhancing capability maybe not necessarily replacing it. She stated that she would defer to the first responders to really answer the question.

Rich Lucia stated that Alameda County's point of view is that they never saw voice over IP as being the answer to first responder's interoperability. He stated that some day it will be a great back up but for people who are going into burning buildings and jumping over fences chasing people trying to communicate on a Blackberry device it doesn't make a lot of sense unless they get to a point where it does. For right now it is not a practical way of and it was never seen as a primary way to communicate.

Teresa Reed asked if it was expected for UASI funding to pay for the new 4G technology or is it something that the different local agencies will have to pay for themselves.

Ms. Tannehill-Plamondon stated that the UASI identified \$6 million in UASI funding for a Regional Broadband Pilot. Additionally, the UASI has been working to secure, through a



partnership with Motorola, a Broadband Technology Opportunities Program (BTOP) grant. Motorola was successful in securing that grant and they do intend to move forward with that project in this region, which will bring roughly \$71 million worth of network infrastructure into this region. In terms of where the funding will come from for handheld devices or other things the funding sources have not been identified. If it's the will of the UASI, they will continue to look for opportunities to secure funding for the continued build out and the future support of the use of the broadband system that will hopefully continue to get built. At this point the UASI has not identified UASI funding.

Teresa Reed asked if it was true that the devices that Ms. Tannehill-Plamondon referred to run about \$3,000 a piece.

Ms. Tannehill-Plamondon explained that the cost is unknown as the technology has not been developed yet so they could run \$3,000 but they could be \$55 USB devices as well. She believes that the market will dictate what they are going to sell for once there is a market to sale to. At this point there is not a 4G public safety only broadband market so there will be many vendors that will have many products and that in and of itself will dictate the cost of those devices.

Laura Phillips pointed out that there are lots of devices out now that went 3G and what is anticipated is vendors that are making biometric devices will come out with 4G cards or chips in those devices.

Heather Tannehill-Plamondon stated that right now for Project Cornerstone, the initial testing devices will be USB devices that can go into a laptop or a desktop computer and those devices cost somewhere in the low \$100 range. She pointed out that more information is covered in the staff report that was prepared for this item.

Kirstin Hofmann asked about the costs for Phase 2.

Laura Phillips stated that she didn't know if costs could be anticipated as it is unknown what Phase 2 will look like. She pointed out that right now in Phase 0 (zero) things like capacity and coverage are being looked at but noted that this would be the first deployment in the world which has less assurances because it is new technology but other funding sources would be sought.

Heather Tannehill-Plamondon added that with Phase 1, which is the network that will be built through the BTOP funding; the UASI believes that the 193 site network will provide valuable on street coverage for broadband technology. There are a significant number of opportunities where UASI can partner with other agencies and vendors to increase the coverage that goes to buildings. She stated that broadband technology is more similar to a cell phone than to mobile radio. She gave the example of a person in a building who can't talk on an AT&T phone, but could talk on a Verizon phone. This is one of the things that will be looked at with respect to the coverage that will be received from the initial build out due to the BTOP grant and then the UASI will likely be looking for ways to increase or improve that with additional funding sources.

Teresa Reed asked Ms. Tannehill-Plamondon that when all is said and done will the local agencies will be able to afford this project.



Ms. Tannehill-Plamondon confirmed that she did see local agencies being able to afford this project because it is still the negotiations phase in terms of the relationship with Motorola and how the project looks as it moves forward. It is her belief that Motorola and the NTIA, who is funding Motorola for this project, believe very strongly in making this work.

Heather Tannehill-Plamondon discussed Project Cornerstone as being the pilot, or Phase 0 (zero) of the larger BayWEB project. The UASI is funding Project Cornerstone, the first portion of the BayWEB project, which has been identified as a ten site, one core, three hundred test device system. She pointed out that she is attempting to answer some questions in her report that were posed in a letter from Teresa Reed. Ms. Tannehill-Plamondon gave the following overview:

- In terms of procurement an RFI went out from the City and County of San Francisco on behalf of the region for broadband technology. Responses from this RFI were used to generate an informal RFP looking for people who had responded to the RFI, who would be potentially interested in partnering with the region on a BTOP application.
- A group of representatives from six jurisdictions within the UASI region (none of which were UASI staff) chose Motorola to be the public/private partner on the BTOP application. With the BTOP application an initial investment came into the project which was thought to strengthen the funding chances as well as give the opportunity to do some significant testing to get some very valuable data back on the broadband technology.
- Went through the process of identifying Alameda County and the East Bay Regional Communications System Authority (EBRCSA) as the logical procurement vehicle based on timing, contracting processes and the ability to use the RFI and the RFP that had already been issued as well as their ability to have public meetings that were already scheduled. EBRCSA reviewed and approved entering into a contract with Motorola on 7/16/10. This was for the ten system pilot.
- BayLOOP is intended to be used as the backhaul and fiber where necessary for larger capacity.
- There is a core that was purchased as a part of Project Cornerstone that allows the BayRICS or the Bay Area Urban Area to manage the Quality of Service (QOS) and also to identify priority access.
- Strongly believes that this project will provide valuable data to the early builders of the “national broadband” network, not only of the network and the equipment but also of the use and the availability of the spectrum that has been designated for the same.
- Using the initial devices that will be used for the testing (brand new technology-first in the nation to use it) are USB devices at this point that will be connecting to laptop computers or MDT’s in the cars.

