



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

NOTICE OF REGULAR MEETING

DATE: September 13, 2024

TIME: 10:00 a.m.

PLACE: Alameda County Sheriff's Office of Emergency Services and Homeland Security
4985 Broder Blvd.
Dublin, CA 94568

AGENDA

1. Call to Order/Roll Call: (Regular Session) **Time: 10:00 a.m.**

2. Introductions and Recognition

2.1 Board Secretary Jocelyn Kwong

2.2 Outgoing Executive Director Tom McCarthy

2.3 Outgoing Board Secretary Caroline Soto

3. Public Comments (Meeting Open to the Public):

At this time, the public is permitted to address the Board on items within the Board's subject matter jurisdiction that do not appear on the agenda. Please step to the podium and clearly state your name for the record. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. If the item requires action, it will be referred to staff and/or placed on the next agenda. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of three (3) minutes. If you wish to comment on an item that is on the agenda, please wait until the item is read for consideration, and then make your way to the podium. Please limit comments to a maximum of three (3) minutes.

4. Consent Calendar

Consent Calendar items are typically non-controversial in nature and are considered for approval by the East Bay Regional Communications System Authority Board with one single action. Members of the public, staff or the Board of Directors who would like an item removed from the Consent Calendar for purposes of public input may request the Board Chair to remove the item.

4.1 Approval of Minutes from the Board Meeting of May 3, 2024

4.2 Adoption of Resolution for the Interoperability Memorandum of Understanding between the City of Oakland and the California Highway Patrol

- 4.3 Approval to Purchase Batteries for Highland Radio Site
- 4.4 Adoption of Resolution for the Write-offs of Certain Invoices
- 5. **Written Communications:** None
- 6. **Public Hearings:** None
- 7. **Action Items:**
 - 7.1 Adoption of Resolution for Budget Amendment for Fiscal Year 23/24
 - 7.2 Accept FY22/23 Audited Financial Statements and Adoption of Resolution for Audited Financial Statements Policy
 - 7.3 Adoption of Resolution for Accounts Receivable and Annual Bill for Services Policies
 - 7.4 Adoption of Resolution for Subscriber Memorandum of Understanding
- 8. **Committee Updates:**
 - 8.1 Receive Informational Report on Recent Finance Committee Activities
 - 8.2 Receive Informational Report on Recent Operations Committee Activities
- 9. **Reports:**
 - 9.1 Receive Informational Report on SUA Related Service Interruption
 - 9.2 Receive Informational Report on Interoperability MOUs
 - 9.3 Receive Informational Report on City of Antioch Walton Lane
 - 9.4 Receive Informational Report on Radio Purchase Agreement
- 10. **Agenda Items for Next Meeting**
- 11. **Board Comments:**
- 12. **Adjournment**

This AGENDA is posted in accordance with Government Code Section 54954.2(a) *If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the EBRCSA at (925) 803-7802 at least 72 hours in advance of the meeting.*

I hereby certify that the attached agenda was posted 72 hours before the noted meeting.

A handwritten signature in black ink, appearing to read "David L. Swing". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

David L. Swing
Executive Director
Dated: 09/06/2024
5635749.1



**East Bay Regional
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System Authority**



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AGENDA ITEM NO. 4.1

**AGENDA STATEMENT
BOARD OF DIRECTORS MEETING
MEETING DATE: September 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority (EBRCSA)

FROM: David L. Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Approval of Minutes of the May 3, 2024 Board of Directors Meeting

RECOMMENDATIONS:

Approve the minutes of the May 3, 2024 Board of Directors Meeting.

SUMMARY/DISCUSSION:

The Board of Directors will consider approval of the minutes of the May 3, 2024 Board of Directors Meeting.

RECOMMENDED ACTION:

It is recommended that the Board of Directors approve the minutes of the May 3, 2024 Board of Directors Meeting.

5639015.1



East Bay Regional Communications System Authority



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BOARD OF DIRECTORS MEETING

REGULAR MEETING

DATE: May 3, 2024

TIME: 10:00 a.m.

PLACE: Alameda County Sheriff's Office of Emergency Services and Homeland Security
4985 Broder Blvd.
Dublin, CA 94568

MINUTES

1. **Call to Order/Roll Call:** 10:15 a.m.

