



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, Oakland, 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

BOARD OF DIRECTORS MEETING

REGULAR MEETING

DATE: March 5, 2021

TIME: 10:00 a.m.

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

MINUTES

A Regular meeting of the East Bay Regional Communications System Authority was held on March 5, 2021, remotely via Zoom Video Communications.

1. **Closed Session:** None.
2. **Call to Order/Roll Call:** 10:00 a.m.

Boardmembers Present: G. Ahern, C. Andersen, M. Casten, J. Catalano, A. Ciaburro, J. Diaz, T. DuPuis, N. Luby, P. Meyer, P. Mulligan, C. Nice, S. Perkins, E. Reiskin, M. Rodriguez, T. Rudnick, M. Salinas, M. Shorr, C. Silva, L. Smith, K. Stepper, L. Torres, B. Woerner

Staff Present: T. McCarthy, L. McKinney, C. Boyer, C. Soto

Public: G. Poole, Motorola

3. **Report on Closed Session:** None.
4. **Public Comments:** None.
5. **Presentations:** None.
6. **Approval of Minutes**

6.1 Approval of Minutes from the Board Meeting of December 4, 2020

On motion of Bm. Nice, seconded by Bm. Silva and by majority vote (Bm. Woerner abstaining), the Board of Directors approved the minutes of the December 4, 2020 Regular Board meeting.

7. **Written Communications:** None.

8. **Public Hearings:** None.

9. **Action Items:**

9.1 Adoption of Budget Adjustment FY 20/21

Auditor Craig Boyer stated the budget adjustment for FY 20/21 included an increase in the administrative budget due to the approval of the Executive Director's compensation, increase in utilities to account for utility costs at various Alameda County radio sites, and minor adjustments to maintenance. This adjustment is coming from approved revenues.

On motion of Bm. Silva, seconded by Bm. Woerner and by unanimous vote, the Board of Directors adopted **Resolution No. 21-01** Adopting and Implementing an Adjustment to Administrative Budget for Fiscal Year 2020/2021.

9.2 Adopt Revised 2021 EBRCSA Calendar Committee and Board Meetings

On motion of Bm. Stepper, seconded by Bm. Perkins and by unanimous vote, the Board of Directors rescheduled the September 24, 2021 Regular Board meeting to October 1, 2021.

10. **Committee Updates:**

10.1 Receive Informational Report on Recent Finance Committee Activities

Director McCarthy stated the Finance Committee had approved for the Board's consideration all items considered at the February 19, 2021 Regular meeting. He further stated that the Finance Committee would consider at its April meeting a draft resolution for the Board's consideration regarding land mobile equipment coverage in Member and non-Member User jurisdictions.

10.2 Receive Informational Report on Recent Operations Committee Activities

Chair Ahern stated that at the February 19, 2021 Operations Committee, Director McCarthy provided an update on the budget adjustment for FY 20/21, the development of the San Ramon site at Wiedemann Ranch, provided direction regarding the Department of Justice bulletin regarding encryption, the change of the meeting schedule and updates on the Cities of Antioch and Vallejo. The Committee also discussed TDMA and received an update on the Authority's 10-Year Capital Replacement Plan.

11. Reports:

11.1 Receive an Update on the City of Vallejo

Director McCarthy stated the City of Vallejo had been preparing to join EBRCSA, and has built out two sites so when it moves to the next phase, it will be ready. Vallejo has not transitioned fully to the System; it will on April 21-22, 2021. Director McCarthy stated he looked forward to working with Vallejo and eventually moving to the Solano County Radio JPA.

11.2 Receive an Update on the City of Benicia JPA with Solano County

Director McCarthy stated the Solano County agencies just had their first meeting for the formulation of their JPA, similar to EBRCSA. This has been a while coming. They are making progress.

11.3 Receive an Update on the City of Antioch Development at Walton Lane Site

Director McCarthy stated he had been directed by the Board of Directors to work with the City of Antioch to add an additional site. The conditions to add that site required that Antioch provide the electricity from the bottom of the hill to the site. It will require trenching. Antioch is proposing this work be included in its upcoming July 1 budget. The lack of a site is currently impacting East Bay Regional Parks, AMP Ambulance, and Contra Costa Fire.

11.4 Receive an Update on TDMA – Time Division Multiple Access

Director McCarthy stated this project had been slowed down due to COVID. They could not get into some of the dispatch centers. Vaccines have been afforded to radio technicians to help ensure they stay healthy and gain access to the centers. They are in final steps to the TDMA transition, finalizing steps and section cutovers that will be determined with the member agencies to transition to TDMA.

