

## **East Bay Regional Communications System Authority**



Participating agencies include Alameda and Contra Costa Counties and the following cities and special districts: Alameda, Albany, Antioch, Berkeley, Brentwood, Clayton, Concord, Danville, Dublin, El Cerrito, Emeryville, Fremont, Hayward, Hercules, Lafayette, Livermore, Martinez, Moraga, Newark, Oakley, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Richmond, San Leandro, San Pablo, San Ramon, Union City, Walnut Creek, East Bay Regional Park District, Kensington Police Community Services District, Livermore Amador Valley Transit Authority, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, California Department of Transportation, Ohlone Community College District, Contra Costa Community College District, Dublin-San Ramon Services District and University of California, Berkeley

### **FINANCE COMMITTEE MEETING**

#### **REGULAR MEETING**

**DATE: February 19, 2021**

**TIME:** 11:00 a.m.

**PLACE:** Alameda County Office of Homeland Security and Emergency Services,  
Room 1013  
4985 Broder Blvd., Dublin, CA 94568

### **DRAFT MINUTES**

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1. **Call to Order/Roll Call:** A Regular meeting of the Finance Committee was held on February 19, 2021, remotely via Zoom Video Communications. The meeting was called to order at 11:03 a.m.

#### **Committee Members Present:**

P. Meyer, Vice Chair, Fire Chief, San Ramon Valley Fire Protection District  
J. Calabrigo, Town Manager, Town of Danville  
T. DuPuis, Chief Information Officer, Alameda County  
M. Nino, County Administrator, Contra Costa County  
S. Perkins, Councilmember, City of San Ramon  
C. Silva, Councilmember, City of Walnut Creek  
L. Smith, City Manager, City of Dublin

#### **Staff Present:**

T. McCarthy, Executive Director  
C. Boyer, Auditor  
C. Soto, Administrative Assistant

#### **Public Present:**

G. Poole, Motorola  
Denise Pangelinan, San Ramon Valley Fire District  
Bridget Koller, Lennar Homes

2. **Public Comments:** None.

### **3. Presentation of EBRCSA Annual Audit for FY 2020**

Vice Chair Meyer asked that the Auditor present the audit at the April 2, 2021 Finance Committee meeting to allow the inclusion of the Financial Reports in the staff report.

### **4. Approval of Minutes of the November 6, 2020 Regular Finance Committee Meeting**

On motion of Bm. Smith, seconded by Bm. Perkins and by majority vote (Bms. Calabrigo and Nino abstaining), the Finance Committee approved the minutes of the November 6, 2020 Regular Finance Committee meeting.

### **5. Provide Direction on Budget Adjustment FY 20/21**

C. Boyer, Auditor, stated these adjustments for FY 20/21 were initially brought to the Finance Committee at its November 6, 2020 meeting and were now returned with some additional adjustments, including a utilities adjustment approved at an earlier meeting. Other increases were the administrative budget for the increase in the Executive Director's compensation, and increased maintenance costs for generators and HVAC costs, and a decrease in the Capital budget related to the capital project costs.

Bm. Silva asked if there was policy authority to give the Executive Director a budget limit to which the item did not have to be approved by the Finance Committee.

Director McCarthy stated he had authority up to \$24,999, and then the item is brought back to the next Finance Committee meeting for approval.

Bm. Calabrigo stated the way the budget was put together, it was very precise. He suggested for future year budgets, that they build in a little bit of contingency that would eliminate the need to have to do frequent budget adjustments.

On motion of Bm. Silva, seconded by Bm. Perkins and by unanimous vote, the Finance Committee agreed to recommend that the full Board the budget for FYs 19/20 and FY 20/21, based on the items discussed, and asked Director McCarthy to include percentages in budget amounts for the next fiscal year's budget that allowed for some flexibility in budget adjustments.

