



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

Tuesday, March 1, 2011 - 10:00 a.m.  
Alameda County Sheriff's Office OES  
4985 Broder Blvd.  
Dublin, CA

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

**ROLL CALL**

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

Laura Phillips, General Manager, was in attendance.

**APPROVAL OF THE MINUTES**

Kirstin Hofmann made a motion to accept the minutes of the meeting of January 10, 2011 with two revisions on page 8: replace the word BizSeekers with BidSync and change the letter "I" to a "P" so that it is "RFP" rather than "RFI"(under Ms. Hofmann's comments under Public Comment). Monica Fields seconded the motion. The motion passed unanimously.

Anne Kronenberg pointed out that as the Approval Authority moves forward the Minutes can move away from the style of a transcript of the meeting as 28 pages is a lot. She asked that people think about this as it will be a future agenda item.

**GENERAL MANAGERS REPORT**

Laura Phillips, General Manager, gave a brief highlight of her report:

- Recently made an education trip back to Washington, DC. One of the concerns is that the Obama budget zeroed out a lot of the grant programs which can have an impact on the requests that come in. The big issue is the Continuing Resolution (CR) and how it is unfolding. The purpose of the trip was to show some of the accomplishments using UASI money, discuss Best Practices that have been acknowledged such as the Fusion Center, and how there is a process in place that helps to make UASI investments in a way in which data is used to support reducing threat and risk. There are many political discussions on how these cuts will play out.

Teresa Serata stated that representatives from New York made an amendment to the 2011 budget suggesting that only the top 25 UASI's (in terms of risk) be funded in the next go round. The legislation would leave it up to the determination of the Secretary of Homeland Security to allocate the funding and determine which of the cities. There is a lot of uneasiness and public outcry as this is a significant problem and she doesn't think that this legislation will pass.



Kirstin Hofmann pointed out that the letter received from Brendon Murphy, which was attached to the General Manager's report, should also be apart of item #10 on the agenda (External Review, Request for Proposals (RFP) for Project Cornerstone and the Broadband Pilot Initiative).

Ms. Hofmann requested to hear the following agenda items next in the meeting:

#4 Project Cornerstone – Project Status

#5 UASI 2009 Grant Allocation for Interoperable Communications Broadband Pilot Project

#10 External Review, Request for Proposals (RFP) for Project Cornerstone and the Broadband Pilot Initiative

### **PROJECT CORNERSTONE**

Heather Tannehill-Plamondon stated that there has been a great deal of discussion at the last couple of meetings regarding this topic. After her last presentation at the meeting on January 10, 2011 she was under the impression that she was to go back as the UASI project manager for this project and talk to representatives with Alameda County, Motorola and the East Bay Regional Communications System Authority (EBRCSA) to determine whether or not there were options for continuing the work with Project Cornerstone but on a smaller scope but still be able to provide the network test bed in order to provide valuable data from this investment. After working with all of the aforementioned representatives, they came to the determination that the existing pilot that was built out up to this point (include core and four sites) will provide the necessary information and data for testing the network and coverage areas.

The UASI staff would like for the Approval Authority to make a motion to tell EBRCSA to direct Motorola to stop all work other than testing of the Cornerstone Public Safety Broadband Project and to make any adjustment to the system to keep the invoiced total at \$2.2 million.

Bill McCammon, Director of EBRCSA, stated that he had handed out to the Approval Authority members a Project Cornerstone overview of the Motorola contract and the Andy Seybold Inc. contract for the network tests so that everyone could understand EBRCSA's involvement so far.

Teresa Reed asked what authority the Approval Authority had to direct EBRCSA to do anything.

Anne Kronenberg stated that at the last meeting, she was sitting in the audience as a member of the public and her understanding was that the Approval Authority members weren't happy with the three choices given to them with regards to the agenda item. At the last meeting there was a lot of discussion about why those choices weren't acceptable such as the legal ramifications were unknown, there was no information on what specific funding had already been allocated to Project Cornerstone, and it was unknown the relationship between EBRCSA and the Approval Authority to even identify one of the choices. She explained that after the meeting she instructed staff to go back and work with Motorola and EBRCSA to figure out what was doable for a realistic overview of where the project is at. Ms. Kronenberg stated that Ms. Reed had submitted 2 letters this morning to the Approval Authority but she hasn't had a chance to review them.



Bill McCammon stated that the Approval Authority can make requests to EBRCSA as EBRCSA entered into this agreement to support the Approval Authority to keep this phase zero project up and running. EBRCSA didn't want to negotiate anything with Motorola unless the Approval Authority was supportive of that.

Teresa Reed stated that there are many questions regarding who gave the authority to participate. At one meeting the money was allocated to Oakland, San Francisco and San Jose and then at another meeting somehow the authority was given to Alameda County.

Anne Kronenberg stated that she has read every letter regarding this issue and it appears to her that there will not be specific answers to all of the questions. There is an acknowledgement that perhaps the process that was used wasn't the best process. Right now the Approval Authority is at a crossroads; the question is whether this interoperability project for the region is important enough to solve the issues and move forward or keep going back and trying to figure out what happened. As the Chair, representing San Francisco and with the Mayor's support, at this point and time it is best to move forward.

Teresa Reed stated that she understands and appreciates Chair Kronenberg's opinion however if a statement is going to be made on record she wants to make sure that statement is correct. She apologized for her letters. She stated that at the January meeting the Approval Authority members had deferred this agenda item that contained three options: 1) affirm allocation of \$6.2 million to the County of Alameda, 2) allocate a reduced amount to the County of Alameda for Project Cornerstone and allocate the balance to other eligible projects such as site readiness or 3) other allocations that the Approval Authority may have proposed.

Anne Kronenberg stated that her understanding was that the Approval Authority was not happy with those three items and had directed San Francisco and staff to go back and verify what the real options were, as those weren't viable options with enough detail as the members needed to make an informed decision.

Teresa Reed stated that the problem was not that the Approval Authority was unhappy with the three options but that there wasn't enough information for the three options to make a good vote. The only option that they were able to vote on at that time was option one so the request was to defer the item. Ms. Reed pointed out that there was talk about going back to Motorola and renegotiating the contract in which the Approval Authority had no authority to do. So the whole agenda item was deferred with the hopes that some of the questions posed at the meeting being brought forth at this meeting for clarification so the Approval Authority could vote. She pointed out that instead at this meeting there is another option, she stated that it's not that she's unhappy with the proposal it's her understanding that the funds have to be expended by June 2011. She discussed reallocating the funds back to Oakland and San Jose and asked for clarification on it the money has to be used for interoperability projects. Ms. Reed stated that additional information is needed before the Approval Authority commits to it. She referenced her second letter which discusses a request of an extension for the performance period and is it possible to receive this in writing as part of the proposal.

Ms. Kronenberg asked for staff to present the timeline if the Approval Authority was to make a motion to give money to San Jose and Oakland.



Teresa Serata explained that the sub-recipient performance period for FY09 ends September 30, 2011 and is in almost everyone's contracts and MOU's. The final claim must be submitted to UASI by November 30, 2011. If funding is to be reallocated to projects for interoperability communications, then the UASI needs to know specifics about the project as well as if the project requires any EHP. Staff is available to assist in completing EHP information if it is required and/or needed. This would be submitted to the State; typically can take one week up or up to several weeks to turn around depending on how complicated the project. Any equipment purchases over \$250,000 require the purchase of a performance bond which must be used by the State's performance period which is July 30, 2012. This allows payment of the invoice with the performance bond within the subgrantee performance period but requires the vendor to complete the project by July 30, 2012.

Anne Kronenberg stated that if the Approval Authority approves it, Oakland and San Jose with the necessary approvals, would have about a year and 4 months to complete their projects. Ms. Kronenberg asked if UASI staff would assist the two cities in being successful in meeting all of the deadlines.

Laura Phillips stated that they would have to get a performance bond anyway, which is their insurance for the grant guidelines that it would be done in time. She stated that Ms. Kronenberg had her commitment to assist Oakland and San Jose meet their deadlines.

Renee Domingo stated that if agenda item 5 moves forward it would be useful to Oakland that all information just mentioned is in writing. She asked for clarification on performance bonds and deadlines if a performance bond isn't required.

Teresa Serata stated that some projects are over \$250,000 but if there is something smaller than that won't require a performance bond. She stated that everything must be installed and all invoices must be submitted by November 30 2011.

Laura Phillips stated that all of the detailed information will be in each subrecipient MOU.

Ms. Domingo asked if they would have the opportunity to review a draft of this MOU prior. Ms. Serata confirmed that a draft is typically sent out for review.

Teresa Reed discussed the proposed motion regarding this item from the January meeting and requested for the General Manager if she could answer the question in regards to what are the fiscal or legal risks that the Approval Authority or Bay Area UASI face if the vote for reallocation is voted down.

Laura Phillips stated that the Approval Authority has received commitment from EBRCSA, who actually entered into this arrangement because they thought it was facilitating the project on behalf of the region. They are interested in resolving this and there is commitment from the vendor that they are interested so she does not anticipate any risks.