11.5 Receive an Informational Report on New Land Mobile Radio Site for the City of San Ramon

Director McCarthy stated the City of San Ramon approved a development proposed by Lennar Homes in a shaded area that does not have coverage. This was an unknown when the System was built. San Ramon imposes a standard condition of approval on development proposals requiring the developer to maintain radio coverage by providing the infrastructure. Once constructed, the infrastructure will be granted to the Authority to maintain that site, which means adding it to the Authority's Service Update Agreement and also, the Maintenance Agreements. This is still preliminary and moving forward, with a site identified.

11.6 Receive an Informational Report on Department of Justice Encryption Requirement

Director McCarthy stated the California Department of Justice (CA DOJ) has required all radios that transmit criminal justice information or personal identification information be encrypted. The Authority's radios are not currently encrypted. Two agencies do have encryption – Antioch and Brentwood, but unfortunately, they do not meet the new DOJ standard. They have 40-bit encryption. The DOJ is requiring a minimum of 128-bit encryption. The Authority has to move up to 256-bit encryption, which is AES because it is the standardized encryption that works regardless of radio manufacturer. The cost is approximately \$10.4 million for the users to upgrade all their radios. Consoles are owned by the Authority. The radio shops will do a survey of what is needed. Once he receives costs, he will bring them back. He was still looking at legal options with the Authority's Counsel.

Chair Ahern stated this was necessary because people are able to use apps on their mobile phones to scan the radio systems and listen to law enforcement provide criminal data over the apps.

Bm. Rodriquez asked about whether it would be a one-time cost for encryption?

Director McCarthy stated he had provided the costs to the Sheriffs and Chiefs of Police in December. It is a one-time cost of \$743 per radio, plus the cost to physically touch each radio. He could not speak to any increase in radio fees as a result of this until he looked further into the cost analysis of upgrading all the consoles.

Bm. Silva stated if they rushed to do this too quickly, the Authority could make the changes and then be subject to litigation because someone could suggest that it is denying the public the right to transparency and the ability to monitor police services. This is a high-level policy issue that has budgetary impacts and the policy has not been vetted thoroughly enough. They need to put a different lens on this before they tell agencies to spend money on this.

Director McCarthy stated he had been watching the ACLU and others and nothing has come through on this.

Bm. Smith asked if the Authority's counsel, Meyers Nave, had done any policy research on this.

Director McCarthy stated, no, not yet.

Bm. Stepper asked if there was a time period for an agency to transition the radios? It was a tremendous cost to pick up in one year. Is there anything member agencies should be doing?

Director McCarthy stated it was an encryption key to put in a radio. All current radios are capable of accepting it. The DOJ originally wanted a plan from agencies by December 31, 2021, as to how they would transition. He shared a standard letter with all the Chiefs of Police and Sheriffs to send to the DOJ on their letterhead saying it

would take a minimum of 30 months. He said he had only heard that one city received a response, the City of Oakland. He would speak to the Alameda County Chiefs and Sheriffs on March 19 to discuss this more. He would also be discussing this with the Authority's Counsel. They are not rushing this. This is to keep it on the calendar. He was also discussing this with the Technical Advisory Committee.

Chair Ahern stated this was an officer safety issue as well. Many of the individuals involved in criminal activity were monitoring law enforcement radio transmissions.

Director McCarthy stated this is not a new policy through the DOJ. It has been in place for a long time. They added the word "hear" to the policy regarding not allowing the public access or the ability to view the information on a computer or other monitor.

McCarthy stated this was an order being sent to Chiefs and Sheriffs, not the Authority. But since the Authority manages their radio system, the Authority has become partner in it as owners of the consoles and control stations.

Bm. Ciaburro stated they do have an officer safety concern regarding monitoring those frequencies. They are very concerned about adhering to the law and they hear the DOJ loud and clear. They have already made changes at EBRPD regarding their radio system with their employees so they can no longer hear their law enforcement traffic. They presented it to their District counsel, who was concerned and they ordered them to make immediate changes internally. They recognize the authority of the DOJ and want to make ensure they have 100% adherence to the law.

12. Board Comments

None.

13. Next Action Steps

None.

14. Adjournment: With no further business coming before the Board, the meeting was adjourned at 10:38 a.m.

Caroline P. Soto
Authority Secretary