Teresa Reed asked if the core that was purchased was purchased with the \$6.5 Project Cornerstone funding.

Ms. Tannehill-Plamondon stated that the Project Cornerstone project description intentionally included the core as well as the antennae sites or the eNodeB’s because it was thought that it was very important that the Bay Area had the ability to manage that quality of service that comes out of the core. The core is like the brain of the network and that’s really where all of the data comes in and out; it is the epicenter of whole ability to manage the broadband data



transmission. She stated that the price is listed as \$2.6 million of equipment for the core in the Motorola costs contract.

Heather Tannehill-Plamondon discussed the following:

- The footprint for Project Cornerstone included the City and County of San Francisco, City of Oakland, Alameda County, Contra Costa County, City of Concord, and the Cities of Santa Clara/Sunnyvale.
- The piece of equipment that is installed in downtown Oakland is in fact installed in the County of Alameda building however it does provide coverage for the City of Oakland. She stated that at the September Approval Authority meeting there was an appeal filed by the City of Oakland. The UASI Interoperable Working Group was tasked with going back and determining how to move one or more sites from the existing pilot plan so that there would be a site(s) specifically installed in the City of Oakland facility. It was determined that there was a site that would make sense to do that with. The UASI is still working with the City of Oakland to obtain the necessary documentation as the participation agreement as well as making some confirmations on their availability of backhaul and Oakland's microwave system to make sure that the data is transmitted the way it needs to be.
- One site has been identified to move out of the City of San Francisco into the City of Oakland at their 911 Center. Between this site and the Glenn Dyer Detention Facility site, which provides roughly a 5-mile radius coverage of the downtown Oakland area, the City of Oakland will be given significant coverage in the pilot.
- The UASI is using an Experimental License for the spectrum access; not using the PSST leased spectrum for the project. The UASI worked with the FCC on obtaining an Experimental License that specifically identifies the ten radio sites that were originally identified for this project. The UASI will need to do an Experimental License modification to acknowledge the sites that were moved from San Francisco to the potential site in Oakland. Additionally there was a site identified in Contra Costa County that will be moved to the City of Concord (at the request of the County of Contra Costa and the City of Concord); this was approved by the UASI Interoperable Working Group. Once all of the necessary paperwork is in order and the participation agreements are signed, the UASI will need to make an amendment to the Experimental License.

Laura Phillips stated that this is the first Experimental License issued in the U.S. to test Long Term Evolution (LTE) and 700 MHz. The UASI is looking at how to get the best amount of data back. She pointed out that even though Conditional Waivers were granted, no one has met the conditions yet. The Bay Area UASI hopes that this is important to that process and learning how to do it properly to ensure interoperability across the nation; it is all a part of a nationwide strategy.

Heather Tannehill-Plamondon stated that project participation is based on participation agreements and the UASI's commitment to jurisdictions that agreed to or planned on participating in the pilot project was that there would be support for minor site costs and regional governance to support and ensure the success of the project.



Ms. Tannehill-Plamondon stated that there have been some UASI dollars spent to date on Project Cornerstone. It is the intention with Project Cornerstone to provide significant data in terms of the use of a broadband system and the 700 MHz spectrum. To date the project includes an installed core that has been installed at the Alameda County EOC, there is an eNodeB installed at the Glenn Dyer Detention Facility providing coverage to downtown Oakland.

Vicki Hennessy asked for clarification on the \$2.2 million spent to date and if it includes the cost of the core.

Heather Tannehill-Plamondon explained that the way that the Cornerstone contract is set up between Motorola and EBRCSA is that it is structured in payment milestones by dates. It is a total contract cost of about \$6 million but EBRCSA is not billed for a core and then an eNodeB. She stated that she could show the contract and the way it is set up.

Teresa Reed asked for clarification on the \$6.2 million budget and the \$2.2 million spent.

Ms. Tannehill-Plamondon clarified that the EBRCSA has issued invoice payments in the amount of \$2.2 million on a total contract cost of \$6 million. The contract is a bill of \$6 million and has been invoiced in \$500,000 increments based on milestones. EBRCSA has paid four of the invoices.

Ms. Tannehill-Plamondon stated that the eNodeB's, antennae systems, are up and operational in downtown Oakland. The UASI is in the process of connecting the eNodeB's to the backhaul at two sites in Contra Costa County. The City of Santa Clara and the City of Sunnyvale are both waiting for equipment to be delivered, but both sites are ready for installation. The UASI with the City and County of San Francisco and the City of Oakland are working on participation agreements. Once the participation agreements are signed and in place the UASI will have to work with the FCC to do an amendment to the License as they won't be allowed to access the spectrum from those sites without that change. The City of Concord has signed a participation agreement however will wait to do one amendment once all of the changes have been made.

Teresa Reed stated that she really didn't understand the budget in regards to the purchase of the core for \$2.2 million; she wanted to know where the funding came from for this purchase.

Ms. Tannehill-Plamondon explained that EBRCSA signed a contract for \$6 million and that contract includes a core, and ten sites of equipment. There is a commitment to a project that includes these eleven things and 300 user devices; incremental payments are being made towards the cost of the total project.

Heather Tannehill-Plamondon stated that the first test of equipment was done. The core is up and operational and was tested with the eNodeB that's installed and operational at the Glenn Dyer Detention Facility. There was video testing which is incredibly significant as it was the first in the nation to be done in a live environment as opposed to in a lab. Using drive speeds of 0-60 mph video streams, tests were done driving around showing video in the car using the broadband network. She stated that she saw a demonstration in Boulder, CO which was done in a lab, where they were driving about 70 mph on the campus of the Department of Commerce and it was like watching an old internet video but the video testing done in Oakland did not have any quality degradation like that.



