



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

Thursday, July 14, 2011 - 10:00 a.m.  
Alameda County Sheriff's Office OES  
4985 Broder Blvd.  
Dublin, CA

**ROLL CALL**

Anne Kronenberg, Approval Authority Chair, called the meeting to order at 10:00 a.m. All members were present. Cathy Eide attended the meeting on behalf of Renee Domingo, Brett Keteles attended for Rich Lucia and Jim Brown attended on behalf of Scott Frizzie.

Craig Dziedzic, Interim General Manager was in attendance.

**APPROVAL OF THE MINUTES**

Emily Harrison referenced page one of the Minutes of the June 9, 2011 meeting regarding the rough draft of the minimum qualifications for the General Manager. She questioned why this item was not reflected on the agenda for the present meeting.

Ms. Kronenberg stated that this item was agenda item 3 and that supporting documents were posted on the UASI website.

Ms. Harrison requested that staff send her electronic copies of all documents for the meeting instead of her checking the website.

Teresa Reed stated that the idea for having documents posted on the website is a good idea however it is confusing to have to continually check the website. She recommended that when the agenda is posted it could state if there are documents that will be posted for each item. She stated that this would make things much easier.

Anne Kronenberg stated that she has instructed staff that when the agenda is posted each document should be posted at the same time a week in advance of the meetings. She apologized for the UASI website being so difficult to navigate and stated that her staff is working with the UASI to improve this.

Brett Keteles made a motion to approve the minutes of the meeting of June 9, 2011; Monica Fields seconded the motion. The motion passed unanimously.

**UPDATE ON THE QUALIFICATIONS OF THE UASI GENERAL MANAGER**

- Anne Kronenberg explained the reasons for posting the agenda item as a possible action item and in compliant to the Brown Act.
- Emily Harrison expressed concern about seeing the item on the agenda. She emphasized the need to go through a process for all candidates with all of the members



involved. She would like to honor the process and open the process to other candidates and evaluate them. She doesn't support Ms. Kronenberg's motion.

- Teresa Reed expressed disappointed in seeing the item on the agenda and that the Approval Authority had come to an agreement about the General Manager position and agreed that this would be an open process and the Interim General Manager could apply for this position. She felt that the Approval Authority would be going backwards if they ignore the process that they agreed upon. She stated that she would not support Ms. Kronenberg's motion and recommended posting the position and making it an open and competitive process and if Mr. Dziejdzic applied and came out on top, she would be fine with that as she knows his work.
- Anne Kronenberg described the daily needs of the UASI office the disruption over a period of time. She mentioned changes in the office configuration and how some staff have been second guessing the interim.
- Teresa Reed stated that the delay in the process has been due to the delay in getting the MQ's out.
- Ms. Kronenberg apologized for not getting the MQ's out earlier, but she had been busy with the UASI conference and working with staff trying to get their goals accomplished.
- Cathy Eide stated that the City of Oakland supported members Harrison and Reed; she stated that Craig Dziejdzic has done an excellent job and is an excellent candidate but there needs to be an open process.
- Brett Keteles acknowledged that Mr. Dziejdzic has been doing an outstanding job with significant improvements in the short time he has been there; he is qualified and it would make sense to appoint him at this time.

#### *Public Comment*

- Michelle McGurk, City of San Jose, mentioned the work to bring the UASI to become an agency that functions with the transparency that is expected from government in California. She pointed out that there was no legal counsel available as the Approval Authority was making an important decision which was a flaw in which they (San Jose) had to reach out to the City of San Francisco. This agenda item should have been under the Brown Act agendized as two separate items; first the discussion of qualifications and for the position to have a process should have been in open session. Whether or not to appoint somebody, it's excellent that the Approval Authority chose to have that in open session, but the way the Closed session was agendized was problematic. Ms. McGurk mentioned that if there may have been a policy decision made by the Approval Authority to have an open process. She stated that it may be very problematic for some of the other organizations for that policy decision to be overturned. She expressed concern with the history of the agency's selection process and the MQ's.
- Anne Kronenberg stated for the record that the Approval Authority agendas are always approved by the San Francisco City Attorney and that the City Attorney believed that this item was in total compliance with the Brown Act.
- Emily Harrison pointed out that if there was a tie with a vote from CalEMA, Mr. Dziejdzic deserved better than that.

Members Kronenberg, Fields, and Keteles voted "yes" for the motion; Members Harrison, Eide, Reed, and Brown voted "no" for the motion. The motion to appoint Craig Dziejdzic, Interim General, as the General Manager of the UASI didn't pass (3-4). Jim Brown explained that



based on discussions he felt that if the Approval Authority made a policy decision in the past they should stick with it in moving forward.

Emily Harrison stated that she took seriously Ms. Kroneberg's comments for moving forward expeditiously with the General Manager position. She felt that Craig Dzedzic had taken on a very difficult task and the process needs to be completed quickly. She had reviewed the minimum qualifications and recommended that the Approval Authority act today to give direction and start a short process to give closure and certainty to whoever is in the role to make decisions. She supports the direction that Mr. Dzedzic has been going in.

Ms. Harrison wanted the minimum qualifications to reflect the knowledge of the requirements of the UASI program; with this inclusion she is comfortable with the minimum qualifications. She asked for Ms. McGurk to state the recommended language.

Michelle McGurk stated that the language should be experience and expertise in UASI's core mission of antiterrorism, homeland security, disaster preparedness emergency management as well as related areas such as law enforcement.