Ms. Reed stated that the \$6.2 million was reallocated to Alameda County and now the Approval Authority is being asked to reallocate that allocation.

Anne Kronenberg stated that is not what is in front of the Approval Authority.



Teresa Reed stated that the agenda item from the January meeting was deferred to the present meeting and the item has changed. It was her understanding that the Approval Authority had voted to defer that agenda item regardless of what the conversation was that took place. It was deferred pending that Heather Tannehill-Plamondon and the Management Staff would come back with answers to those questions. It wasn't crossed out with the idea of bringing forth a different agenda item. Ms. Reed thinks that it is important that the Approval Authority look at that agenda item and discuss the options because that is what is still on the table. Even if the Approval Authority goes as far as to vote the current meeting's agenda item down, she asked what the risks are and what is being talked about.

Anne Kronenberg stated that the culture of the Approval Authority is new to her; her understanding of the last meeting was not that the agenda item from the meeting would move forward exactly as it was. She thought that staff was to go back and do some investigative work to come forward at this meeting with a proposal that was legal and that basically answered all of the questions raised at the last meeting. She pointed out that the agenda item was not calendared as it was in January with three options and that the Approval Authority may not speak to that at this moment due to the Brown Act and Sunshine Ordinance. There are two proposals for the present agenda item.

Renee Domingo asked for clarification about member Reeds intent.

Teresa Reed stated that at the January meeting there was a letter submitted from the San Francisco City Attorney's Office stating that the Approval Authority had to approve the reallocation of the funds to Alameda County. She stated that this was deferred once because the agenda was too long and the Approval Authority couldn't get to it and then it was deferred again because there was not enough information to support the allocation. Then the item is revised and looks completely different on the current agenda. Ms. Reed stated that there is still part of these funds that she feels that the Approval Authority should vote on, as the Approval Authority never voted on those funds to be allocated to Alameda County. She asked if the Approval Authority doesn't approve the reallocation what would be the risk that the Approval Authority and the Bay Area UASI would be taking and the risk for Alameda County.

Kirstin Hofmann pointed out that because the Approval Authority has not had legal counsel, they don't know what the consequences might be, which adds another challenge when looking at these items. She stated that what came up at the last meeting was member Lucia was asked to recuse himself, which pretty much put a hold on the discussion thus the item being deferred to the current meeting. What is before the Approval Authority now is different (new) motions; her understanding is that the previous motions from the previous meeting need to be addressed at some point as the Approval Authority still hasn't received clarification.

Anne Kronenberg pointed out that there are two motions in front of the Approval Authority at this point: Item 4: the staff recommendation that the Approval Authority make a motion or request to EBRCSA to direct Motorola to stop all work other than testing of the Project Cornerstone Public Safety Broadband Project ("Project") and to make any adjustment to the system to keep the invoiced total at \$2.2 million. The second motion is possible action to reallocate \$4 million of the \$6.2 million in funds allocated to the County of Alameda for the Project Cornerstone to Oakland (\$2 million) and San Jose (\$2 million) for other eligible interoperability projects. She apologized



to Ms. Reed for any confusion as she now understands the gist of what she was saying. In moving forward she recommended amending the current proposed motion that is on the agenda to take that into account. She would recommend a vote to allocate the \$6.2 million and then to reallocate in the same motion because she missed the City Attorney's notification to the Approval Authority that they had not acted on this originally. She asked if any member had language to reword the motion.

Renee Domingo stated that she appreciated Ms. Reeds clarification in which she is correct. Back in November 09 the Approval Authority allocated \$2 million to Oakland, San Francisco and San Jose. Therefore the Approval Authority would be reaffirming that this would be the case related to San Jose and Oakland. She pointed out that there has been a reallocation of what the original intent was for San Francisco's funding so this does need to be a reallocation of what the Approval Authority approves to Alameda County working through EBRCSA for the purposes of Project Cornerstone and BTOP. Ms. Domingo stated that the motion needs to be reworded quite a bit.

Anne Kronenberg stated that since the Approval Authority never voted on the \$2.2 million going to Alameda it doesn't need to be reaffirmed what is needed to be done is to reaffirm the funds that the Approval Authority made a motion on in November 2009 to grant the \$6.2 million to the three cities. Now the Approval Authority would be reaffirming that San Jose would get \$2 million, Oakland would get \$2 million and San Francisco is reallocating their funding of \$2.2 million to EBRCSA for a modified project, Project Cornerstone.

Teresa Reed stated that in regards to the rewording of the motion she knows that there are some outstanding questions that need to be answered pertaining to the original agenda item from the January meeting in which she would like a written response from the Management Team staff. There are some questions in her second letter that were asked in regards to the motion on the current agenda listed as item #5. Ms. Reed requested that:

- The Management Team provide a written response regarding an extension of the performance period to a more realistic term for the city of San Jose
- The Management Team obtain approval to change the grant expenditure category because back in 2009 it was designated specifically for an interoperability pilot project. (Ms. Kronenberg asked Ms. Reed what her recommendation was for this to be changed to. Member Reed stated that she wasn't sure as Ms. Serata stated that approval would be needed for the project. She just doesn't want to be confined to the pilot project.)
- UASI staff is requested to address in writing all of the bullet point contained in her two letters submitted.
- An amendment to the 09 MOU. (Ms. Reed stated that she didn't know what the MOU said but if they are obligated to the interoperability pilot project there would need to be an amendment in order to use that money.)

Ms. Reed stated that she didn't know if the Approval Authority had the things necessary in order to move forward at the time with a motion. She wanted to make a motion in regards to the Management Team responding to the questions from the original motion and to provide a written response regarding the Approval Authority's request for a motion that was placed on the agenda for a reallocation at the present meeting. She stated that if this item was deferred to the March 16<sup>th</sup> meeting then the information needed would be available for the Approval Authority to make a decision and move forward.



Renee Domingo stated that there does not need to be an amendment to the 09 MOU as far as she knows the \$2 million was not included in the original MOU because it was put on hold. She pointed out that Cornerstone was not even described in the 09 MOU at all because there was no allocation. She stated that there would not be an amendment but rather a new MOU on the project.

Anne Kronenberg stated that everything Ms. Reed asked for is very reasonable however everything would be spelled out in the new MOU: the extension of the performance period, how money will be spent; each of Ms. Reed's three items would be a part of the MOU.

Teresa Reed stated it would be great to get a response but the response is needed in writing prior to the meeting on March 16<sup>th</sup> in order to be able to vote on it and then it can be put into the MOU.

Kirstin Hofmann inquired about the current Alameda County MOU in regards to this item in the budget, the plan and the deadline.

Heather Tannehill-Plamondon gave a summary of the MOU stating it was \$6.2 million in equipment for Alameda County for a contract between EBRCSA and Motorola for the procurement of the Project Cornerstone.

Ms. Hofmann pointed out that this contract was entered into without the approval of the Approval Authority; she wanted to know the liability and risks if the Approval Authority goes back to Alameda County at this point stating that this is void. It would be helpful to have the responses to these questions before a reallocation can be made of an allocation that was never allocated.

Laura Phillips pointed out that EBRCSA and Alameda County agreed to do the procurement because of some timelines that were provided connected with the experimental license. San Francisco was going to be the procuring agent and that was in agreement amongst the participants, just as was done with BayLOOP. The problem was that San Francisco couldn't guarantee that they would be able to make those timelines. She stated that Oakland, Contra Costa and Alameda were asked if they could be the procuring agent. She wanted to go on record to state that EBRCSA and Alameda County were only doing this as a favor back towards the regional project, which wasn't seen as a reallocation. If this moves forward direction is needed from the Approval Authority to know what to put into the MOU's, how to apply for the modification and how to move this forward. Ms. Phillips stated that there doesn't need to be an amendment to the MOU as there was never \$2 million going back to the three cities in a separate subrecipient MOU because that money was placed on hold and then put into an MOU for the procuring agent that was procuring on behalf of the region. In terms of the modification once direction is received from the Approval Authority, the modification will be submitted. Ms. Phillips pointed out that the UASI has been in contact with the State of California and they are willing to work with the UASI as is EBRCSA and Motorola to carry out whatever the direction is of the Approval Authority. All of the details would be in the subrecipient MOU. She stated that she wasn't clear as to what questions weren't answered in specifics to the project. Ms. Phillips confirmed that the contract with Alameda would need to be amended.



Anne Kronenberg pointed out that the contract would need to be amended to \$2.2 million which is San Francisco's portion.

Renee Domingo asked member Lucia if it was a problem for the Sheriff's Office that this money was being moved and changed.

Rich Lucia stated that it was not a problem with the Alameda Sheriff's Office, even though it was really up to EBRCSA, for the proposal that the Project is downsized to the \$2.2 million and that San Francisco's money would be used.

Bill McCammon stated that EBRCSA is fine with the proposal as well.

Ms. Kronenberg reminded everyone that there is a much bigger project that is sitting out there – the \$72 million project. Ms. Kronenberg pointed out that right now there are BOOM negotiations going on and there has been work on a regional JPA: there is a lot of good faith effort being put into this larger project. She stated that she hears Chief Reed's comments but the issue from San Francisco's perspective is how to fix where they are right now so there is the ability to move forward.