### **6. Provide Direction regarding Development of San Ramon Site at Wiedemann Ranch**

Director McCarthy stated this item dealt with a San Ramon development, being built by Lennar, named The Preserve. When first surveyed, the Contra Costa County radio shop said there was radio coverage for Phase 1 and 2 of the development, not knowing about Phases 3, 4 and 5, which do not have coverage. The City of San Ramon has an ordinance that requires a developer to maintain the integrity of the public safety communications, and the developer is responsible for the infrastructure necessary to maintain the radio systems. EBRCSA Land Mobile Radio System is designed with 95% reception on a portable radio utilized by Public Safety., and to what it is to be maintained. Three alternate sites were considered, and the one at family-owned Wiedemann Ranch was deemed the best site. There is a former Sprint



phone repeater site there that is suitable. It is currently under Crown Castle's lease agreement. However, Christian Wiedemann, who San Ramon Valley Fire Protection District and Lennar have been working with, is willing to cease the lease with Crown Castle, take back responsibility for the building and potentially use it instead of building a new shelter on the site. The project agreement would be between Lennar and the San Ramon Valley Fire Protection District (SRVFPD). Lennar would pay the lease for 10 years, and is looking to transfer that site over to EBRCSA once the project is completed. Lennar is not interested in paying in perpetuity, the lease on that site. After the ten years, there would be negotiations between the Wiedemann Family and EBRCSA as to what the ongoing lease cost would be. Lennar would be responsible for building the tower, upgrades necessary to the building and road improvements. Director McCarthy had reached out to Motorola to have them look at the site to see what costs were associated with it, and who would pay for what costs. Lennar had geotechs and contractors that could do some of the work at a savings. Lennar and SRVFPD had discussed the different elements of the job, who was responsible for what costs. The reason this was being discussed with the Finance Committee today was there will need for conversations going forward that would require the use of Meyers Nave, EBRCSA's legal counsel. There would have to be legal documents that discussed and outlined how the lease would become the responsibility of EBRCSA after the first 10 years, and determine future lease costs. Director McCarthy stated, this site only helps San Ramon's communications.

Vice Chair P. Meyer, stated Lennar was paying for all infrastructure and associated costs. If EBRCSA wanted to set aside money for staff and legal time, that could be discussed.

The Finance Committee and Director McCarthy discussed and agreed that all capital costs at this point in development in terms of radio communication infrastructure were the responsibility of the developer and/or agency involved. Discussion continued regarding what would be expected from EBRCSA after the project was completed and the site turned over to EBRCSA, and what lease costs would be. It was agreed that any costs associated with discussing and preparing an agreement for turning over the site to EBRCSA, would at this point, be covered by the developer, Lennar.

The Finance Committee discussed the need to develop a policy going forward, for any other such projects that would determine what party was responsible for what costs; to ensure the developers would be responsible for maintaining at least 95% of radio communications, via a portable radio, in the developed area. If the developer did not cover the costs, the city/agency would be responsible for the costs. Initial costs could be put in conditions of approval for the project.

Bm. Nino asked that future staff reports include more known information about costs. It would be helpful.

Director McCarthy stated he would ask for assistance from a couple members of the Finance Committee to discuss the governmental aspects of conditions of approval for cities and agencies to bear responsibility for new development costs due to radio communications systems.

By consensus, the Finance Committee directed Director McCarthy to continue discussion of the possible site at Wiedemann Ranch in regard to the site lease cost, once it was passed on to EBRCSA, and any EBRCSA legal and staff time should be charged to Lennar; and to gather

lease numbers for presentation to the Finance Committee and full Board at future meetings. Also, bring back information for a future policy regarding any possible future development and cost assignments to member agencies.