Ms. Kronenberg stated that she wouldn't support that language as what is needed is a good manager and not necessarily with the background and knowledge that Ms. McGurk mentioned. She agreed that the knowledge of the requirements of the grant should be included, but Ms. McGurk's language is very specific and would preclude or narrow the field of applicants greatly.

Cathy Eide would like to see in the General Manager desired qualifications, those qualifications that review some of the specific position responsibilities. She recommended incorporating language from those responsibilities that the General Manager is expected to do and request experience or knowledge. If they are expected to coordinate and collaborate with different types of working groups, they should have experience with those working groups. Ms. Eide pointed out that there needs to be some type of language specific to those position responsibilities.

Emily Harrison stated that she agreed that what is needed now more than anything is a strong manager, someone with skills and abilities in putting a team together and helping the Approval Authority to work together. She agrees that the specific experience will be less important than the management experience but there needs to be something that reflects the knowledge of the area of emergency management is appropriate. Ms. Harrison stated that if an expedited process is used, the Approval Authority should have participation but not in a way that all seven are conducting the interviews.

Anne Kronenberg asked for volunteers from the Approval Authority members to do the initial assessment of the resumes from candidates that meet the minimum qualifications, which is always the process used for the City and County of San Francisco. The Personnel Committee could consist of at least 3 members and would make recommendations to the Approval Authority on the candidates selected for interviews.

Emily Harrison agreed with this process and volunteered to participate on the Personnel Committee along with Anne Kronenberg, Rich Lucia and Teresa Reed.



Anne Kronenberg stated that she would add the language recommended. Ms. Kronenberg pointed out that the UASI has a regional staff that is well versed on the core UASI concepts and can advise a General Manager on these issues. She pointed out that Mr. Dziedzic has seen mostly management type issues.

Michelle McGurk stated that Ms. Kronenberg should check with her City Attorney about the subcommittee of four meeting in closed session as there is another section of the Brown Act that addresses the majority meeting in a pre-meeting.

Ms. Kronenberg stated that she would check with the City Attorney regarding the Brown Act and having a closed session for the personnel committee.

Teresa Reed stated that she would withdraw her name from the Personnel Committee unless it's not a violation for her to participate.

Cathy Eide stated that she wasn't sure if Renee Domingo would want to participate on the Personnel Committee.

Anne Kronenberg stated that the Personnel Committee will only be making recommendations to the full Approval Authority so all members will have a chance to participate. She suggested keeping the committee at three. She stated that she would talk to her Human Resources representative about posting the position for at least two weeks. (The Approval Authority members agreed with posting for two weeks.) She will try to schedule the Personnel Committee meeting before the August meeting of the Approval Authority.

*(Public Comment)*

Michelle McGurk pointed out that to her the qualifications don't reflect the level of management expertise discussed as each of the bullet points only talk about experience; five years of experience is not a lot of experience. It doesn't say that the experience is necessarily as a director or manager or some level of expertise. She is hoping that this may be something that the Approval Authority goes back to look at a way to include emergency management experience, homeland security experience, and antiterrorism experience as desired qualifications. She has seen job announcements that include desired qualifications as this is a grants program that is fundamentally all about antiterrorism and homeland security issues. She stated that this is valuable to include and could possibly put candidate A higher than candidate B or would weed someone out that is working in a completely different area and doesn't have executive management experience for running a multimillion dollar grant program.

Mike Sena, NCRIC, pointed out that they weigh threat and vulnerability on a constant basis and an option for the qualifications is for the person to be able to pass a background investigation or national security clearance as without it, it is more difficult as they can't explain certain situations related to threat.

**UASI MASTER MOU**  
***(Membership Options)***

Anne Kronenberg explained that Member Domingo had requested that the Approval Authority take another look at a vote from the June 9<sup>th</sup> meeting to create in the new MOU a 9-member



Board. The San Francisco City Attorney advised that in order to look at an 11-member Board the Approval Authority would need to first overturn the 9-member decision, in which there needs to be a motion and then an 11-member Board can be considered. She pointed out that Sonoma sent a letter explaining why they felt that they should be included as a North Bay Hub and Member Harrison sent in a memo on the subject asking for reconsideration.

Carlos Bolanos, San Mateo County Sheriff's Office and representing Sheriff Greg Munks, stated that he was present at the meeting when the decision was made to expand the Approval Authority to nine members and was not confused about the decision as some of the members seemed to be. He stated that he believed that the Approval Authority had increased the membership to nine members partly due to the fact that the three additional counties are included in the Metropolitan Statistical Area (MSA); the MSA risk value determines the regions funding through the UASI funding based on threat, vulnerability and potential consequence of terrorism to the MSA. The counties outside of the MSA were not included as voting members on the Approval Authority due to the parts of the UASI grants being to assist the urban area with building an enhanced and sustainable capacity to prevent, protect against, respond to and to recover from acts of terrorism. The counties outside of the MSA were included on the UASI Advisory Committee to keep them in the loop and provide them the ability to provide input. Adding additional counties outside of the areas associated with higher risks urban area would dilute the focus of the grant and would further complicate the already difficult process of approving projects to which they would not be directly involved. Mr. Bolanos stated that he believed that one of the additional counties being considered for membership is not a part of the Bay Area UASI footprint.