Teresa Reed stated that she would e-mail the letters, which were submitted earlier, with her e-signature as she knows that they weren't signed. She made a motion that the Approval Authority accepts the two letters from her requesting information from the UASI Management Team for a report at the Approval Authority meeting scheduled for March 16<sup>th</sup> so that the Approval Authority can make a decision in regards to the \$6.2 million.

Rich Lucia asked for clarification from Ms. Reed as to if she wanted to postpone the vote on Cornerstone stopping.

Ms. Reed stated that she wanted to defer the agenda item until a response is received from the Management Team at the March 16<sup>th</sup> meeting.

Anne Kronenberg stated that since she had just received the letters at the beginning of the meeting and she is unclear as to what member Reed hopes to have in writing regards to the response from the Management Team at the next meeting. Ms. Kronenberg asked for Ms. Reed to highlight in her motion exactly what her expectations are because if this motion passes she wants to be sure that Ms. Reed's expectations are fulfilled.

Teresa Reed referenced her letters and stated that she wanted a response to the 6 bullet points on the first letter. She stated that in regards to the terms in the existing Motorola contract, there seems to be a lot of confidence from the Management Team that they can renegotiate the contract with Motorola. Ms. Reed stated that the Approval Authority would like to know the terms that are written into the contract that the Management Team feels that it will be an easy deal to renegotiate a contract that has already been written and signed with Motorola and EBRCSA.

Anne Kronenberg stated that she is not an attorney but doesn't think that something can be put in writing before the actual negotiations of what is going to move forward. She stated that there





is a verbal from EBRCSA, Motorola and Alameda County regarding what they are willing to do but legally that would happen as part of the renegotiation. She is fearful that staff will not be able to produce what it is that will make Ms. Reed feel comfortable.

Ms. Reed asked for the items that Ms. Kronenberg felt that staff wouldn't be able to produce.

Ms. Kronenberg discussed the bullet point in Ms. Reed's letter: Any possible fiscal or legal risk the Bay Area UASI will face if the reallocation of the \$6.2 million is not retroactively approved.

Renee Domingo asked Teresa Reed if this bullet item still holds true and asked for clarification on the intent of this bullet.

Teresa Reed explained that at the January meeting, the Approval Authority was asked to reallocate funds; she asked what would happen if this is voted down. She stated that this vote has to take place as there is some money that was allocated and then reallocated. She asked what would happen if the Approval Authority didn't approve the \$6.2 million to Alameda County. She asked would Alameda County then be on the hook for the \$6.2 million out of their budget which is represented as a bullet within her letter.

Rich Lucia stated that he couldn't give a legal perspective however he is confident in the conversations that Bill McCammon has had and that have been reported back in a variety of different conversations that have occurred that Motorola is willing to release Alameda County and EBRCSA.

Renee Domingo requested that something is put into writing.

Ms. Reed stated that it is possible for the Management Team to come up with answers to the questions. It is their responsibility on how they go about getting the information.

Ms. Kronenberg will go through the bullet points in Ms. Reeds letters so that the Approval Authority is very clear about what they are asking. She stated that this discussion is very helpful to figure out what it is needed for each bullet for Ms. Reed's comfort level.

Renee Domingo stated that the Approval Authority wants to make sure that the UASI Management Team is very clear on what their expectations are as it is helpful to walk through things so that everyone understands what is needed to move things forward. She stated that it may be helpful if the Management Team obtains a letter from Bill McCammon and Rich Lucia.

Teresa Reed stated that she doesn't want to put the Management Team into a box in regards to how the Management Team brings back the information. She stated that she is requesting a response to the bullet points detailed in her letters. She is unclear as to what items the Management Team will not be able to provide information on but she doesn't feel it is necessary to provide them with direction on what to do in regards to whom to obtain letters from.

Renee Domingo stated that she was only suggesting various options so that everybody can get through this and then at the next meeting everybody feels comfortable that the due diligence was done and the information was received that the Approval Authority expected to receive.



Teresa Reed pointed out that at the last meeting Ms. Kronenberg had left the last meeting thinking that the Approval Authority just said that they didn't like the item that was on the agenda. She just wanted to make sure that Ms. Kronenberg was clear instead of having discussions based on this view. Ms. Reed stated that she just wants to know the risks.

Ms. Kronenberg stated that she was still trying to understand what it was specifically that Ms. Reed was asking for as she feels that it was stated today what the perceived risks would be from EBRCSA and Alameda.

Ms. Reed confirmed that she wanted this information in writing as she feels that the option should still be on the table to vote on the \$6.2 allocation to Alameda County depending on the information that is needed.

Ms. Kronenberg confirmed that Ms. Reed wanted in writing a statement of if there is any risk if the \$6.2 million is reallocated to Alameda County. She is not sure how the Management Team would be able to provide this information as this pertains to Motorola and EBRCSA.

There was additional discussion on the consequences of not reallocating the \$6.2 million.

Laura Phillips stated that if this item is delayed since there is already a very tight timeline in which those deadlines will not be changed, there is some exposure as the money may have to be returned as the money is unspent and staff has to keep coming back answering more questions. She stated that potentially there could be some risks if something was to go wrong down the road. Ms. Phillips stated that she didn't know how staff would be able to provide something in writing to these questions. She stated that action needed to be taken at the current meeting as \$6.2 million may have to be returned because there isn't a decision.

Ms. Reed recommended deferring the item until more information is received. In the beginning there was no rush, but now there is a big rush to get this done. She wants to know what this action truly means for the Bay Area UASI and feels that the UASI staff shouldn't have a problem answering these questions. She pointed out that it doesn't take an attorney and that Ms. Serata is fully aware of the budget and timelines.

Anne Kronenberg stated that if the Approval Authority does decide to delay this item until the March 16<sup>th</sup> meeting, then it is two weeks less that Oakland and San Jose would have to put forth the project plans if the Approval Authority does vote to reallocate the funds on the 16<sup>th</sup>.

Kirstin Hofmann confirmed that the jurisdictions could start the process now in anticipation of those funds being reallocated as she is sure that each jurisdiction has plans on how to spend that money. She stated that the Approval Authority would like to see the risks detailed in the report so that the Approval Authority can make an informed decision regarding the reallocation. There are some detailed questions that the Approval Authority is concerned about and having it in writing would make it a cleaner process as they are a little nervous about coming up with the allocation.

Renee Domingo stated that she understood that more information was needed but wasn't clear as to what level it was being asked for.



There was much discussion about what information was needed as it wasn't clear to the Management Team as they felt they answered many questions.

Anne Kronenberg stated that she had sought the advice of her legal counsel regarding a conflict of interest in voting on the allocation and the City Attorney didn't see any conflict and that if there was then there would be a conflict for everyone. She asked Mr. Lucia if he had spoken to his legal counsel regarding the need to recuse himself from the vote.

Rich Lucia stated that legal counsel's opinion was that since the UASI votes on regional assets he should vote. If he was to recuse himself from this vote then he would need to have recused himself for any vote that dealt with dollars to Alameda County and that each member should do the same and that hasn't been the practice of the board.

Teresa Reed reiterated her motion for the Approval Authority to accept her (two) letters that were submitted to the Chair and defer any agenda items until March 16<sup>th</sup> for a response from the Management Team. Renee Domingo made an amendment to defer specifically agenda items #4 Project Cornerstone – Project Status, #5 UASI 2009 Grant Allocation for Interoperable Communications Broadband Pilot Project. Ms. Reed pointed out that agenda item #8 UASI 2009 Grant Allocation for Interoperable Communications Pilot Projects from the January 10<sup>th</sup> meeting should also be included. Kirstin Hofmann seconded the motion.

Kirstin Hofmann asked for clarification as to if the MOU for \$6.2 million is with Alameda County or with EBRCSA.

Heather Tannehill-Plamondon explained that the City and County of San Francisco as the fiscal agent for the UASI grant entered into an MOU with Alameda County. Alameda County acts as the fiscal agent for EBRCSA. EBRCSA is the "vehicle" for that contract. So Alameda County is the pass through for that contract with EBRCSA. EBRCSA had two public meetings on the calendar for that contract to be heard. Ms. Tannehill-Plamondon pointed out that the UASI was dealing with very tight timelines with the experimental license, the license necessary to operate the project. EBRCSA graciously agreed to participate in this process in support of this regional initiative; they acted as the contracting entity using Alameda County as their fiscal agent.

Kirstin Hofmann asked whom had the authority to amend that contract.

Ms. Tannehill-Plamondon stated that EBRCSA has the authority to amend the contract. The MOU can be amended with authority from the City and County of San Francisco and Alameda County. She pointed out that the funding is between San Francisco and Alameda County; EBRCSA has a contract for those services from Motorola.

Ms. Hofmann asked if assurances from all of the necessary authorities would be given in order to amend the contract. Ms. Tannehill-Plamondon confirmed this.