Boardmembers Present: G. Beaudin, D. Covington, J. Diaz, J. Ezell, N. Gallo, D. Haubert, J. King, A. Love, D. McNaughton, P. Meyer, M. Shorr, L. Smith, K. Stepper,

Staff Present: D. Swing, C. Boyer, R. Pio Roda

Chair Meyer stated there would be changes to the agenda as Item 6.1 would be heard first.

2. **Public Comments:** None.

3. **Consent Calendar:**

Items 3.1, 3.3, and 3.6 were pulled for further discussion.

3.1 ***Consider Adoption of a Resolution Approving Redwood Public Law LLP as the Attorney for EBRCSA***

On motion of Bm. Smith, seconded by Bm. Shorr and by unanimous vote, the Board of Directors adopted Resolution No. 24-04 Authorizing the Board Chair to Execute and the Executive Director to Implement the Contract with Redwood Public Law, LLP To Represent East Bay Regional Communications System Authority (EBRCSA) As Its Attorney.

3.3 ***Consider Adoption of a Resolution Approving Radio Interoperability MOU***

On motion of Bm. King, seconded by Bm. Stepper and by unanimous vote, the Board of Directors adopted Resolution No. 24-05 Authorizing the Board Chair to Execute and the Executive Director to Implement the Memorandum of Understanding Between the Cities of Fremont, Menlo Park and Milpitas and the

East Bay Regional Communications System Authority (EBRCSA) Regarding Radio Interoperability; and directed that future resolutions, including this one, include verbiage to allow the Executive Director to make minor revisions, as necessary, to contracts and/or agreements.

3.6 Consider Adoption of a Resolution Approving County of Contra Costa MOU for Information Technology Services

Bm. Shorr from Contra Costa County asked that this item be brought back to the September 13, 2024 Board of Directors meeting for consideration.

On motion of Bm. King, seconded by Bm. Stepper and by unanimous vote, the Board of Directors adopted Consent Calendar Items 3.2, 3.4 and 3.5 and took the following actions:

3.2 Approved the Minutes of the December 1, 2023, December 21, 2023 and March 1, 2024 Board Meetings

3.4 Adopted **Resolution No. 24-06 Authorizing the Board Chair to Execute and the Executive Director to Implement the Contract with CSI Telecommunications to Provide East Bay Regional Communications System Authority (EBRCSA) with Technological Services, Engineering Services, Assistance with FCC Licensing and the Capital Replacement Program**

3.5 Adopted **Resolution No. 24-07 Authorizing the Board Chair to Execute and the Executive Director to Implement the Renewal of the Services Agreement with Motorola Solutions Inc. to Continue System Support and Training for the East Bay Regional Communications System Authority (EBRCSA).**

4. Written Communications: None.

5. Public Hearings: None.

6. Action Items:

6.1 Consider Adoption of a Resolution Approving Agreement with David L. Swing to Serve on a Contract Basis as the Executive Director of the East Bay Regional Communications System Authority (EBRCSA)

On motion of Bm. Haubert, seconded by Bm. King and by unanimous vote, the Board of Directors adopted **Resolution No. 24-03 Approving a Professional Services Agreement with David L. Swing to Provide Services as Executive Director and Authorizing Its Execution.**

6.2 Consider Adoption of the FY 2024/25 EBRCSA Budget

C. Boyer, Auditor, stated he would focus on the FY 24/25 budget document schedules. First was a high level summary of revenue and expenditures. Revenues are budgeted at a little over \$9 million for this year. Operating expenses budgeted at about \$4.8 million. Capital expenditures budgeted at about \$6.6 million, debt services at \$650,000. So total budgeted expenses at \$12 million. The Authority as fund balance reserves to cover the difference between revenue and expenses. In a