John, Contra Costa Sheriff's Office, stated that the Approval Authority should stick with the decision to have a 9-member Approval Authority as the two additional counties do not fall under the MSA.

Michelle McGurk, representing San Jose, clarified that there are multiple MSA's within the UASI footprint and in the combined statistical areas. Actually Sonoma County is its own MSA, the Santa Rosa, Petaluma metropolitan statistical area; Napa is its own MSA, Santa Cruz, Watsonville is its own MSA. The South Bay, the Silicon Valley Region is its own MSA. Oakland, San Francisco, San Mateo County, Contra Costa, Marin are both combined and split apart depending on who is doing the data counting and when they count it. There is an East Bay MSA, for example when you look at the California Department of Employment. There are some confusing factors and she thinks that it is important to note that Sonoma County raises a valid point when you look at population base, they are the home to the 5<sup>th</sup> largest city in the Bay Area and they have been a very active participant in the BayWEB project.

Mike Aspland, Monterey, asked for clarification that the nine members wouldn't be seated until the new MOU was approved.

Ms. Kronenberg stated that was correct.

Rick Navarro, Marin County, stated that he was at the meeting prior and would like for the Approval Authority to be reflective of the MSA, which would be a 9-member Board based on threat assessment and funding level from the Feds; Marin supports the 9-member Approval Authority.



Mike Sena, Northern California Regional Intelligence Center (NCRIC), clarified that there are multiple metropolitan statistical areas but for the purpose of the threat formula for the Bay Area Urban Area Security Initiative, it is the nine county areas for threat, vulnerability, and consequences of possible potential terrorist acts. Although there are multiple areas based on US Census Bureau and the Federal programs based on the urban area's threats vulnerabilities and consequences in particular to the region of the nine bay area counties.

Christopher Helgren, Sonoma, clarified that the 9-member versus 11-member options were always options and was discussed at the MOU Subcommittee meetings; this is not something that Monterey and Sonoma brought to the table at this late hour.

Anne Kronenberg reiterated her point from the June 9<sup>th</sup> meeting, that it's wonderful to have the partners of Sonoma and Monterey. However, if the vote is to keep the 9-member Approval Authority she is hoping that they (Sonoma and Monterey) would be very involved in the Advisory Group meetings.

Emily Harrison stated that she participated in all of the Subcommittee meetings and part of those discussions. She stated from a South Bay Hub perspective that she would very much appreciate the Approval Authority's consideration of the South Bay Hub representatives. During discussions around 9 or 11 members there were good reasons the larger the Approval Authority grows logistically the more difficult it becomes in terms of its meetings. Through having regular meetings and through having the kind of leadership that has been seen from the Chair and the Interim General Manager she thinks that a lot of the logistical issues that were of concern in the middle of the crisis that the Approval Authority was in of leadership are no longer issues. From the standpoint of both Sonoma and Monterey they were able to speak as peers at those meetings and it is clear that they are very committed to making sure that their full participation in terms of what is required from staff and time will not make it impossible to still have the Approval Authority meetings. Additionally the Approval Authority has members and alternates. She hopes that the Approval Authority has a broader vision for its self than just the original homeland security mission and many of the projects state that there is a regional and broader than the Bay Area regional vision. Ms. Harrison pointed out that in the South Bay, Monterey, San Benito and Santa Cruz counties have to be a part of their disaster preparedness and communications planning.

Emily Harrison made a motion to rescind the prior vote of expanding to a 9-member Board; Teresa Reed stated that there was a lot of confusion and not enough discussion, she seconded the motion. The motion passed unanimously.

Cathy Eide stated that the City of Oakland strongly supported member Harrison's comments.

Anne Kronenberg supported the 9-member body because of the footprint of the UASI and the MSA's but she is certainly not opposed to making the AA an 11-member body because the North and South Bay Hubs have shown just by coming to the meeting the commitment that they have and through JPA process and interoperable work and it has really been a process with the larger region.



Teresa Reed stated that she also would support the 11-member option; the work that the UASI is currently doing moving more to a regional effort is going to be critical and it will be good to have as many people representing the region at the table as possible.

*(Public Comment)*

Mike Aspland appreciated the support to become a voting member of the Approval Authority. He mentioned that when the Approval Authority was first set up Monterey County was within that footprint, but due to their own inactivity, they were dropped from the UASI footprint. He also stated that Monterey County will be an integral part of any disaster event especially in a Katrina type disaster. Monterey County has worked on various projects dealing with disaster planning, COPLINK, and is a part of the NCRIC Terrorism Taskforce. Monterey County recognizes the funding constraints; and if the 11-member option is chosen, there is no risk of them taking all of the dollars since is no majority; the UASI urban areas still have the majority to make those funding decisions as necessary. Monterey County is critical for a number of reasons such as the Center of Agriculture, Moss Landing power plant and military facilities. In light of the fact the number of UASI's have been eliminated, this would be a good move to strengthen the Bay Area's position and continue to get access to dollars as they become less available. Mr. Aspland introduced Sherrie Collins, the new Director of the Office of Emergency Services for Monterey.