### **Public Comment**

Bill McCammon stated that he had a point of order, as there is a lot of talk about government transparency. He asked if the letters could even be considered but pointed out that more importantly action can only be taken on items on the agenda. Any resolution isn't viable if it



wasn't noticed; he questions if the letters are acceptable. Mr. McCammon stated that the Approval Authority would need to go back to the motions on the agenda and vote them up or down.

Deanna Santana representing the City of San Jose stated that the urgency that the UASI staff was placing on the Approval Authority, more specifically the City of San Jose and Oakland to make a decision today is really a mismanagement of UASI funds on behalf of UASI staff. She wanted to make sure that was clear and in the record. While there is corrective action that was received in advance it was not sufficiently addressed in the staff report as they don't understand the terms that would be asked of them. There have been some dates that have been popped out that they would like to see in writing. More specifically the offer is really meaningless if it comes under the original category that the Approval Authority had placed on these funds as well as how the spectrum had been certified for BTOP activities. In order for the City of San Jose to feel more comfortable moving forward they have documented within the letter what they would like answered in writing:

- Understand the true performance period and whether extensions will be granted to the City of San Jose for them to be successful.
- Understand the grant expenditure category and whether there is any flexibility in this category so that in order for them to be successful. Ms. Serata had mentioned that they do not know if they have eligible or qualifying projects under the original category nor do they know if they have any other eligible projects. They want to make sure to bring back a package that would go through approvals and that could be successful to remedy the position that the UASI has put them in.
- It is very reasonable, in going with transparent government, for them to ask for all of these things in writing to bring back to their City Council. Currently the UASI MOU extension is on their agenda next Tuesday and she would like to let them know of the Approval Authority's action and bring back any information on March 16th. It is completely fair that the City of San Jose ask for these terms and conditions in writing so that they can have a true sense of information and make an informed decision

Anne Kronenberg stated that she thought Mr. McCammon's comments were correct. She asked Ms. Reed to make an amendment to her motion that basically asks for the agenda items to be deferred to the March 16<sup>th</sup> meeting as Ms. Reeds letters were not calendared but staff can come back with a written report. Ms. Reed agreed to the amendment.

Ms. Kronenberg restated the motion that agenda items #4 Project Cornerstone – Project Status, #5 UASI 2009 Grant Allocation for Interoperable Communications Broadband Pilot Project, and agenda item #8 UASI 2009 Grant Allocation for Interoperable Communications Pilot Projects from the January 10<sup>th</sup> meeting be deferred to March 16<sup>th</sup> with a written response from the Management Team addressing the concerns of San Jose. Kirstin seconded the motion. The motion passed with Anne Kronenberg's abstention from the vote.

Anne Kronenberg stated that the Approval Authority would like for the UASI staff to be successful and she would like to act on these requests; she wanted everyone to be clear on what was needed in the report.

Teresa Reed recommended that she and Ms. Kronenberg talk offline in regards to the specifics for better understanding of what she is asking of the Management Team.



Renee Domingo added for the record that the Approval Authority would like to see the summary provided by EBRCSA as an attachment as well as Ms. Tannehill Plamondon's report. She stated that she doesn't have time to read a long report, she would like to see an executive summary style report addressing all of the 9 bullet points from both letters.

Laura Phillips stated that she was still unclear as to what was needed for the initial report based on the comments made by Ms. Santana. She stated that if she was to be responding to some of the questions, she would be giving information directly straight out of the grant guidelines she would state that the UASI would be making a modification request that would still have to be approved, those kinds of things can be put into writing but she doesn't know what the proposed projects are going to be.

Ms. Kronenberg stated that such things as the timeline that Ms. Serata gave a verbal report on would be included in the report. She stated that they would basically codify the things that were said verbally and the other things that San Jose was requesting. She stated that she is happy to meet with Ms. Reed to see what the list will look like.

Renee Domingo stated that none of the cities know if they have qualifying projects based on the grant guidelines until the State approves them. She pointed out that if the EHP is needed it has to be approved as qualifying so they won't know until it goes to the State.

Ms. Phillips confirmed that they would have a statement attesting to this.

Ms. Kronenberg confirmed with Ms. Reed that for transparency, an executive summary would be provided for those bullet points.

Laura Phillips asked for clarity on the intended use of the funds. She stated that she might know the intent for Oakland, but was unclear of the desire of San Jose. She asked if they wanted to use the funds for things other than interoperable communications if it was in the broad category.

Renee Domingo stated that Oakland's intent is to find projects that are within the Cornerstone and BTOP realm as they do see themselves as being an equal partner with everyone. She does have to speak with the CIO further as he is in charge of all of those projects.

Laura Phillips pointed out that if it is outside of the broad category of interoperable communications it would need federal approval as well.

Teresa Reed stated that \$6 million was allocated for interoperability pilot. They would like to make sure that the "pilot" is taken out of that. She stated that Mr. McCammon didn't go through the report as it contradicts the information that was given from the Management Team at the last meeting regarding the amounts spent. Ms. Reed pointed out that the core was a \$2.2 million cost which isn't depicted in his document. She wants to make sure that the information has been verified as truly the expenses used so far because it doesn't represent the information given at the last meeting or the information that was received in the Motorola contract.



Anne Kronenberg confirmed that at the meeting on March 16<sup>th</sup> the information that was requested will be given. She will meet with Ms. Reed and staff prior to go over this information.

*(The Approval Authority took a break from 11:30 a.m. – 11:47 a.m.)*

### **EXTERNAL REVIEW, REQUEST FOR PROPOSALS (RFP) FOR PROJECT CORNERSTONE AND THE BROADBAND PILOT INITIATIVE**

Anne Kronenberg asked Member Hofmann if this item can be deferred along with items 4 and 5 until March 16<sup>th</sup>. Ms. Hofmann stated that would be fine but she wanted to state a couple of things and wanted the Approval Authority to consider a possible motion about some changes to the RFP based on the CalEMA letter.

Kirstin Hofmann stated that Project Cornerstone has been challenging, time consuming and a learning lesson for all parties involved. One outcome of this review, that is asked to be done on Cornerstone and BTOP, can be some lessons learned and some instructions on how to avoid similar situations in the future. In addition to having a review of these processes it makes sense that this leads into some kind of a product or tool that can be used in moving forward. Based on Brendon Murphy's response, she would like for staff to interpret what some of his comments meant as well as for staff to review the draft RFP and come back with a version of the RFP that takes into consideration what guidance was given from CalEMA in terms of what was fundable and also looks at what type of product that the consultant can be asked to provide that incorporates the Lessons Learned in a way to avoid situations like this in the future.

Laura Phillips stated that it is a great recommendation when trying to share money over multiple jurisdictions how would this be reflected such as in Bylaws – the product.

Anne Kronenberg stated that part of Ms. Hofmann's request was similar to an After Action Report being done after an exercise.

Ms. Hofmann stated that the response from Brendon Murphy didn't mention anything about BTOP, so she assumed that anything pertaining to BTOP isn't fundable. She pointed out that there is still the outstanding question of how SHSGP dollars were used to fund UASI staff to work on the BTOP project but the same SHSGP dollars can't be used to fund the review of that project. Ms. Hofmann stated that she is still interested in finding out how can UASI dollars can be used to fund the entire review including the BTOP component. She would like a response from staff based on this in addition to them looking at the RFP to look at the deliverables to include a product based on what Mr. Murphy is saying is one of the allowable expenses here after the findings of the review are complete.

Kirstin Hofmann made a two-part motion: 1) for staff to investigate potential funding sources for the entire review including BTOP and for staff to take the draft RFP, based on the response from CalEMA, incorporate some kind of lessons learned tool that the Approval Authority can use in moving forward and bring the draft back for final review on March 16<sup>th</sup>.

Laura Phillips stated that staff would not be able to produce this by March 16. She thinks it is good suggestion but she would like more time to produce this given all of the other deadlines that are coming up.



Ms. Hofmann pointed out that this request has a review component, and one of the other deliverables will be some kind of Best Practices tool that can be used to guide the Approval Authority in moving forward. In reviewing the letter from Brendan Murphy, he stated that it should include some planning product and scope of work. This is where the UASI staff can use their expertise to craft the language in the deliverables section. She asked if the end of March would be a good deadline and pointed out that the draft RFP is in good form.

There was some discussion regarding a reasonable date that this could be done as staff is working on other deliverables and grant applications. Heather Tannehill-Plamondon agreed to review the RFP and work on the Best Practices.

Laura Phillips stated that her concern is that there will not be a product that the Management Team can produce that will meet the expectations of the Approval Authority.

Kirstin requested that the BTOP funding question be addressed by March 16<sup>th</sup>. The letter from Brendon Murphy talks about Cornerstone being eligible but does not address BTOP; she stated that the Approval Authority would like for the review to be paid for by UASI funds including the BTOP component.

Laura Phillips stated that anything associated with BTOP is not covered with UASI funds. The issue of whether staff works on interoperable communications coordination regardless of the grant fund is something that UASI staff does, they coordinate that and they are a part of the discussion regardless of the grant fund.