Renee Domingo thanked Ms. Tannehill-Plamondon for the report and requested at a future meeting a report can be given that includes voice communications and where the UASI is with all of the voice communications regionally. She knows that there have been investments of significant dollars from 2006 to current and is curious as to where people are with their P25 and what investments have been made in Santa Clara, Alameda County and San Francisco.

Laura Phillips asked for clarification on how Ms. Domingo wanted that report to look; the dollar amount with each subsystems status.

Heather Tannehill-Plamondon agreed to provide the report and would consult with Ms. Domingo if she had any questions. She stated that since the next meeting would have a packed agenda she would provide this report at the meeting after.

### **PUBLIC COMMENT**

Michelle McGurk stated that there was one question that San Jose had regarding statements in the report that they had hoped would be answered by the earlier agenda item regarding consultation with the City Attorney's Office. There is some reference in the more lengthy staff report about consultation on the RFP process essentially saying that the San Francisco City Attorney had blessed the converging of the original RFI to what Ms. Tannehill-Plamondon referred to as an informal RFP. San Jose has seen statements in the trade press from the San Francisco City Attorney's Office stating that they never did such a thing; San Jose is interested in getting to the bottom of that as it is a very crucial factor. The procurement changed the RFI for Project Cornerstone clearly stated that the RFI would never be used as a procurement document. Ms. McGurk would encourage the Approval Authority as they look ahead to the next item on the agenda, that they take that into account as it was a fatally flawed procurement process.

### **UASI 2009 GRANT ALLOCATION FOR INTEROPERABLE COMMUNICATIONS PILOT PROJECTS**

Vicki Hennessy noted that this agenda item was deferred from the December 13, 2010 meeting and stated that the Approval Authority members had passed a motion unanimously at the Approval Authority meeting on September 9, 2010 to move forward with Project Cornerstone as well as accept the appeal presented by the City of Oakland by sending the appeal to the Interoperability Project Cornerstone Working Group for consideration at their meeting on September 29, 2010. She states that this item was a discussion regarding allocation of \$6.2 million from the UASI 2009 grant for pilot interoperable communications projects. Possible action to allocate the funds. There are a variety of options (1) affirming allocation of \$6.2 million to the County of Alameda, as the fiscal agent on behalf of the East Bay Regional Communications System Authority (EBRCSA), to fund Project Cornerstone; (2) allocating a reduced amount to the County of Alameda for Project Cornerstone and allocating the balance to other eligible projects; and (3) other allocations that may be proposed.



Heather Tannehill-Plamondon stated that as the Project Lead for the UASI side has been having significant discussions with Alameda County's staff who is working on the larger broadband initiative or BTOP initiative with Motorola she discussed the following:

- Everyone has been trying to remedy some of the things that seem to be unsatisfactory to people. They are looking at ways that they can still do a viable broadband pilot but also looking at potentially having some funds moved from what was originally signed in the Cornerstone contract with Motorola to be used for potentially site readiness for the larger broadband initiative. One of the main concerns that continue to be expressed by those participating in the larger BTOP project is that the costs for getting the sites ready.
- When the list of sites were originally put together for the BTOP application they went out to the various participants in the Working Group that have responsibility for site identification and asked them to identify sites that were shovel ready. She pointed out that the definition for shovel ready has been bantered back and forth quite a bit but stated that they were looking for sites that could be used for BTOP. They then had the sites very quickly validated to see if they were still the sites that could be used for a broadband deployment in our region.
- Now as they are in a position to have funding for the larger network, the site identification is becoming more critical. What they are identifying now through site walks that are being done in collaboration between a Motorola contractor and the Alameda staff is that there are costs associated ranging in anywhere from \$1,000 - \$70,000 in the preliminary costs that were seen at the broadband meeting or BTOP meeting held last week.
- The Technical Advisory Group, which is a group of Subject Matter Experts, working directly with the BTOP or BayRICS Policy Group on the site identification and the site walks has repeatedly said that they want to do this but they need money.
- What has been discussed internally is whether to go back to Motorola (with the approval of the Approval Authority) and ask them to stop Project Cornerstone as a smaller project as opposed to the full ten sites provided that they still believe that they will be able to get the valuable data because of the timing. They still believe that it is important to continue to move forward with the pilot project. With the work done to this point, the core and the three sites in Contra Costa County and the site in downtown Oakland that has been ordered and installed up to this point with the last piece being the Concord site's equipment, which is here but hasn't been installed as they don't have the experimental license's approval yet. They believe that that smaller footprint of Project Cornerstone will provide a valuable test bed. They are looking for the ability to potentially redirect what hasn't been spent out of the Project Cornerstone contract with Motorola and direct that funding towards site readiness for the larger regional broadband project.

Ms. Tannehill-Plamondon confirmed that this is a proposed solution in response to the Technical Advisory Group saying that money was needed for site readiness.

Teresa Reed pointed out that Ms. Tannehill-Plamondon had stated earlier in regards to the \$6.2 million that a core was purchased and some sites were made ready. Ms. Reed stated that it hasn't been truly defined how much money of the \$6.2 million has been committed although the monthly payments of \$2.2 million have been made. She stated that it sounds like there are other payments that they are waiting for because they have actually already spent that money. When there is talk about a reallocation with the different options, they don't know how much money is being talked about.