Sherrie Collins, Director of Monterey OES stated on behalf of Dr. Bauman the CAO for Monterey County that this is really important to Monterey County, his office and to San Benito and Santa Cruz. She emphasized that everybody understood that this was not just Monterey County coming to the table to ask for inclusion. One of the things Ms. Collins had noticed was efforts had taken place in catastrophic planning. She mentioned that Monterey has been a silent partner to the UASI and requested the Approval Authority to include them as a part of the Approval Authority; and in return, (Monterey) will bring value to the UASI especially now as changes are occurring in homeland security. Ms. Collins stated that Monterey has a very strong partnership with the Naval Post Graduate School and as a part of that have a homeland security consortium which would strengthen the UASI and give it added value.

Teresa Reed made a motion to create an 11-member Approval Authority as identified in Option B to include 2 seats for the City and County of San Francisco, Oakland, San Jose, Alameda County, Santa Clara County, Marin County, Contra Costa, San Mateo County, Sonoma County (also representing Napa County, Solano County) and Monterey County (also representing San Benito and Santa Cruz). Emily Harrison seconded the motion. The motion passed unanimously.

**UASI MASTER MOU**  
**(General Manager Language)**

Anne Kronenberg stated that the Approval Authority had voted to add the language for a contractor as a possible General Manager, however in talking to the San Francisco City Attorney after the vote as long as San Francisco is the fiscal agent they will not put a contractor in that position due to legal requirements regarding independent contractors versus employees. She pointed out that the Civil Service Commission would view it as a contractor replacing a civil service employee which would not be acceptable. She requested to amend the language to remove the language of contractor as long as San Francisco is the fiscal agent.



Teresa Reed stated that since the MOU doesn't identify San Francisco as the fiscal agent the current language was appropriate.

Ms. Kronenberg clarified that since the Approval Authority would have a role in selecting the General Manager she wanted it to be clear that the employee could come from anywhere in the United States but once hired that person would be hired as an employee as long as San Francisco is the fiscal agent.

Emily Harrison recommended adding language directly to Section 15 of the MOU directly related to San Francisco regarding the employment of the General Manager.

Anne Kronenberg made a motion to add a Section C to Section 15 that specifies that while San Francisco is the fiscal agent the General Manager would be an employee of San Francisco not a contractor. Emily Harrison seconded the motion. The motion passed unanimously.

### **UASI MASTER MOU, BYLAWS** **(Selection of the Management Team)**

Emily Harrison stated that the Approval Authority had made decisions on the following issues: Approval Authority membership, CalEMA Membership, Selection of the General Manager, Employment of the General Manager. Ms. Harrison stated that the Approval Authority would come back to the Fiscal Agent's role. She stated that the Approval Authority had discussed that in regards to the selection of the Management Team there is language that reflects that the Approval Authority's concurrence with the General Manager's selection of the Management Team members.

Anne Kronenberg asked for discussion regarding clarification on what is meant by "concurrence".

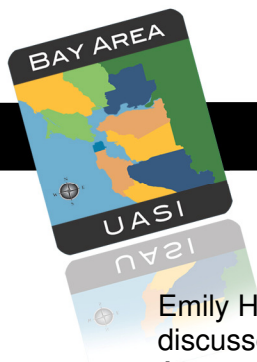
Emily Harrison stated that when the Subcommittee met the Approval Authority was quite embroiled in the transition of the new management and at that point there was a lot of concern expressed that the Approval Authority had not been able to get information about the organization of the Management Team which Craig Dziedzic has provided. In general there was a sense that the General Manager had the ability to do whatever he or she wanted in terms of hiring as many people, at whatever salary, and with whatever scope of responsibilities. The thought was that there needed to be at least an annual or semi-annual check in with the Approval Authority to ensure that the oversight responsibilities were taking place; concurrence in that aspect was the check in not for the Approval Authority .

Ms. Kronenberg asked if what Mr. Dziedzic had been doing in terms of attending the meetings and informing the Approval Authority of open requisitions and asking for participation with the interview process was providing the level of transparency desired.

Ms. Harrison confirmed that what Mr. Dziedzic had been doing was above and beyond what the Approval Authority was expecting in terms of participation and dialogue.

Anne Kronenberg recommended that "concurrence" be explained more in the Bylaws.





Emily Harrison stated that it was helpful to have Minutes to refer back to memorialize what was discussed and meant. Ms. Harrison discussed that Section 7 had been discussed and that the Approval Authority is at Section 8, the Evaluation of the General Manager. She pointed out that the discussion that happened at the Subcommittee had to do with governance because at that time the Approval Authority was having trouble scheduling meetings and had great difficulty in coordinating the first ever performance evaluation of the former General Manager. The thought was to use a subset, as many other cities do, of the Approval Authority to do the administrative work of a personnel evaluation in order to make it more efficient.

Anne Kronenberg stated that whoever is the fiscal agent needs to have a seat on the personnel committee because there will be things that are specific to the rules of the fiscal agent's city or county that are personnel related. She mentioned that setting expectations and spelling things out for the Approval Authority is a good thing; however, ultimately it is the fiscal agent's responsibility to do the final performance evaluation. As was seen with the last General Manager's performance evaluation it was helpful to get input from the Approval Authority members about what the performance was.

Emily Harrison stated that she supported language regarding the fiscal agent sitting on the panel. In the prior process the complete body of the Approval Authority didn't have the chance to meet in closed session with the General Manager to provide feedback and she feels that is an important part. She suggested that the Approval Authority as well as the personnel subcommittee has the opportunity to meet with the General Manager.