Teresa Serata explained that the UASI shared the draft RFP with CalEMA that included the review of BTOP. CalEMA's response regarding Project Cornerstone was because it is funded by the UASI grant, it is eligible. She stated that the second paragraph states that "in order for an activity to be considered eligible under the HSGP, a link must exist between the proposed scope of work and the HSGP" and the "review indicates a less-than-optimal link to the HSGP, and HSGP is not identified as the Project Cornerstone source of funds". Ms. Serata stated that CalEMA is indicating that the UASI needs to revise the RFP to make it allowable.

Laura Phillips stated that it may be that the RFP is crafted in such a way that addresses what the changes would be necessary for bylaws changes or how the UASI wants to handle other grant opportunities when the fiscal agent is not going to be the UASI. These are things that could be made eligible depending on how the deliverable is worded.

Teresa Serata pointed out that the RFP would need to be changed significantly for eligibility.

Kirstin Hofmann stated that she would like for staff to look at the RFP and make changes as the Approval Authority would like for the whole process to be funded by UASI dollars and it seems that there are some ways that it can be crafted to have some deliverables that meet those requirements.

Laura Phillips stated that Ms. Hofmann had clarified that the Approval Authority is not looking for another investigation but a way to come away with a deliverable that can be used in terms of practices to be more efficient and how to write it to be eligible for funding.



Anne Kronenberg asked what the timeline would be.

Heather Tannehill-Plamondon stated that she would be able to review the RFP in the next 30 days but not in time for the next meeting on March 16<sup>th</sup>.

Kirstin Hofmann stated that the Approval Authority has already approved the release of the RFP, so there is not a need for another meeting regarding this. She just needs a product that is releasable and fundable per CalEMA's confirmation. This item will not need to come back in front of the Approval Authority until there is a proposed contractor.

Laura Phillips clarified that the Approval Authority voted on putting the RFP out, but not to expend funds on it.

Ms. Hofmann pointed out that based on information received from CalEMA regarding the expenditure of funds; she may have this as an agenda item at either the next meeting or the meeting after.

Anne Kronenberg stated that later on the agenda there will be a discussion about the need for a special meeting in April due to the UASI 2011 grant.

Anne Kronenberg stated that there is motion directing staff to rework the RFP so that it will be UASI fundable with the deliverables that member Hofmann specified. Ms. Tannehill-Plamondon stated that she could have this done within a month. If there is a special meeting in April the Approval Authority can vote to allocate funds that have been identified. Teresa Reed seconded the motion. The motion passed unanimously.

### **FY2011 GRANT PROCESS & GRANT ALLOCATION METHODOLOGY**

Teresa Serata stated that the Federal government still does not have a 2011 budget. UASI funding is specifically focused on high threat, high density urban areas with a focus on acts of terrorism. Plans and grant applications are to follow these requirements. All the initiatives must have a high threat, high density urban area terrorism focus; build regional capabilities; enhance regional preparedness; align with the Bay Area Homeland Security Strategy (approved by Department of Homeland Security-FEMA GPD); support Federal Investment Strategy, and incorporate DHS Grant Program funding priorities.

The way the funding comes back to the UASI is based on a risk formula written into the Federal Appropriations authorizing language that DHS must follow a risk formula. In this instance there has been a revision in the previous risk formula. Originally the UASI was allocated funds based on threat and then vulnerability and consequence were combined. The weights have since changed for the 2011 process:

- Threat is now looked at as 30% weight
- Vulnerability is a new column added for 20% weight (includes Targeted Infrastructure Index and Border Index).
- Consequence is 50% weight (includes Population Index, Economic Index, National Infrastructure Index, and National Security Index).





This formula is used for both bringing back State homeland security dollars as well as UASI dollars. The formula is quite complex, as each risk element is further broken down into different pieces. Ms. Serata discussed each risk element:

- Threat (30%) is based on credible information collected through the FBI and at the DHS levels. This year, Ms. Serata was able to review the data based on the fact that she has proper clearances now.
- Vulnerability (20%) – The Targeted Infrastructure Index (10%) is looking at target Level 1/ Level 2 assets within certain specific sectors primarily those that are the most vulnerable or where threats have been previously acted or hinted upon (airports, transit, large facilities, and large hotels.) Level 1 and Level 2 assets are based on capacity. There are certain levels and criteria developed by DHS used at the state and Federal levels and the UASI uses it through the Digital Sandbox tool. The Border Index (10%) – the UASI answered “yes” for international border crossings and international waters, but “no” for border crossings.
- Consequence (50%) – Population Index (30%) looking at density; this was previously 40%. Economic Index (13%) - impact of any kind of incident and its impact on the economy. National Infrastructure (5%) - looking at other assets not captured at the targeted level and the National Security index has been reduced to 2%.

Renee Domingo asked why the formula had changed.

Teresa Serata explained that overall the formula has changed because DHS has received a significant amount of criticism regarding vulnerability. Previously vulnerability had been looked at as “likely to happen everywhere” but this is not necessarily true based on analysis done at the DHS level. In response to Congress’ concerns and the GAO reports, DHS identified a mechanism for looking and identifying vulnerabilities separately.

Ms. Serata stated that there has been full participation to date from the 10 Bay Area counties that make up the region. The UASI met with Monterey and San Benito but they have not yet had any data inputted into the tool. She pointed out that in the past the UASI has gone through and reviewed all of the asset data in Digital Sandbox, which was information previously inputted in through the Fusion Center two years. This information was validated and reviewed again and any additional information was added to the toolbox. Capability assessments were done at the hub level in which subject matter experts participated in. The Approval Authority approved continuing to use the 2010 allocation process which specifically includes the \$1 million allocation back to the core cities. In addition, the same process that was followed last year, the core cities will ensure that their projects meet and are compliant with grant guidelines and other requirements.

Teresa Serata discussed that the UASI is awaiting congressional approval of 2011 budget but some specific information has come out. HR1 is the current version of the Appropriation Bill, which looks at the Homeland Security and UASI allocation at a lower level. The UASI had initially thought that the same amount as 2010 would be used but based on what has passed out of the House and gone to Senate the amount will be significantly less; this is what the UASI will be planning on. Allocations for the Approval Authority’s review and approval are the shared regional initiatives and the risk allocation formula back to the hubs. One thing discussed last year, because the money comes back to the UASI based on the MSA, that allocation is spread across the 10 Bay Area counties in a hub format. The UASI has tried to assign the funds based



back to the UASI and distributed to the hubs based on a similar formula that the UASI received the funds, but to date specifics are unknown regarding the threat. Last year, the threat dollars were allocated to population risk, asset risk and economic risk. The weighted formula that was used last year is the allocation formula that the UASI is proposing to use this year.

Kirstin Hofmann asked how the formula was created last year.

Ms. Serata explained that she had proposed a formula at the Advisory Group meeting more heavily weighted on population but an engineer in the audience recommended spreading it proportionally across all of those elements and that's what was done.

Renee Domingo asked about the areas using risk-based allocations in comparison to the National Strategy as it seems that all of these allocations are based upon primarily consequence. She inquired about where threat and vulnerability fell.

Ms. Serata explained that threat is 30% which is spread primarily in population and assets; the threat is actually against the asset. The asset that is targeted is primarily one that will significantly disrupt the population.

Ms. Domingo stated that she didn't understand why the UASI wasn't using the same three categories in the same way as in the National Model which has threat separate; vulnerability is another category as well as consequence.

Teresa Serata stated that this could be done but the information that the UASI has is population information, asset information and economic information. She can't provide the threat data back to Digital Sandbox because it is classified information.

Ms. Domingo pointed out that Ms. Serata may not be able to give them details but can give Digital Sandbox the percentages in terms of what is believed to be the threat.

Teresa Serata confirmed that the UASI took the threat allocated that percentage over the population, asset and economic risks, as she is not allowed to say specifically which jurisdiction has the threat.

Ms. Serata discussed that the regional initiatives are Fusion Center, Project Planning (includes Risk Management Project), Regional Exercise/Training and Management & Administration (5%). Medical and Public Health preparedness was not included in this year's regional initiative primarily because there is a big project being worked on from FY09 and a large project in FY10. Both projects are in the works and the outcomes of these projects are what the UASI would be funding at a regional level and there is not enough information to make any decisions on how to fund those projects. Additionally they were funded down at the hub level is because there were various hub meetings in which various hubs proposed projects that didn't meet and rise to that level because of the regional projects. Now there is the opportunity for subject matter experts representing medical and public health to propose projects at the hub level.

Renee Domingo asked for clarification on how the change impacted the UASI figures.



Teresa Serata stated that she talked to Digital Sandbox regarding this. She confirmed that the allocation doesn't change the way that it was formulated from the prior year.

Ms. Domingo stated that she didn't understand how the national formula would change but there wouldn't be an impact to the regional formula.

Ms. Serata explained that the impact is in the final allocation, the denser you are the higher the population index, which was reduced slightly. She pointed out that because the vulnerability for the border crossings is either a "yes" or "no" and it is hard to determine this - all of this was put under infrastructure.