Ms. Tannehill-Plamondon stated that part of what they were anticipating is that they will be able to have meaningful negotiation with Motorola. Part of Project Cornerstone is that it is a pilot of a much larger broadband project.

Teresa Reed asked how can there be a vote to reallocate funds if you have to go to Motorola and get permission because there is already a signed contract with them. She wants to know how this works. She stated that the Approval Authority can sit there and vote and then go back to Motorola in which they can say “no, we have a contract with you”. Based on the briefing, it was said that there is a signed contract for \$6.2 million, some of the money has been spent for a core and some of the sites are ready and now to go back and do something different – renegotiate with Motorola. She thinks that they should have gone back and renegotiated with Motorola prior to the meeting so that they could have had serious talks during today’s meeting because they don’t even know what they are talking about. All that is being said is to “reallocate” and to her that is a way of cleaning up something from the past but the method to do it is still messy.

Laura Phillips commented that one of the keys is how do you make sure to get the data for the pilot, the whole goal of the pilot. She asked if there is enough done now to get data that will be valuable that meets the intents of the pilot to begin with. She pointed out that the question was asked if work was stopped right now would they still be able to get that. In some respects as Bill McCammon has said “we got the BTOP money too soon” as it was not known that there was another funding source coming in. Regardless of if it’s cleaning up a mess or not she would think that the Approval Authority would still want to look at that because it offers an opportunity to weigh in since that was what was understood that they wanted to do was to weigh in on how it is allocated.

Teresa Reed asked if she had understood correctly what Ms. Tannehill-Plamondon had said regarding going back and renegotiating with Motorola on the funding.

Ms. Tannehill-Plamondon stated that was correct because the contract is with Motorola.

Teresa Reed asked what they were talking about in regards to an allocation of funds especially identifying those options for an amount that the Approval Authority is not aware of for a reason that they may not be able to get out of. She asked if they can say to Motorola as the Approval Authority that they want them to renegotiate the contract or is the option still then that the contract had already went forward and is signed.

Heather Tannehill-Plamondon stated that what she is looking at with the three options is that the Approval Authority was going to either affirm what was approved at the meeting on September 9, 2010 which was to move forward with Project Cornerstone with the changes that were going to be made according to the formal appeal from Oakland. She stated that September 9<sup>th</sup> they have worked on Project Cornerstone with the changes incorporating Oakland and working with Oakland to get the participation agreement, and working with San Francisco. There is still disagreement between the Management Team and the Approval Authority in terms of the original allocation of the \$6 million. The Management Team’s interpretation of and the actions taken up to this point have been on a \$6 million regional broadband pilot – that’s what has been worked on.



Teresa Reed stated that the disagreement must be with more than the Management Team and the Approval Authority because otherwise they wouldn't be discussing this today. She pointed out that there must be someone else that feels that something is wrong with how the money was reallocated. That's why they are there taking a vote. Ms. Reed stated that she would have felt better if the Management Team would have come and said that they needed the Approval Authority to vote on the reallocation as it is today as opposed to putting the options on the agenda that the Approval Authority can't do without renegotiating with Motorola.

Vicki Hennessy stated that Ms. Reed was correct however the goal was to try to give the Approval Authority some options. She stated that she would like to go with option one to affirm the allocation because in concept the Approval Authority already voted to go forward. However it was never actually said to go forward and allocate the \$6.2 million back in September.

Teresa Reed stated that this was okay, but not to try to come with saying that money was needed to help get sites ready and that "we" can allocate some of this money to help get your sites ready. The truth of the matter is the contract has already been signed with Motorola and in order for anything to be done outside of option one; you have to go back to the table with Motorola.

Heather Tannehill-Plamondon stated that EBRCSA, who is the contracting entity with Motorola, will have to go back to the table with Motorola to negotiate some type of amendment. She stated that what is being looked for is the Approval Authority to weigh in. Her understanding was that the Approval Authority has been looking for the ability to weigh in and for the Approval Authority to give her some direction that she can take with EBRCSA to try to take it back to the table. She stated that the other significant issue that has come as BTOP landed on top of the Project Cornerstone timeline is the site readiness for all of the sites that have been identified within the 193-site broadband network that we as a region would like to have built. So they are looking for the ability to somehow come to some sort of a happy medium in terms of not continuing to necessarily invest specifically in Project Cornerstone but instead to continue to invest in regional broadband communications for this region.

Ms. Reed stated that she didn't understand the Approval Authority voting on or even considering the 2<sup>nd</sup> or 3<sup>rd</sup> options because the proposal doesn't say if "we are able to renegotiate with Motorola".

Vicki Hennessy pointed out that was the purpose of putting the options on the agenda, so that they can be discussed at the meeting. She stated that if they wanted to they could say that they would have to renegotiate those options. That's what the whole presentation was about.

Teresa Reed stated that she would propose to go back to Motorola to see what the options are in regards to if they would be willing to renegotiate. Take a look at those options and then vote on something that can truly take place as of now they can vote on options 2 or 3 but the Approval Authority doesn't know if they will happen because they need to renegotiate with Motorola.

Vicki Hennessy stated that she would prefer to vote on option one and get it over with, however if there are other options then the Approval Authority can discuss them which was the purpose



of option 3 on the agenda. She agrees that the wording could have been better stated as it is not an option just to reallocate but to look into whether or not money can be reallocated through negotiations with Motorola.