**7. Provide Direction regarding Department of Justice Bulletin 20-09 CJIS on Encryption**

Director McCarthy stated he was looking for direction regarding the State of California DOJ bulletin requiring encrypting all law enforcement radios that are used to provide confidential offender record information or California Law Enforcement Technology (CLETS) information over the airwaves. This was due to a lawsuit in southern California as people can now use scanner apps to listen to this information. The cost would be approximately \$743 per radio for encryption, multi-key and over the air reprogramming. There is also a cost for the radio shops to work on the radios. That added up to \$10.4 million for uses to encrypt their radios. Also, EBRCSA has ownership of all the consoles. That would be anywhere from \$1-2 million, depending on how many consoles need to be encrypted. To touch each of 14,000 radios, would be time consuming. There is now equipment that can be added to a radio, input the change and when an officer turns on their radio, it automatically updates it. The encryption required by the DOJ is 128-bit encryption but is not available by every radio manufacturer, so EBRCSA would have to go with 256 AES encryption. Encryption is difficult, time-consuming and expensive and DOJ is not offering any cost assistance. If the Authority is going to pay for encrypting consoles, he would come back with cost estimate. There is not an ongoing cost for encryption.

Bm. Calabrigo stated there was an attachment from Motorola with a pricing summary. There was a \$1 - 2 million cost shown for Option 2. Did these costs need to be refined to determine that number and had this been something that had been anticipated in the long-term forecast?

Director McCarthy stated there were also costs to the radio shops to buy the KVL-5000 – key loaders. The radio shops buy the key loaders. The number would be refined by the number of consoles. This was just an estimate. This came out in October, so it had not been anticipated.

Bm. Silva asked what were the Chiefs going to do? Did the DOJ have the authority to make this decision? Could they approach this in a different manner, such as the elimination of scanner apps?

Director McCarthy stated he had met with the Chiefs and Sheriffs of Alameda and Contra Costa County. This was being discussed as well as there may be legal opposition due to transparency. He wrote in the letter to DOJ that it would take thirty months to implement to also see what happens in that time. He had still not heard back from DOJ. This was to inform the Committee that he would be working on this and get a more accurate estimate. What are the opportunities? What are the threats?

Bm. Perkins asked if it was time for them to speak to state legislators.

Bm. Calabrigo asked if they should say each radio cost go to each agency and console upgrades would be paid by EBRCSA.



Bm. Perkins stated that was what he was asking regarding speaking to State legislators, regarding grants for agencies to upgrade their radios.

The Finance Committee members agreed this could be a judicial issue. The DOJ was seemingly implementing regulations that are denying the public the right to hear what is on the scanner by protecting personal information. They could decide not to lead the charge, refine costs, and see how it plays out throughout the State.

Director McCarthy stated this information was to inform the Finance Committee of this item and he would be moving forward with looking at numbers and monitoring DOJ communications regarding encryption.

#### **8. Consider Revision to 2021 EBRCSA Meeting Schedule**

Director McCarthy stated there would be an item at the March 5, 2021 Board meeting to reschedule the September 24, 2021 Board meeting to October 1, 2021, due to the League of California Cities Annual Conference being scheduled during that date.

#### **9. Receive an Update on the City of Antioch**

Director McCarthy stated the City of Antioch was still trying to find money to install electrical at the new tower site. Once the City is ready, they will contact Director McCarthy.

#### **10. Receive an Update on the City Vallejo**

Director McCarthy stated the City of Vallejo has been great to work with. The City had built two additional sites for when they move off of EBRCSA. Their cutoff dates to join EBRCSA are April 21 – 22, 2021.

#### **11. Receive an Update on TDMA – Time Division Multiple Access**

Director McCarthy stated they were still working on getting every radio updated and still needed about 700 more. Testing is still being done to ensure the transition would run smoothly.

#### **12. Receive an Update on 10 Year Plan**

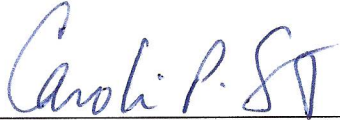
Still working on 10 year plan. It has been getting difficult into centers due to COVID.

#### **13. Agenda Items for Next Meeting**

Bm. Perkins asked that Items 9 – 12 on this agenda, be included on every agenda until they were completed. He asked to hear a status update on Benicia.

Director McCarthy stated their Police Chief had become their City Manager. Member agencies in Solano County were putting together a JPA to complete a radio system for their County.

- 14. Adjournment:** With no further business coming before the Finance Committee, the meeting was adjourned at 12:13 p.m.



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Caroline P. Soto  
Authority Secretary