There was some additional discussion about the allocations. Ms. Serata stated that the UASI would like to improve on the operational area level which will make a slight difference on the critical infrastructure piece and to do a better job at looking at level 1, 2, and 3 assets which are capacity based. Ms. Serata stated that she would like to discuss with DHS that data needs to be included from areas instead of just MSA's.

Renee Domingo stated that she would like to see (in a future cycle) the UASI model reflect the National model because even though an area is densely populated it doesn't mean that it has the same amount of risk as an area that isn't densely populated. She used the example of Oakland versus San Jose; San Jose has much higher density than Oakland but Oakland has much higher threat because of their Port, the stadium, the Bay Bridge, etc. Ms. Domingo pointed out that the risk allocation formula is more slanted towards consequence and not considering the risk and "vulnerability" of a location; she is not sure how the numbers were decided.

Kirstin Hofmann stated that it was her understanding that the Approval Authority doesn't have to mirror the federal government's formula in regards to allocations. She would be interested in seeing a different approach to some of these numbers based on what member Domingo was talking about; she doesn't feel that they should necessarily wait for the next cycle for this to be done.

Renee Domingo pointed out that the economic index for Santa Clara, San Francisco, and Oakland is high and a disruption at any of these places is pretty significant. However, she doesn't understand how this is factored into the formula but it would be nice to understand it.

Teresa Serata stated that whatever information is available publicly regarding airports for example is based on passengers passing through on an annual basis. There is a significant difference between Oakland, San Francisco, and San Jose, so much so to the point where one would be a level 1, 2, or 3. There are various factors considered in the assets embedded into the system which were put into the system by various members of each jurisdiction.

Renee Domingo asked if the UASI has any influence in terms of pushing back when they give formulas for the Bay Area. She pointed out that with regards to Port security, she has worked closely with the Coast Guard and they have had to push back on things. From a regional standpoint the Approval Authority should be able to provide input to ensure that things like threat and consequence are accurately reflected.



Ms. Hofmann reiterated that this was one approach for allocations; she has a large interest in other approaches for allocations. She would like some additional detail to be able to look at different approaches for allocations. She would like to know what conversations occurred at the Advisory level regarding the allocations.

Teresa Serata discussed the next steps which include a presentation to the Approval Authority (March 1<sup>st</sup>). Hub meetings will be conducted beginning on March 2<sup>nd</sup>. This is the first in a series of meetings in which risk briefings will be given specific to each hub area, which will look at the biggest vulnerabilities and biggest gaps. A briefing will be given on the template implementation guidelines and the hubs will discuss the project development process; the projects will be brought for discussion at the next hub meeting. All of the projects are due by March 25<sup>th</sup>. This is a fast turnaround as there is strong reason to believe that once the budget is completed around March 18<sup>th</sup>, there will be 30 days to submit the application. This information has come directly from FEMA staff and they are writing these specific dates/timeline into the Appropriations Bill. Ms. Serata pointed out that usually by April the UASI would have submitted their applications and the review process would occur giving the Feds and the State sufficient time to give the awards by the end of the Federal fiscal year. The second round of hub meetings will be the week of April 5-7<sup>th</sup> in which the hub approval panels will review the projects and make recommendations for the current allocations but also list any projects that may be funded if more money is actually received. Ms. Serata discussed that the Approval Authority may need a special meeting to approve the application as it may be due on April 29, 2011. She stated that the biggest caveat is that the allocations and the schedule are subject to change pending final federal appropriations and federal grant guidelines. She stated that there was a meeting with the Advisory Group but at that time it was suggested to use the same allocation as used for 2010. Since the meeting on February 17<sup>th</sup> there has been a lot of activity at the federal level.

Teresa Reed asked for clarification on this year's process.

Teresa Serata clarified that the process is the same as last year in which the hubs were given their briefing, the only difference is the checklist is not available this year (because there is not enough time) but there is a template for the information that is needed in order to submit the application. She reiterated that the projects are due March 25<sup>th</sup> so that during the week of April 5-7<sup>th</sup> the hub approval panels and the hub liaisons will review the projects and make recommendations for the current allocations. The hub liaison for the South Bay is Guy Bernardo, Heather Tannehill-Plamondon is the hub liaison for the East and North Bay and Teresa Serata is the hub liaison for the West Bay.

Kirstin Hofmann stated that the PowerPoint presentation copy that was sent out didn't have all of the information as the presentation that Ms. Serata showed. She is sensitive to the shortened timeline, but since it is the first time the members are seeing the numbers, she feels that there are possible alternative formulas that the Approval Authority would like to evaluate in determining the overall strategy in moving forward as a UASI. She would like for the Management Team to look at some other alternative formulas based on the regional priorities in the UASI strategic plans for the Approval Authority's review. She understands the time crunch but this has been identified as a really critical part of the job as an Approval Authority member and a critical part of the process.



Kirstin Hofmann made a motion that the Management Team work through the Advisory Group to propose some different allocation methods based on the UASI's strategic plan and then have the Approval Authority consider this item at the next meeting. She stated that although this is a tight timeframe it is important given the investment at hand.

Ms. Serata apologized for the new information as the House was still working on a resolution and she was thinking that they may make cuts to the UASI program; they instead cut two other programs. She stated that she would schedule a conference call for the Advisory Group to discuss other alternatives for the formula.

Ms. Hofmann spoke on behalf of Santa Clara County's Advisory member stating that he will make the time to participate in the conference call.

Teresa Serata reminded everyone that this is all a work in progress and the amount of money can be different. If New York prevails and only the top 25 UASI's are funded there can be a different picture than what the UASI was thinking was going to happen.

Renee Domingo voiced her concern regarding the "off the top" money. She asked at what point does the Approval Authority have a chance to review and evaluate if the "off the top" numbers should stay the same. She points out that the numbers look the same but the percentages are increasing because less money was received. Ms. Domingo feels that the numbers should be adjusted proportionately since less money is being received as was done with the regional side with projects. She stated that there are various ways to be efficient and effective with less money and it would be good to review the regional initiatives.

Kirstin Hofmann made a motion to defer this agenda item (FY 2011 Grant Process & Grant Allocation Methodology) until the next meeting. She requested for the Management Team to bring back some information on allocation methods based on the Advisory Groups conference call. Teresa Reed seconded the motion. Renee Domingo amended the motion to include the regional allocations (Fusion Center, Project Planning, and Regional Exercise/Training) be included in the various allocation methodologies. She would like to review these numbers as well as they have increased by about 3% as everything else seems to be decreasing. She would like to review ways to be more efficient and effective with more money going to the planning hubs. She thanked the UASI management team for their work but recommended that for next year's process, each year's methodology be shown side-by-side with the figures and percentages (showing columns for the 1<sup>st</sup> year, 2<sup>nd</sup> year, and 3<sup>rd</sup> year). This way the Approval Authority will be able to look at things comparatively. The motion passed unanimously.

Teresa Serata stated that she would proceed so that there is some framework to work with; people can begin to develop their projects using the same templates that the UASI has available. The numbers may change based on the meeting on March 16<sup>th</sup>. When the hubs meet for the final hub allocations they can prioritize all of the projects.

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

Anne Kronenberg discussed the letter received from the San Francisco City Attorney's Office dated January 3, 2011 which was also handed out at the January 10<sup>th</sup> meeting; the letter



describes their role with the UASI. Additionally there were two additional documents available for this item.

Laura Phillips stated that the San Francisco City Attorney's Office had submitted the spreadsheet showing the total legal costs and funds expended from UASI funds and the General Fund. She pointed out that the UASI didn't start charging M&A until the 07 grant. The difference is approximately \$156,000 charged to the general fund on UASI legal advice.

Ms. Kronenberg clarified that \$156,000 in San Francisco General Fund money had been spent for legal services for UASI business and \$132,483 from the UASI grant; the total of money spent was \$288,546.

Renee Domingo asked for clarification regarding such grants as IECGP and the RCPGP FY08-10 grants.

Teresa Serata explained that in 2006 the City Attorney's time was charged to the General Fund for work involved with such things as MOU's, contracts, accept & expends etc. She pointed out that when she started working for the UASI (when the 07 grant was starting) she had consulted with legal counsel with CalEMA (OHS at the time) to check if any of the City Attorney's work was allowable. Ms. Serata couldn't make the charges retroactively but were to start from the date of her request. She pointed out that over time the grant guidelines have changed and what is allowed under M&A has changed significantly and this is when the UASI was able to use more of the grants for the work such as gap analyses and contract work.

Anne Kronenberg stated that some of the confusion is that there is no "General Fund" line item represented on the spreadsheet; the chart is not intuitive.

Laura Phillips pointed out that the request from the Approval Authority was for UASI funded services.

Renee Domingo asked if the amounts were running totals or based on hours for each year that the City Attorney worked.

Teresa Serata explained that the City Attorney identified the number of hours that they worked on things related to each grant and things that were allowable and eligible under the grant, then it was charged to the grant. Once the process was started, the City Attorney's Office would track all of the work done on each grant and then would bill the UASI; the UASI in turn would review the bills from the City Attorneys' Office and would determine if the work performed was allowable under the specific grant (UASI, RCPGP, IECGP etc.). Ms. Serata pointed out that everything done by the City Attorney's Office isn't eligible under the grant.