Teresa Reed stated that this is a vote to reallocate because the money was allocated to the three core cities and now it is wanted to be reallocated. She pointed out that this should have come before the Approval Authority to be reallocated, which is something they have been saying for awhile. So now it has been reallocated by the Management Team, a contract has been signed with Motorola and now the San Francisco City Attorney sent a letter stating to get the Approval Authority's approval of the reallocation. She asked what the options are for in regards to making it a smaller amount when Motorola already has all of the money. She stated that the Approval Authority can say that they agree to allocate a certain amount of money to help people get their sites together, however when they go back to Motorola, they (Motorola) can say "no, we already have a contract".

Laura Phillips stated that the problem that was presented from the Technical Group was that they need site readiness money. So in some respects some of these organizations that want to participate in BTOP or even the Cornerstone participants can't do so because they don't have site readiness money and they need that to assist them, to reallocate is one way to solve that. From a precedent setting, this is the first time that the Approval Authority has done that, the Approval Authority has never gone back in the middle of a project and said to reallocate funds a certain way. Ms. Phillips pointed out that if there is no site readiness and people aren't able to participate it doesn't help Motorola, so of course they are ready to deal with the site readiness issue however there haven't been any negotiations as the Approval Authority's direction is sought.

Teresa Reed stated that there is a contract with Motorola for \$6.2 million for Project Cornerstone. The first option is affirming allocation of the \$6.2 million to the County of Alameda, as the fiscal agent on behalf of the East Bay Regional Communications System Authority (EBRCSA), who is managing Project Cornerstone. Ms. Reed stated that the Approval Authority is being asked to approve what is already in place today. She stated that this is doable as Motorola already has the money. The second option is allocating a reduced amount to the County of Alameda for Project Cornerstone, because the Approval Authority does not know what that is (how much money that has been spent). Additionally Motorola already has a signed contract for \$6.2 million and unless they are saying that that they are willing to renegotiate the contract she doesn't see how this can be a viable option. She understands that no conversations have been had with Motorola

Heather Tannehill-Plamondon confirmed that there have been no conversations with Motorola but they do know that they have spent \$2.2 million to date on the contract.

Teresa Reed stated that although a check hasn't been cut, \$6.2 is the amount of the "bill" and because the information isn't available the Approval Authority doesn't know what the reduced amount would be for option 2.

Ms. Tannehill-Plamondon stated that they have a pilot project that was thought to be a full life, one year life pilot project however they didn't anticipate that \$70 million would be dropped on top of this pilot. So now there is potentially the ability to talk to Motorola and say that they don't



necessarily need to do a ten site, one core pilot because they are going to be bringing on additional sites through the BTOP grant.

Ms. Reed stated that she understood but reiterated that if the Approval Authority is going to be asked to reallocate funds tell them truly what is being talked about.

Ms. Tannehill-Plamondon stated that she would like the Approval Authority to consider the option (which is in the staff report) to take the \$2.2 million already paid to Motorola and tell them that they would like to keep the pilot intact with what has been already ordered and installed, that they want to pay a reduced amount and modify the scope of work to indicate that. So then the money that hasn't been issued in checks yet can be used for site readiness for the larger BTOP project.

Teresa Reed asked for clarification on the \$2.2 million already spent in relation to the core she asked if the core was needed.

Heather Tannehill-Plamondon stated that the core was needed and that it is their intention that the Bay Area region maintains ownership of the equipment that was already installed at the site.

Ms. Reed asked how much money is left after the equipment purchases and installation.

Vicki Hennessy stated that authority is being sought from the Approval Authority to allow for renegotiations of the contract with Motorola regarding the remainder of the payments which may come from the BTOP grant.

Ms. Reed feels as though if there is a limit of \$6.2 million and \$4 million has been spent and incremental payments are being made of \$2.2 million that doesn't mean that only \$2.2 million has been spent, it means that \$4 million has been spent and that is what is still owed. So when there are talks about a reduced amount, that amount needs to be stated as it is not identified and will not work to have the Approval Authority just blindly agree as they need the necessary information. She states that only option one needs to be on the table unless the Management Team goes back to get some clear information that will give them what they need in order to vote. She doesn't feel that right now with the way that the options have been laid out there is no viable options that provide them with information.

Renee Domingo stated that she understood what member Reed was saying in regards to the need for seeing more information such as a dollar amount to be reallocated and if Motorola is amenable to renegotiating the contract or would the Approval Authority just be wasting their time by voting on option 2.

Ms. Tannehill-Plamondon stated that she would have to review the contract to be able to figure out the dollar amounts

Ms. Domingo stated that the Approval Authority may need to come back to this motion at the next meeting.

Laura Phillips stated that she didn't know if there was going to be a firm number until they got into the renegotiations process.



Ms. Domingo stated that an approximate number would even be helpful to give them a better idea and also if they knew that Motorola was amenable to coming back to the table and negotiate.

Teresa Reed stated that what will be critical is that there are no more charges until it is found out how much money has been spent and how much is left over.

*(The Approval Authority took a break from 12:04 p.m. to 12:17 p.m.)*

Vicki Hennessy stated that she received clarification from Heather Tannehill-Plamondon that in the contract EBRCSA is receiving a 46% discount. Therefore the price of the core is not \$2.6 million as this doesn't include the discounted price. The East Bay Regional Communications System Authority (EBRCSA) is paying their contract in \$500,000 increments according to specific milestones. So far \$1.4 million has been paid for equipment that has and hasn't been installed and \$800,000 has been paid for services; which is a total of \$2.2 million that has been paid out.