Ms. Kronenberg stated that there was a meeting with all of the members of the Approval Authority in a closed session in Oakland, the General Manager was invited to attend but chose not to attend. It was the intent of the Approval Authority to have the dialogue during the closed session however Ms. Kronenberg and member Domingo later met with the General Manager for the performance evaluation.

Emily Harrison made a motion that language be added in the Bylaws indicating that the fiscal agent always has a representative on the personnel committee. Ms. Kronenberg made an amendment to add letter "D" in Section 15 under San Francisco's role as fiscal agent that the City and County of San Francisco would file the performance evaluation for the General Manager. Brett Keteles seconded the motion; the motion passed unanimously.

Ms. Harrison discussed Sections 7.3 and 7.4 (page 10) in the Bylaws which respectively state:

- "The General Manager may select personnel for assignment to the Management Team as provided in the 2011 MOU.
- "Under the direction and supervision of the General Manager the personnel assigned to the Management Team shall perform functions and duties in support of the grant programs under the jurisdiction of the Approval Authority".

Emily Harrison doesn't think that it would be constructive if the Approval Authority second guesses the General Manager in the oversight of the Management Team as long as there are checks and balances. She is comfortable with the language that the General Manager will oversee the Management Team with the full knowledge that the Approval Authority will oversee the UASI on a regular basis.



Ms. Kronenberg confirmed that the General Manager does not need the approval of the Approval Authority to select the employees.

### **UASI MASTER MOU, BYLAWS** **(Fiscal Agent Language)**

Emily Harrison stated that the final issue discussed by the Subcommittee which was not included in the draft with the knowledge that the Approval Authority could make any decision regarding the language of fiscal agent, if another jurisdiction wanted to become the fiscal agent. She acknowledged and thanked the City and County of SF for being the fiscal agent as it is a role that involves tremendous responsibility. Ms. Harrison felt that it would be appropriate to have language for the ability to change the fiscal agent as well as the role of the fiscal agent is spelled out. She referred to the memo dated June 2, 2011 that she put together with language providing proposed modifications to the MOU which recognized the City and County of San Francisco's obligations and amends the language to say that "shall be the fiscal agent unless and until the Approval Authority designates another member agency". She discussed that there needs to be a process for if another member agency came forward to become the fiscal agent in which all members would be solicited. Additionally there would need to be a process created to evaluate competing applications and for it to be done so in a timely way which would take about 18 months to 2 years for a new fiscal agent to take over without interruption.

Anne Kronenberg stated that she is in total support of the language in the MOU, she appreciated Members Reed and Harrison's draft. She wanted to add language to number 2 under the Bylaws section 8.9 that there be specific information about a minimum threshold (San Francisco fronts about \$150 million) for the financial ability to advance funding for grants in advance of reimbursements and that the Approval Authority would ask that the agency requesting to become the fiscal agent be certified by an auditor or someone so that it is confirmed that they do have the capacity to become the fiscal agent.

Ms. Harrison recommended that the language be amended in section 8.9 (C), "the process shall include the requirements and elements upon which to evaluate competing *applications including the Approval Authority setting minimum financial standards to be certified by an independent body or authority*".

Ms. Kronenberg stated that as the fiscal agent there needs to be specifics upon the approval of the legislative body, the Approval Authority, after the execution of all of the necessary documents. She wants to make sure that if the Approval Authority chooses a different fiscal agent it would be a complex process it should be clear all of the steps. She wanted to confirm that San Francisco would be the fiscal agent at least until the 11 grant cycle and that the transition is done in a way that isn't problematic.

Emily Harrison confirmed that any changes would have to occur in such a way that it isn't disruptive. She recommended the language "the transition shall be completed *in a fashion so as not to disrupt the orderly business of the Approval Authority*".

Anne Kronenberg stated that the language could be "*upon the approval of the legislative body of the Approval Authority members and after the execution or approval of all necessary documents*".



Emily Harrison agreed with the language that Ms. Kronenberg suggested and made a motion to adopt the language reflected in her memo to the Approval Authority dated June 2, 2011 with the changes that were identified in terms of the requirements and evaluation of the competing applications and the orderly transition to the fiscal agent. Teresa Reed seconded the motion; the motion passed unanimously.

Ms. Kronenberg suggested that all changes that the Approval Authority had made over the last couple of meetings be made in a final draft for everyone to review and then those documents will go to the respective bodies. She pointed out that the UASI had received signed copies of the second extension for the current MOU from every jurisdiction except for Alameda. She stated that a final document will be presented for vote at the next meeting on August 18<sup>th</sup>. Ms. Kronenberg thanked everyone for their hard work.

### **UASI GRANT EXPENDITURE REPORT**

Craig Dziedzic, Interim General Manager, gave a briefing on the UASI grant expenditure report for FY08. He stated that all disbursements have been made except for about \$4,098 to be paid to the UASI Conference Planning (All Hands) which should be paid at the end of the week. Mr. Dziedzic pointed out that the Finance Management Team has been working diligently to close out FY08. For the 2009 UASI budget, approximately 17.4% has been disbursed; staff is working on this by getting original documentation requests from the subrecipients and getting some of the amended MOU's processed. Mr. Dziedzic stated that the focus for the summer and fall is to complete some of the 2009 disbursements.

Teresa Reed stated that there are conversations in Washington, DC regards to grant funding and about money not being spent. She recommended that for the next report there be a column showing how much has been spent. She inquired about the deadline for expending for 2009.