Scott Frizzie inquired about the billable rate. He stated the he was confused as to the number of hours represented in each column and asked if there was a difference in the number of hours charged currently versus years past.

Teresa Serata stated that the City Attorney's billable rate is \$214/hour. She explained that there were 211 hours in which the City Attorney believed to be UASI related work and only a certain percentage of that time the UASI believes to be allowable and eligible under the grant is what



they can charge. She stated that the City Attorney may be spending 100 hours on work related to the UASI; the UASI can determine that only 50 hours is legitimate work to be charged to the grant. The remaining 50 hours have to be charged to another source in the Department's General Fund budget. Ms. Serata confirmed that the City Attorney may work more hours based on the number of contract amendments and contracts that the UASI has as well as the number of subrecipients; there is no significant spike in their hours. She stated that over the last couple of months most work has been done related to BTOP, which was charged to the General Fund. Since more money has been allocated then more money is available for contracts and projects which means more work for the City Attorney's Office.

Kirstin Hofmann stated that the Approval Authority had passed a motion regarding legal representation for the Approval Authority as there is none right now. She stated that most members are concerned about this. Ms. Hofmann pointed out that this is one outstanding item in which the UASI staff was asked to go back and research if legal counsel is eligible, the costs for legal services, and an RFP for legal services for the Approval Authority.

Laura Phillips stated that she thought that the Approval Authority wanted to see the legal services data first and then it would be decided what would be in the scope of services. A cost was obtained from the City Attorney's Office based on if they were providing the service; it would be roughly \$1,000 - \$1,200 per meeting including their expenses travelling and preparation.

Teresa Serata clarified that legal services would be allowable for what the UASI does in regards to writing MOU's, subrecipient agreements and contracts; this would be M&A to come to the Board.

Kirstin Hofmann asked what the procedure is in order to have legal representation present at each meeting to represent the Approval Authority as a board as the San Francisco City Attorney sent a letter stating that they only represent the San Francisco employees.

Rich Lucia stated that it is the Approval Authority's desire to have legal representation at the meetings but also for official business for the members. The next step is to vote on an RFP.

Since the item was agendized as discussion only, it was requested that Legal Services Representation for the Approval Authority be placed as an agenda item for the next meeting for discussion and action.

Laura Phillips stated that staff had done some research and pulled together some scopes of work in anticipation of getting some direction from the Approval Authority.

Anne Kronenberg stated that it was a good idea to look at costs for legal services and the scope of services.

### **OUTSTANDING DELIVERABLES MATRIX**

Anne Kronenberg apologized for any confusion she may have caused with the different versions of the matrix that was sent out. She thanked member Hofmann for the work that she did on the outstanding deliverables spreadsheet which consisted of 25 items. Ms. Kronenberg explained



that she took the items from Ms. Hofmann's document (deleted duplicate items) and combined them with the matrix that she and staff worked on (based on the last couple of meeting action items) which was a shorter list of 17 items; she stated that if its acceptable to the Approval Authority members, she would like to use this matrix. Ms. Kronenberg stated that she had talked to a few Approval Authority members prior to the meeting and some items can be taken off the list as they are done. She stated that she thought it was a terrific idea to have a way of tracking progress and outstanding deliverables. It is her intention that at every Approval Authority meeting the matrix would be updated and items would be taken off as things get done; there would be a record of when things are added and completed. Ms. Kronenberg stated that she feels really strongly about is the fact that the UASI receives federal money, local and State allocations. As a recipient of government funding, it is really important to be transparent in all actions. The matrix is helpful for the Approval Authority members, the public and for staff to stay on track. Ms. Kronenberg pointed out that at the next meeting item numbers 1-3 will be crossed off the matrix as they are completed.

Kirstin Hofmann asked who would be responsible for updating the matrix.

Ms. Kronenberg stated that she would work with the General Manager and Jada Jackson to update the tracking matrix.

Teresa Reed stated that she thought this was a good tool. She referenced the two versions of the matrix and stated she thought that the different versions represented that there is some miscommunication between the Approval Authority and the Management Team as that many outstanding items is disappointing as the Approval Authority is not getting any information back even if it was just a request for an extension. Ms. Reed stated a lot of the projects were just completely ignored. She hopes that things will get better in that area and that information is not just given to the Management Team without a response as this is helpful to the Approval Authority as they make decisions on how to expend taxpayer dollars.

Ms. Kronenberg confirmed that this was the reason for the matrix - for everyone to be able to track the outstanding items. Approval Authority members and staff will be held accountable and it is transparent to everyone.

Kirstin Hofmann commented on the matrixes. She stated that there were a number of duplicate items on the matrix that she put together, but there are a number of items that are outstanding items and the Approval Authority still hasn't come to a determination around a number of reports that they have asked for over some time. There is a recurring report on the matrix that has to do with deliverables, management structure, travel, and various administrative costs. This was asked for back in September looking at October 09 -10 and again at the second meeting; it is still an outstanding item. She appreciates moving forward and there will be a tracking tool that will keep everyone on the same page and will help everyone understand what the Approval Authority members and staff are being held accountable. However, she feels rather compelled that there are some reports that are outstanding. She noticed that member Domingo had asked months ago for a certain report and she is not sure if that request was met and it has come up several times. She stated that one has to do with a report that detailed the Management Team's structure, deliverables accomplished over the last 12 months and travel for the UASI Management Team.





Laura Phillips stated that UASI records indicate that all of these records were provided for this particular item on October 28, 2010. She stated that some of the other deliverables were provided in the meeting in Oakland, which was with half of the Approval Authority members as it was not an open meeting; these items were provided in a binder.

Ms. Hofmann stated that was correct. However at the meeting that was held on October 22<sup>nd</sup> the Approval Authority asked for an annual report and from that point on they wanted to look at quarterly reports to determine what information they would like on an ongoing basis. So this initial report was one that she is not sure the Approval Authority took back and stated what information they wanted to look at in terms of quarterly reports in moving forward.

Anne Kronenberg stated that she had understood was that the annual report would be given on May 11<sup>th</sup> which is shown on the matrix as item #16. She was not privy to the meetings prior but thought that this was in response to the prior requests including budget. Although the agenda item wasn't explicit, she assumed that this took into account travel and the budget of what had been spent in the prior year. Ms. Kronenberg stated that she tried to accurately merge the information from Ms. Hofmann's document into her matrix without including the duplication.

Ms. Hofmann stated that she appreciated that but that she didn't want some of the detail that the Approval Authority specifically asked for to get lost or to lose that the Approval Authority is asking for quarterly reports and that they wanted to come to a consensus on how it is supposed to appear and be presented. This is some of the detail that she wants to make sure that the Approval Authority is able to address at some point.

Renee Domingo stated that she thinks that the efforts are good but that some things (when Chair Kronenberg was not a part of the Approval Authority) were received but there were some ongoing things that were requested that are not on the matrix tracking tool which she had discussed with Ms. Kronenberg.

Ms. Kronenberg asked Ms. Domingo if she would like to add any items to the matrix.

Ms. Domingo stated that she thought that the Approval Authority was going to go through each item and discuss if there were things that should be added; she stated that she doesn't want to add work but she does want the matrix to reflect the things that are needed. She stated that she would add "quarterly reports" to item #16 as this would be useful to have in regards to performance and budget just to see how things are going. She pointed out that this doesn't have to be done for individual hub projects but more so for projects that are being managed by the UASI team, the regional initiatives.

Anne Kronenberg asked Ms. Domingo if the quarterly reports could be incorporated into the General Manager's report; Ms. Domingo agreed.

Laura Phillips stated that with the General Manager's report the Approval Authority is getting a statement of budget information and in addition to that there are specific updates and then in the quarterly report there should be a combination of both. For the quarter information should be given about what is in the budget, what's been spent, and where the UASI is in all of the areas fiscally. She asked for clarification as to if Ms. Domingo wanted to know the status of just regional efforts as opposed to just individual.



Renee Domingo stated that she wouldn't say just regional efforts, in the annual report at the end of the year; the Approval Authority would like to see what happened in the planning hub. She stated that with interoperability, she knows that the UASI has invested from 06 to current, over \$5.2 million; but there will be a P25 system by the end of the year. She stated that this is a huge return on an investment. This is the type of information that the Approval Authority would like to see in an annual report. The Bay Area now has 12 Type 1 teams and Type 2 teams because of all of the efforts that the UASI has done getting the funding; things that are measureable. Now the Approval Authority doesn't really have any visibility on what the money is doing.

Laura Phillips stated that there is visibility on the money but this would be the first year that it would be captured in an annual report which is very valuable when the UASI is going back educating the Bay Area's delegation.

Ms. Hofmann confirmed that the quarterly report should be added to item #16. She stated that throughout the matrix there are different requests for travel and she thinks that it is the desire of the Approval Authority to include that level of detail.