Ms. Hennessy pointed out that the question is whether or not EBRCSA will want to renegotiate with Motorola. Bill McCammon has stated to Ms. Tannehill-Plamondon that he would work to renegotiate the contract. Ms. Hennessy stated that asking whether or not the Approval Authority should work with EBRCSA to renegotiate the contract, which means that the funding source for the remainder of the contract would possibly come from the BTOP award. The BTOP award is Motorola's award and their money; there is some room for renegotiation. There is no certainty that this would be successful. She stated that the question is whether the Approval Authority wants EBRCSA to enter into those renegotiations or the other option is (option number 1) to affirm the allocation of \$6.2 million to the County of Alameda. Ms. Hennessy pointed out that these are the two options that she would propose.

Kirstin Hofmann wanted to know what authority the Approval Authority had to tell EBRCSA what to do in terms of entering into negotiations with Motorola.

Vicki Hennessy stated that the Approval Authority doesn't have the authority, but the authority to ask them to do this and to ask the Management Team to work with them on this.

Renee Domingo stated that there are other options which could include going back to the original proposal. She pointed out that since San Jose hasn't joined, \$2 million can be given back to San Jose and Oakland. She pointed out that the contingency of the Approval Authority unanimously agreed that in moving forward the Technical Advisory Group was to work with the City of Oakland and the Approval Authority hasn't heard an actual report of the outcome of this meeting. All that was heard (today) was something about a participation agreement, but the Approval Authority has not received the requested formal report which was required as part of the motion. Ms. Domingo pointed out that the Approval Authority accepted the appeal and asked the Management Team to take it to the Technical Advisory Group in which the Management Team would come back with a report stating the outcome. She heard from staff in Oakland that there was only one site that was looked at and the appeal was a minimum of two sites. So she doesn't know whether that issue has been resolved or not and that there are other alternatives to look at. One of the issues with BTOP and Cornerstone is that San Jose and



Santa Clara are not participating in any of this which doesn't make it a regional effort; this is a little concerning to Ms. Domingo. If the Approval Authority is going to look at all options, the other option is to look at the original proposal.

Vicki Hennessy asked whether there was an original allocation or proposal of \$2 million to each core city.

Renee Domingo clarified that in September 2009 there was an approval by the Approval Authority to allocate \$2.1 million to San Francisco, Oakland and San Jose. She pointed out that since San Francisco doesn't seem to have an issue with the reallocation of funds, maybe the \$2 million that has already been spent is San Francisco's money and then the other two cities get their money back. Ms. Domingo stated that as far as she is concerned this is the only allocation that has been approved by the Approval Authority.

Teresa Reed pointed out that the only option that is available for the Approval Authority today is option one: affirming allocation of \$6.2 million to the County of Alameda, as the fiscal agent on behalf of the East Bay Regional Communications System Authority (EBRCSA) to fund Project Cornerstone. Everything else is dependent upon a renegotiation. She clarified that it is not "we" (Approval Authority) in regards to the renegotiation with Motorola as Ms. Tannehill-Plamondon made reference to; it is "them", Bill McCammon and the EBRCSA as they are the ones that signed their names on the contract for \$6.2 million with Motorola. Any option outside of number one is outside of the Approval Authority's authority today. Unless the UASI is able to come up with another \$6 million because legally the \$6.2 million is gone between a signed contract with Motorola between Bill McCammon and EBRCSA. She reiterated that the only option for the Approval Authority to vote on is option one whether or not to reallocate.

Rich Lucia stated that the other option is not to do anything on this item today but to reexamine the other alternatives. If Oakland, San Jose, and even San Francisco have projects that would meet the requirements for the grant funds then they should have an opportunity to bring those projects forward for consideration to show that there are grant authorized uses for \$2 million. Otherwise, he would not agree to just write a check to Oakland and San Jose for \$2 million and allow them to do whatever they wanted with the money. He pointed out that there clearly has to be some rules governing the use of that money, it has to be for specific reasons and projects that fit within the rules; in this case the Approval Authority should consider it.

Teresa Reed pointed out that the conversation was moving away from the actual discussion of the allocation of \$6.2 million which is currently in contract with Motorola and the options with regards to this money. Right now is not the time to discuss bringing in other projects for consideration.

Rich Lucia pointed out that bringing in other projects is an option. If \$2.2 is spent that would leave roughly \$4 million in the "account". If part of the negotiations with Motorola, is that \$2 million has been spent and they (Motorola) will accept that as all they will get and they don't give anymore stuff. There will be \$4 million left, then that \$4 million can be used for the purpose for which grant funds were intended by \$2 million for San Jose and for Oakland. He feels that the Approval Authority should find out if this is possible. He agreed with Ms. Reed that the Approval Authority can't vote on something that they don't know, but can defer the item until the answers to their questions are given.



Teresa Reed moved that item #8 be deferred and for the Management Team to come back with an agreement from Motorola that frees up the difference between the \$2.2 and the \$6.2 and reallocate the money back to the UASI so that the Approval Authority can discuss how the money be reallocated.

Vicki Hennessy requested to add the following language to Ms. Reed's motion: the Management Team work with EBRCSA to renegotiate and amend the contract with Motorola to stop work now on the contract and any remaining funds come back for future reallocation by the Approval Authority.