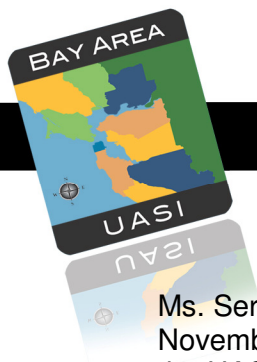
Teresa Serata explained that the disbursements indicate that the subrecipient received \$1 million and they spent \$200,000 which is the percentage spent on that subrecipient.

Ms. Serata explained that every MOU is slightly different and accommodations were made for the allocation of the \$2 million to the core cities but the majority of the jurisdictions need to have their money spent by September 30<sup>th</sup> and they have until November 30<sup>th</sup> to submit their final claims. Until the jurisdictions have submitted their final claims there will be some expenditures over the course of the time between now and November 30<sup>th</sup>. As soon as the UASI has all of the supporting documentation the reimbursements will be processed and shown as money spent.

Anne Kronenberg asked about the end of the grant.

Teresa Serata stated that final cash reimbursements for the fiscal agent are due to the State on April 30<sup>th</sup>, 2012.

Ms. Reed inquired that since the money has to be spent by September 9<sup>th</sup> and the percentages are still low for disbursements, was there a backlog because it didn't look like all of the money would be spent in time.



Ms. Serata explained that typically a jurisdiction will submit reimbursement requests by November 30<sup>th</sup> (which is the last day they can submit) and that there are some jurisdictions that the UASI has worked on a plan with them to submit claims to the UASI on a monthly basis since checking the paperwork can be time consuming.

Teresa Reed requested that there be a document with an accurate idea of what has been spent and disbursed.

Teresa Serata stated that if a jurisdiction doesn't submit documentation for a reimbursement request then they can't be reimbursed. She pointed out that the Grant staff and Project Managers are in regular contact with each other and the subrecipient regarding the status of their projects. There are schedules established for submitting plans and the Project Manager's responsibility is to work regularly with the jurisdictions to make sure that they are going to spend their money and if not what they plan on doing with the money. Ms. Serata pointed out that if there is a backlog it is awaiting supporting documentation such as timesheets or equipment inventory from the jurisdictions.

Craig Dzedzic stated that in going forward, monitoring is something that needs to be in place and a priority for the Grants Management Unit so that there are no delays in requesting original documentation.

Jim Brown inquired about the procedure for when someone doesn't spend their money and if extensions are requested.

Ms. Serata explained that the Grants Management staff typically knows in advance when a jurisdiction won't be able to spend their money. Very seldom will the UASI ask for an extension if the money has not been spent as FEMA requires that money is spent in a timely fashion; the UASI is very cautious about requesting exemptions. She stated that there are other mechanisms to use before asking for an extension such as performance bonds which will allow for example the delivery of equipment after the performance period. There can be modifications for a jurisdiction that won't be spending their last \$50,000 and they can make a request to reallocate those dollars. Ms. Serata stated that if there is a small amount of money under \$250,000 the UASI will work with the jurisdiction to get that money reallocated, however if it is more than \$250,000 the UASI will come to the Approval Authority for reallocation. She stated that the UASI will be bringing something back to the Approval Authority for reallocation at the August meeting.

### **LEGAL FEES FOR PSST LEASE CORRECTIVE ACTION**

Anne Kronenberg stated that everyone knows that there has been a lot of confusion regarding the BTOP process and the history of it is not exactly clean. Right now everybody is trying to clean it up and make it transparent and reflect what the region is trying to do. Alameda had signed a lease in good faith on behalf of the region however it was determined by the Federal Communications Commission (FCC) that it was not a valid lease so the Bay Area is trying to renegotiate and work closely with the National Telecommunication Information Administration (NTIA), Public Safety Spectrum Trust (PSST) and FCC on how to move forward with the funding that was given to Motorola and to continue to move in a positive direction. This has cost a lot of money and San Jose had e-mailed Ms Kronenberg asking if there would be money through the UASI to help defray the costs of their City Attorney who has been doing a lot of work on this.



Oakland and San Francisco's City Attorneys' have been working on this as well. San Jose's Attorneys, Patton Boggs, in Washington, DC have also been working on this. Ms. Kronenberg has been trying to figure out how to deal with this and feels that it is really a policy issue to go to before the Approval Authority as to whether or not this is something that the Approval Authority would want to be reimbursed or can be reimbursed. She asked staff if there was money in M&A in FY09 and there is no additional M&A to pay for legal fees, however there is \$50,000 that the Approval Authority approved to have an attorney for the Approval Authority through FY2009. She thought that since the Approval Authority already has this as legal fees that it may be the pleasure of the Approval Authority to redirect that money to pay for the remediation for the PSST Lease. It is a policy decision dependent on whether or not these fees are deemed reimbursable in which staff would have to check in with the state regarding the requirements and of course there can't be any supplanting.

Emily Harrison stated that she is new to the process and wasn't clear if 2009 funds were used that the competitive process, which is required, could actually be completed within the timeline. She is trying to understand if 2009 money is used will Oakland and San Jose have enough time to legally have their legal counsel fees reimbursed. She stated that it is her firm belief that having dedicated counsel for the Approval Authority is a priority and is sorry that it is not moving ahead faster; she wouldn't support anything that didn't continue to fund getting ongoing counsel for the Approval Authority. From her perspective the RFP needs to go out, and counsel needs to be identified as soon as possible. She asked if staff's suggestion was taken regarding using the legal services money then what would be the plan for getting legal support for the Approval Authority.