Renee Domingo stated that a request that was recently discussed at the last meeting was the status of the UASI RCPGP contract. There were questions from the Approval Authority members about when the contracts had been approved by the Approval Authority as they don't recall it ever coming back. Guy Bernardo was going to provide dates as to when this contract came back to the Approval Authority for final approval for the FY09 RCPGP grant. She would like information regarding URS validation and Donations Management. She knows that this report is forthcoming she is just trying to make sure that there is consistency as she doesn't recall this ever coming back to the Approval Authority for URS to have the contract to perform the work. (This report should be given at the March 16<sup>th</sup> meeting)

Anne Kronenberg asked if there were any other outstanding items; none were stated. Ms. Kronenberg stated that she felt that the matrix would be a very useful tool as the Approval Authority moves forward. She stated that in moving forward a future item that she had discussed with member Domingo and the General Manager is a workplan for staff; this is currently not on the matrix but will be another item on the tracking tool.

Kirstin Hofmann asked the point of contact for questions or updates regarding the matrix.

Ms. Kronenberg stated that Jada Jackson would be the point of contact.

### **MOU, BYLAWS AND MEMBERSHIP OPTIONS**

Kirstin Hofmann thanked everyone and their jurisdictions for participation on the Bay Area UASI MOU Subcommittee. At the last Approval Authority meeting she had given the update that the group had met four times for about three hours per meeting spending a lot of time on the document. The last meeting of this Subcommittee was January 10<sup>th</sup> and from that meeting the documents went to the San Francisco City Attorney with a couple of outstanding items for the City Council to review. These documents were returned to Ms. Hofmann with a number of changes in the Bylaws and the MOU that she determined were substantial enough that the



MOU Subcommittee needed a chance to weigh in. There were changes and additions that weren't discussed by the Subcommittee as they had previously gone through the documents line by line and come to a consensus around the content and scope of that should be. She felt that instead of her taking the liberty on behalf of Santa Clara County to insert what San Francisco had added, they would have another chance to revisit this at another time. She distributed the documents from the Subcommittee January 10<sup>th</sup> meeting as well as the documents from San Francisco with some additional proposed language. The MOU Subcommittee will be meeting again on March 24<sup>th</sup> and the members have been notified; she is hoping to have full participation at this meeting. Ms. Hofmann is hoping that after this meeting they will be able to come back to the Approval Authority soon thereafter with a draft MOU and Bylaws for everybody to discuss as vetted by the Subcommittee. She pointed out that the Approval Authority is currently working under the 180 day extension with the MOU that expired on December 31, 2010. There is the possibility that this extension will be exceeded as well; the Approval Authority needs to consider an additional extension based on what happens at the March 24<sup>th</sup> meeting and then that document going back out for review. She is concerned that it is getting close to that extension; she would like to add this to a future agenda (Extend MOU Extension).

Anne Kronenberg stated that she thought it would be good to have this as an agenda item but not at the meeting on March 16<sup>th</sup> as there are a lot of items that were already added to that meeting's agenda. She thanked Ms. Hofmann for her leadership with the MOU Subcommittee.

Ms. Hofmann stated that she didn't want to wait until the last minute to discuss the extension. Ms. Kronenberg agreed to put it on the next meeting agenda or the meeting agenda for the Special meeting which will be held in April.

Scott Frizzie asked for clarification on the 180 day extension for the MOU.

Ms. Kronenberg stated that Santa Clara has their extension done, San Jose and San Francisco's will be voted on; so progress is being made. She pointed out that by June 30<sup>th</sup> the additional extension can already be in place.

Renee Domingo thanked San Francisco and Ms. Hofmann for all of their work on the MOU and the Bylaws. She stated that the process was a good process that allowed everyone an opportunity to weigh in.

Anne Kronenberg pointed out that the changes that will be discussed at the March 24<sup>th</sup> meeting were legal things that the San Francisco City Attorney flagged as she felt that they violated the Brown Act. She feels that it is good that there will be this additional meeting.

Kirstin Hofmann stated that once she got into the document there were some substantial changes that were made that weren't tracked. She pointed out that she had to do some digging to find these changes thus the reason she didn't feel comfortable with just incorporating the changes.



### **UASI APPROVAL AUTHORITY MEMBERS ALTERNATES**

Anne Kronenberg stated that the discussion was about alternates who can act on the behalf of Authority members to ensure that there is a quorum as there were some regularly scheduled meetings that members weren't going to be available to attend. It is really important that the meeting dates are set for the year and the members uphold them. The options could be for there to be alternates to vote or to just add comments without voting. This item is only for discussion purposes.

Rich Lucia stated that he thinks there is some benefit to having alternates but the difficulty is that the alternative may not be up to speed and would need to know pretty far in advance to be prepared. He stated that it would be difficult for a person to attend just one meeting and be able to vote. It would be convenient for him when his schedule conflicts with the meeting dates. He pointed out that in the case of Alameda County the alternate would be selected by the Board of Supervisors and County Administrator; this person may or may not even be an employee of the Sheriff's department so his access to them may be limited to bring them up to speed.

Teresa Reed stated that she understands the difficulty that was experienced when trying to set up special meetings as members and the General Manager weren't able to attend on certain dates. She pointed out that the alternate would need to be someone who is involved and already participating in the Approval Authority meetings as they would be fully aware of the issues. Ms. Reed stated that the alternates could be added to the distribution list for the Approval Authority meetings and would receive all of the minutes and documents.

Scott Frizzie pointed out that in his particular case he is an appointee of the Governor and his ability to attend the meetings can cease at anytime. So what he has done is to have his Regional Administrator for the region, Cecile Rollinson, attend the meetings with him. Unfortunately Ms. Rollinson is retiring on the 11<sup>th</sup> before the next meeting, but her replacement will be Jim Brown, who was also in attendance. This way there is someone who can be an alternate who has the background and can provide input; there is some continuity there.

Ms. Kronenberg asked for Mr. Frizzie's opinion on whether the alternate should be able to vote on behalf of the Approval Authority member.

Mr. Frizzie pointed out that his voting rights differ from the other members and it is up to them as signatories of the MOU by which the Approval Authority was created.

Kirstin Hofmann stated that at least four members serve as the Emergency Managers for their jurisdictions so given the very nature of the work that is done; the reality is that they can't get called out of a meeting at any time. This work requires that they have an alternate; she recommended that the members go back to their jurisdictions for an alternate to be appointed. Then it will be up to the Approval Authority members to give them the appropriate updating so that they can serve as necessary. She feels that this would be wise in moving forward and very helpful to have an alternate.

Anne Kronenberg recommended that this agenda item be continued at the May 12<sup>th</sup> meeting as an action item. She suggested that the members start thinking of different options for this item.



Ms. Hofmann pointed out that members should discuss the topic of alternates with their jurisdictions by May 12<sup>th</sup>.

### **UASI APPROVAL AUTHORITY MEETING DATES**

Anne Kronenberg stated that the meeting dates for the year were handed out and hopefully the dates are on everybody's calendars as it is clearly in everyone's best interest if all members are able to attend for consistency. She pointed out that the next meeting will be held at the SF Department of Public Health Commission Room in San Francisco. There is parking on the street but there is a (pay) garage across the street. This location is accessible by BART, Muni and public transportation.

Teresa Reed requested that the updated UASI membership list is sent to the Approval Authority members.

Ms. Kronenberg stated that this item would be added to the tracking tool. She stated that once Teresa Serata received some additional information on the Federal budget, a notice would be sent out regarding the need for a special meeting in April.

The Approval Authority members agreed to tentatively hold Friday, April 22<sup>nd</sup> for a Special meeting; this will be confirmed via e-mail.

### **FUTURE AGENDA ITEMS**

Kirstin Hofmann requested that a member from the Advisory Group give a report at the next meeting regarding the conference call on the allocation process. She stated that it has been discussed to have a report from the Advisory Group as a standing item on the agendas, but she wanted to pose this as an option for the next meeting.

Renee Domingo requested that Announcements/Good of the Order be added as a standing agenda item for general information and announcements. She thanked and congratulated Cecile Rollinson, the Coastal Regional Administrator, for all of her work, representation of the Operational Areas that sit on the Approval Authority, and for collaboration with the UASI program.

Kirstin Hofmann asked for a Closed Session to be added to the meeting on March 16<sup>th</sup> to wrap up the General Manager Evaluation process as there were some things that the Approval Authority wanted to do in moving forward.

Anne Kronenberg volunteered to provide lunch for the Approval Authority members on March 16<sup>th</sup> at her own expense, not using General Funds.

Teresa Reed wanted the record to reflect that under item #3 General Manager's Report on the agenda it should read, "FOIA Request from Mayor Chuck Reed" instead of Michelle McGurk.

Anne Kronenberg stated that she understood that everybody had busy schedules but if they are providing documents for the meetings if they could be submitted the Friday before the meetings as this would be very helpful.



Kirstin Hofmann acknowledged Cecile Rollinson for her contribution to the region and field of Emergency Management; she has been a great advocate for Santa Clara County and other Operational Areas as well and will be surely missed. She thanked Ms. Rollinson for everything and congratulated her.

Ms. Kronenberg thanked everyone for attending the meeting.

**GENERAL PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

The meeting was adjourned at 1:44 p.m.