Ms. Hennessy stated that the motion is to suspend work on Project Cornerstone with the use of UASI funds, direct the UASI Management Team to work with EBRCSA to renegotiate and amend the Project Cornerstone/Motorola contract and any remaining UASI funds be returned for future allocation by the Approval Authority. This item will be placed on the agenda of the next UASI Approval Authority meeting.

Teresa Reed stated that she would like to defer the whole agenda item to the next meeting.

Kirstin Hofmann stated that she was not comfortable directing UASI staff to work with EBRCSA to negotiate any contract as she doesn't think that this is appropriate.

Vicki Hennessy stated that the contract is a UASI funded contract.

Heather Tannehill-Plamondon confirmed that the contract is with EBRCSA and Motorola and that the money is in Alameda County's MOU.

Kirstin Hofmann stated that this contract wasn't approved by the Approval Authority.

Teresa Reed stated she wanted to separate the motions. She would like for agenda item 8 to be deferred until the next meeting pending more conclusive information from the Management Team.

Heather Tannehill-Plamondon requested for more specific direction it was stated that the Management Team should not work with EBRCSA on trying to find a remedy, she would like to know what it is that is the more definitive information that the Management Team is to bring back for the next meeting.

Teresa Reed clarified that she would like for the Management Team to come back with some answers to the questions she asked regarding the options. For example with option 2 allocating the reduced amount she would like for the reduced amount to be identified.

Heather Tannehill-Plamondon stated that the only way she will have that information is if she is able to specifically talk with EBRCSA, Motorola and Alameda County about what that can look like and how to move forward. So if the direction is not to work with EBRCSA on it then she will not be able to get the Approval Authority that information.



Teresa Reed pointed out that this information may come back next meeting as not an option then. The next meeting, option number one may be the only option.

Vicki Hennessy requested for an EBRCSA representative to come to the next meeting and present the contract issues.

Laura Phillips asked if there was any other direction in the motions so that it is clear as to what is being done as she thought that on September 8<sup>th</sup> it was clear.

Vicki Hennessy asked for clarification on what was trying to be accomplished.

Teresa Reed pointed out that the motion comes with options. Options are being put on the table, which are not viable options as the Approval Authority can't vote on something in which they don't know if a contract, which they have no control over, can be renegotiated; so the options have to be removed. The only real option that the Approval Authority has today to vote on is option one regardless of voting for or against it.

Vicki Hennessy made a motion to vote on option 1, affirming allocation of \$6.2 million to the County of Alameda, as the fiscal agent on behalf of the East Bay Regional Communications System Authority (EBRCSA), to fund Project Cornerstone, to see where the Approval Authority stood. Rich Lucia seconded the motion.

Teresa Reed stated that if the Approval Authority is going to vote on option 1 she feels that member Lucia recuse himself from the vote due to the potential conflict of interest that he has right now with the funds due to them being allocated to Alameda.

Vicki Hennessy asked if anybody has been recused in the history of the Approval Authority for votes on allocations that have come to their jurisdictions.

Teresa Reed asked if the Approval Authority has ever had to have a discussion about the Management Team reallocating funds without it first coming to the Approval Authority. She stated that they should not even be having this discussion. If it took place when it was supposed to Rich Lucia could have sat and voted on this item with no problem. However the money has been allocated to Alameda County and Mr. Lucia works for Sheriff Ahern, who sits on the EBRCSA Committee and also chairs the operational portion of it. Ms. Reed stated that she feels it is inappropriate for Mr. Lucia to vote on this item at this time. She pointed out that the Approval Authority is supposed to set the stage. However, the stage was set for them and they just showed up; this is how the stage was set up so they have to address this issue. Right now, she feels that it is inappropriate for Mr. Lucia to participate in the vote today at this time.

Rich Lucia stated that he doesn't work for the EBRCSA and that he is sitting on the Approval Authority at the behest of the County Administrator, not at the behest of Sheriff Ahern. He stated that he doesn't have a legal opinion, but that he was willing to take the advice of the members of the audience who appear to be lawyers as they have been trying to run the meetings by interacting with members of the Approval Authority and telling them what to say. (A member of the public stated that she was not a lawyer representing the Approval Authority.) Mr. Lucia pointed out that he thought the members were supposed to be independent voters, not influenced by members of the audience but maybe he was wrong. He stated that he didn't



have legal representation present to tell him whether he should recuse himself or not; he requested that the item be deferred until he can seek legal council.

Vicki Hennessy withdrew her motion.

### **PUBLIC COMMENT**

Michelle McGurk, representing San Jose, stated that the other reason for deferring this agenda item is at the last meeting when it was deferred there was a letter from the City and County of San Francisco's legal counsel explaining why this item needed to be voted on by the Approval Authority. It clearly laid out that the Approval Authority was being asked to bless actions taken by the UASI General Manager and staff. While the document is in the document library from the last meeting, this document was not clearly referenced on the agenda for today's meeting. She pointed out that any member of the public who hasn't been following this issue wouldn't know that there was a legal issue for this being on there. She stated that this was a technical issue under the Brown Act but it is a reason that the UASI Approval Authority to defer this. She thinks that the members of the Approval Authority should take significant thought at the next meeting of which actions they should decide to take. For today's meeting, deferral is probably prudent and that the Approval Authority may want to ask staff about a statement made regarding "checks being cut" to EBRCSA for this project; clarification may be needed if money is being expended without the Approval Authority's approval.

Teresa Reed made a motion to defer agenda item 8 until the next meeting. Rich Lucia seconded the motion. The motion passed unanimously.