Anne Kronenberg asked staff for clarification on would there be time within the deadlines for 2009 to do a reimbursement of \$20,000 to the cities if the State says it is a reimbursable expense.

Emily Harrison stated that there is no doubt in her mind that the \$20,000 would be spent in time for the Cornerstone review by the required deadlines. She inquired if the \$50,000 was taken from 2009 could it be done in time because none of the prequel work had been done, no RFP, and no process.

Diane Staumbaugh clarified that the RFP that is currently out doesn't close until June 20<sup>th</sup>; questions were due yesterday.

Michelle McGurk, representing San Jose, stated that she greatly appreciated the Chair's attempt at a solution to this problem. The challenge is that internal staff hasn't had a chance to review the draft. The timelines for 2009 and what the Federal and State requirements are for expenditures and how that would work for these legal services, it's impossible to say if this would work. Since this project is ongoing the better solution would be to use 2010 funds as the deadline for 2009 expenditures is coming up quickly. Ms. McGurk pointed out that the role would need to be worked out in going forward; her major concern is the attorneys in Washington, DC. She pointed out that a competitive process was used for San Jose to contract with their counsel, Payton Boggs, in Washington, DC to expand San Jose's attorneys' abilities. However due to the collaborative nature of the three cities working together with Alameda to resolve the lease issues, the other city attorneys have relied on Payton Boggs and asked for them to play a leadership role; although San Jose has allowed for this to happen this has



dramatically increased the costs that San Jose is on the hook to pay. San Jose doesn't know if this solution would work but they are eager to work to find a solution.

Emily Harrison stated that this is a current issue and would it be possible to look at M&A funding for 2010 that didn't have any of the restrictions in getting it done in time.

Teresa Serata explained that Project Cornerstone is the project that the UASI has tied to legal fees, which is underway and funded out of 2009. In 2010 there isn't a specific broadband project that the UASI is funding so 2010 M&A can't be used to fund legal fees. She had asked CalEMA if any funding could be used at all for legal fees, they directed her to the grant guidelines which stated that M&A funds in 09 could be used and had to be tied to a project the UASI was currently funding out of that specific grant.

Ms. Harrison inquired about the \$50,000 that was set aside for legal representation for the Approval Authority and whether it was funding from 2009 funds and tied to Project Cornerstone.

Ms. Serata stated that the 2009 dollars because the fiscal year started July 1 - December 31; there are some legal fees that are paid out of the 2010 grant between January 1 - June 30.

Emily Harrison asked once an RFP has been done and the process has been completed and there is counsel for the Approval Authority would there be ongoing funding to support the legal fees using M&A.

Teresa Serata explained that the legal fees would be tied to any of the projects. The legal counsel will be ongoing over the course of each meeting.

Ms. Harrison asked if legal fees could be tied to the Interoperable Communications funding.

Ms. Serata stated that she would have to go back and talk to CalEMA to see if this is possible. The specific project that the PSST Lease is tied to is Project Cornerstone. She pointed out that many of the Interoperable Communications projects are specific to radios not broadband.

Anne Kronenberg stated that the UASI staff would do follow up on this issue.

Cathy Eide inquired if the follow up would include different options than the ones that were presented; the current options were confusing, not clear and concise as to specifically where the specific funding will come from and how it would be used. This would be helpful for future legal fees funding and to cover more projects instead of the projects that are an issue right now.

Ms. Serata stated that M&A ties a specific project to a specific grant.

Ms. Kronenberg confirmed that it is the policy direction of the Approval Authority for staff to go back and look at fiscal year 2010 to see if there is M&A that would meet the criteria to pay for county legal fees around Project Cornerstone.

*(Public Comment)*

Michelle McGurk pointed out that the criteria for legal fees for the FCC lease and broadband issues (language) needs to be broader with respect to what Ms. Serata was mentioning. She



pointed out that if the Bay Area loses the FCC lease all of the funding that has been committed and all of the equipment purchased would be rendered obsolete as this is the next generation and a fundamental building block. She stated that she really appreciates the UASI working on this.

Anne Kronenberg stated that she appreciated Mark Ellison, Payton Boggs and the three core city attorney's work which has been extremely helpful.

*(The Approval Authority members took a break from 12:06 p.m. – 12:21 p.m.)*

### **CALEMA MERGER PROPOSAL**

Anne Kronenberg stated that at the June 9<sup>th</sup> meeting Jim Brown gave a report on the CalEMA merger and it was requested that this item come back. Member Reed sent a memo on this as well.

Jim Brown gave a briefing on his report from the last meeting:

- CalEMA is trying to be open as possible with the regional administration change; a couple of e-mails have been sent to the Operational Areas soliciting their input.
- On May 3<sup>rd</sup> an e-mail was sent out regarding the changes and the main reasons for doing so are due to cost effectiveness and improving operational readiness.
- On May 20<sup>th</sup> there was a clarifying e-mail sent that there will be no changes to the mutual aid region, no shuffling of counties will happen, the mutual area region would be an integral part of providing mutual aid to the Coastal Region (Region 2).
- The Regional Emergency Operations Center (REOC) is a function not necessarily a facility it doesn't matter where it's located; the collection, dissemination of information and coordination of resources can take place anywhere.
- This is a reduction of costs incurred in Oakland, CalEMA was at an operational disadvantage by being in downtown Oakland because if a disaster hit they would be out of the zone.
- Communications will be increased for the Operational Areas with the CalEMA Emergency Services Coordinators.
- Nothing in the Standardized Emergency Management System (SEMS) has changed; operational areas will report to a REOC.
- In regards to regional plans they will be able to stay the same.
- There was some concern that by moving, CalEMA would lose some expertise of the Bay Area - Coastal Area's unique issues, which will not happen as CalEMA representatives will be in the counties working with the Operational Areas.
- CalEMA is looking at space in Walnut Creek to serve as a headquarters with two project managers and staff and there will still be a presence in the counties.
- Coordinating meetings during peace time will happen in different locations.