After much discussion, the Approval Authority members agreed on the following dates for the next meetings:

Tuesday, March 1<sup>st</sup> at 10 a.m. with a location in San Francisco. During this meeting the following items will be discussed:

- MOU Bylaws and Membership options
- UASI 2009 Grant Allocation for Interoperable Communications Pilot Projects
- Legal Services for the UASI Approval Authority
- UASI Approval Authority meeting dates
- UASI Approval Authority Members alternates

Teresa Serata stated that direction is needed regarding the 2011 grants process and it would be nice to have an agenda item regarding this at the next meeting.

Renee Domingo stated that she thought that the Approval Authority had agreed to use the FY2010 hub process.

(The regular meeting scheduled for March 10<sup>th</sup> was cancelled as Renee Domingo will not be available.)

The Approval Authority agreed to have a meeting on March 16<sup>th</sup> at 10 a.m. at a location in Dublin. The 2011 Grants process will be discussed at this meeting.

Teresa Reed asked about when the RFP for the External Review update would be given.



It was confirmed that this update would be on the March 16<sup>th</sup> agenda.

Renee Domingo requested that accompanying meeting documents such as letters have information on the document in the header or footer identifying the date of the meeting, who is presenting the item, and the corresponding agenda item number.

Teresa Reed recommended that Guy Bernardo, UASI Project Manager give a report on the Donations Management contract at the meeting on March 16th.

### **GENERAL PUBLIC COMMENT**

Laura Phillips commented that there is a difference of opinion in terms of what allocation actually means. She pointed out that everyone came together originally as a region to plan on a broadband strategy that maybe not everyone's in agreement on what that is. There are other requirements in terms of the licensing and in terms of how the UASI is proceeding that will impact not just the funding but as to how to move forward when building a baseline nationally interoperable network. She points out that the UASI doesn't want to lose sight of this and what this means. Ms. Phillips stated that the UASI is also setting an interesting precedence as the only other project similar to this is the BayLOOP project. It is a shared asset, just like BayWEB, it is not owned by an individual organization; the UASI is working through the governance, operational and sustainability issues on that. The goal again was for the benefit of all of the Bay Area and the UASI is working collaboratively toward that goal through these other processes. She hopes that the Bay Area doesn't lose sight of that mission. She points out that nothing ever came back to the Approval Authority when a site was wanted to be moved. The Approval Authority never voted on where those sites were going to be in order to provide the best benefit back to the region. The UASI wants to make sure that they are receiving the right direction in moving forward. This is precedent setting and if the Approval Authority wants to come back and weigh in on these issues then that opens up other contracts. Ms. Phillips pointed out that EBRCAS was asked to be the procurement agent on behalf of the region as was San Francisco and Oakland. The idea was for a pilot to be in place in which the Bay Area will learn valuable data and then will build out the national network from that. She knows that everyone is not in agreement and that it is not easy to share money and to come up with processes to do that to benefit the region, but she hopes that the Approval Authority doesn't lose sight of that.

Michelle McGurk stated that the General Manager's comments reflect directly on San Jose and the actions that they have taken. She wants to make sure that the Approval Authority members and members of the public understand very clearly that the Approval Authority as an agency never voted to enter into an agreement with EBRCSA. That was an agreement reached by the UASI General Manager and Management Team. The Approval Authority never voted to enter into a partnership with Motorola. That was a procurement process which was done in a way that actually was significantly different in the Request For Information (RFI) that the UASI staff did that was in compliance with the City and County of San Francisco's procurement guidelines. Ms. McGurk stated that there are some fundamental flaws and the City of San Jose believes that they are being asked to enter into an arranged marriage with Motorola and yet they don't know everything about the "spouse" they are supposed to be marrying. The City of San Jose keeps finding out that this spouse and this partnership has fundamental flaws and the information has not been clear and transparent in keeping with the principles of good



government. Just as you wouldn't enter into a lifelong commitment or an "at least until problems arise" commitment with somebody that you didn't have all of the facts about; that's where San Jose is about this. San Jose is very disturbed about their partnership on the 700 MHz waiver and the way in which the lease was taken away from them and they will not give up until all of the facts are out there in the public.

Vicki Hennessy announced that this would probably be her last meeting as she retired after 35 years with San Francisco. She thanked all of the Approval Authority members. She introduced her replacement at the Department of Emergency Management, Anne Kronenberg, who was in attendance at the meeting. Ms. Hennessy stated that she had a fantastic career and that the Approval Authority meetings have been very interesting. She thanked the Management Team for their work and the overtime they have put in. She thanked Laura Phillips as when she was in Ms. Hennessy's position she recommended her; she appreciates that recommendation. Ms. Hennessy stated that regardless of everybody's differences she knows that it has been a very trying time for everybody and that the Approval Authority members has had to wear many hats and put in many hours. She is hoping that the Approval Authority can have a dialogue not just based on e-mails going forward and that people can call each other and discuss what they are really looking for and then possibly confirming with an e-mail. She feels that recently there have been a lot of concerns about people just wanting to make sure that they have a paper trail. She recommends that there needs to be some face to face or interactive conversation in moving forward. It has been difficult in putting agenda items together in trying to capture what people want to and apologized her role in not always calling back sometimes to get that clarification.

Teresa Reed stated that she would not be able to stay for the Closed Session.

Rich Lucia made a motion to go into closed session. Monica Fields seconded the motion. The motion passed unanimously.

## **ADJOURNMENT**

The meeting was adjourned at 1:01 p.m.