Teresa Reed stated that she still believed that there are a lot of concerns with the area OES' with the REOC moving. She has heard from the City of San Jose and County of Santa Clara that this was not a good move. She understands when budget cuts are made somebody would be affected. She was hoping as an Approval Authority would send a voice to the State that they are in disapproval of closing the REOC. She made a motion that the Approval Authority as a whole would send a letter to Mike Dayton opposing the closure. This motion didn't receive a second.



Anne Kronenberg stated that she was confused about why the Approval Authority would want possible action as CalEMA's merger is so far out of the Approval Authority's scope of responsibility and she doesn't think that it is appropriate. She stated that it was in a signed budget and is a done deal and it will happen as they have a timeline; she wouldn't support sending such a letter.

Cathy Eide stated that she was concerned about the merger in regards to the projects and regional plans that are tied to the REOC and State.

*(Public Comment)*

Chris Helgren, Sonoma County, stated that he understood what CalEMA is saying regarding the REOC being a function. As an Operational Area, his concern is if the same budget concerns cause the ESC's to later be eliminated this would be a big problem. He pointed out that historically, CalEMA doesn't have a great emphasis on pushing people into the field at the local level.

Michelle McGurk stated that it might make sense for this to be an item for future consideration to look at what the implications are for the UASI emergency management plans due to the closure of the REOC. The Bay Area has invested so much money in these regional planning efforts it would make sense to get some sort of policy document or status report from staff that says how much will need to be done over again and what type of planning needs to be replaced or are the people in San Jose just worrying too much about the worst case scenario and maybe it's not that bad. She recommended that the Approval Authority consider getting an evaluation of the situation from staff.

#### **REPORT OUT FROM ADVISORY GROUP**

There was no report from the Advisory Group as they haven't had a meeting.

#### **TRACKING TOOL FOR UASI MANAGEMET TEAM AND APPROVAL AUTHORITY TO FOLLOW UP ON ITEMS AND REQUESTS OF STAFF**

Anne Kronenberg apologized for making a wrong change on the tracking tool on item #9; she had changed the date for the second extension of the current MOU to December 31, 2011 when it should say 6/30/11. She stated that the new items requested by Approval Authority members are added to the tracking tool and old items that have been completed are taken off.

Emily Harrison stated that she would like to see item 3 UASI Legal Services RFP completed.

Ms. Kronenberg asked staff for the status of item 3 – the \$50,000 legal RFP.

Teresa Serata stated that Heather Tannehill-Plamondon has been working with Katie Porter, San Francisco City Attorney, and they had been discussing the RFP's scope of work and it should be out in the next 2 weeks.

Ms. Harrison requested that Item 3 – UASI Legal Services RFP be an item on the agenda for the August meeting.





Teresa Reed wanted to make sure that there would be a report in August regarding the travel policy.

Ms. Kronenberg stated that Craig Dziedzic and Teresa Serata had been working on this policy and may even have a working draft; this will be on the agenda for the August meeting.

### **ANNOUNCEMENTS – GOOD OF THE ORDER**

Emily Harrison stated that it has been the practice of the Approval Authority to rotate between the members agencies. She recommended that the Alameda County Sheriff's OES in Dublin become the regular meeting location as it is centrally located and accessible to everyone. Parking expenses are a major issue for meetings in San Jose and San Francisco and may preclude people from attending the meetings.

The Approval Authority members agreed to make the Alameda County Sheriff's OES location in Dublin the permanent meeting location. Anne Kronenberg pointed out that the August meeting was going to be held in San Jose but will now be held in Dublin.

### **FUTURE AGENDA ITEMS**

Emily Harrison stated that the results of the Cornerstone study might be out and if additional funding is needed this item may need to be on the August agenda; she will keep staff updated. She pointed out that there haven't been any takers to review the RFP responses; if anyone is interested they can contact Diane Staumbaugh.

Ms. Harrison announced that the current meeting was Diane Staumbaugh's last Approval Authority meeting as she is retiring; she will be sorely missed by Santa Clara County and did a wonderful job with grants Management. Roslyn Fuller will be taking Ms. Staumbaugh's place.

Teresa Reed requested an update of the General Manager recruitment for next meeting.

### **GENERAL PUBLIC COMMENT**

Chris Helgren thanked the Approval Authority for adding Sonoma to the Approval Authority as it is important step for their county.

Anne Kronenberg stated that when the new MOU is approved at the next meeting it will then need to go out to the 11 members and will need to go through each members' legislative body; it would be nice for this to be done sooner than later so the new members can start participating. Ms. Kronenberg recommended that this be done by October.

### **ADJOURNMENT**

The meeting was adjourned at 1:00 p.m.