more detailed view of the expenditures, the current year's budgeted numbers in first column, then the projected final numbers for this fiscal year, and then based off of that information staff built the budget for next year, FY 24/25. Comparing budgeted numbers for FY 23/24 to budgeted numbers for FY 24/25. The budget is fairly consistent between years. In the current fiscal year, operating expenses are \$4.9 million, in the year coming up operation expenses will be approximately \$4.8 million. Capital expenditures are fairly consistent, that is due to certain capital costs being carried forward from last year's budget that were not used in this year's budget. The debt service is consistent at \$650,000 year-to-year until that is paid off a few years down the road. The next schedule shows the reserve balance for the Authority. By policy the Authority has to assign reserves, first being operating reserve dictates it is set at 50% of budgeted expenses for the year; for FY 24/25 they are budgeting approximately \$2,400,000 for operating reserves. The second reserve is the debt service reserve; policy stated that this is budgeted at \$1,000,000. The third reserve is the capital reserve, any remaining fund balance is put into capital reserve. Staff is forecasting the balance will be approximately \$9,000,000 and total reserves will be at \$12,000,000 at the end of FY24/25. Following that there are three more schedules. Normally, they only provide one schedule that shows the 10-year cash flow projection. This year they have three cash flow projections: the first is the 10-year cash flow projection based on what is being proposed for this year's budget, and they have also given two different scenarios so the Board can see what the cash flows look if there were changes to the fee structure. One is an annualized increase of 3% for a year going forward and the second one shows an annualized increase of 5% going forward. The top half of the schedule shows the reserve balances as well as total reserves. The first column is what is projected this year, the second column is the budgeted year, and there are several years after that which project out using assumptions of rates for the three different scenarios and then projected cost either based on contract or rate of inflation. In the middle of the page is the total reserve balance. For the budgeted year they are projecting about \$12,000,000 in reserves. Over the life of the 10-year projection if you look all the way to the right, they have about \$15,000,000 in reserves at the end of 10-year projection. If you compare that to the other two schedules, with the 3% schedule they start with \$12,000,000 at the end they would have \$25,000,000. With the 5% increase schedule, starting at \$12,000,000 and ending at \$35,000,000. This shows that if there were changes to the fee structure it would help to increase some of the reserves in the Authority's reserve balances. Keep in mind this takes into consideration that they are only budgeting for capital expenditures that they know about. There are unknown capital expenditures that could be picked up here that are not part of this analysis.

Bm. Ezell asked for clarification on the \$160,000 planning line item which was projected to not be spent.

Mr. Boyer stated that line item was budgeted for the capital improvement project and that item has been moved down to the CSI Telecommunications budget line item. It is still in the budget, it is just being reflected in a different line item this year since it was not used in the current year.

Executive Director Swing stated they would be using more than the projected \$400,000 after a recent meeting with CSI and the two radio shops. The CIP project will in full earnest in the next few months.

On motion of Bm. King, seconded by Bm. Haubert and by unanimous vote, the Board of Directors adopted **Resolution No. 24-08 Adopting an Administrative Budget for Fiscal Year 2024/2025.**

Bm. Covington arrived at 10:25 a.m.

6.3 Consider Adoption of Subscriber Fee Increase

Executive Director Swing stated this item reflected the Finance Committee's recommendation and then to revisit subscriber increases once that CIP or replacement project is completed. The recommended action was a subscriber increase of 3%, or \$1 per unit per month, effective July 1, 2024 and then to revisit this conversation and policy discussion around the fund balance needs on the replacement project was completed.

Executive Director Swing stated there are different rates and it depends on how an agency chose to pay. There was the \$30 subscriber fee per unit, if this recommendation is supported it would go to \$31. In addition to that there is debt service. Some agencies chose to pay that debt service payment upfront and other agencies are paying a \$15 per unit fee, until the debt service is paid off in FY 27/28 then that \$15 charge will go away.

Bm. Love asked about agencies that were in arrears. If there is a projected increase of \$252,000, is that in line with those agencies that are in arrears? They were asking agencies to pay an increase, but there were still agencies that are not current with payments. He would like to get an idea of what the amount is in arrears.

Bm. Meyer asked if there were efforts to collect any accounts in arrears.

Mr. Boyer stated the collections had been handled by the Executive Director.

Bm. Meyer stated they were at a point where they needed to find out what amounts were still due.

Mr. Boyer stated every year they send out an annual billing and if they are in arrears, they send a second bill that shows the dues that are in arrears and they can then pay that with their annual fees.

On motion of Bm. King, seconded by Bm. Haubert and by unanimous vote, the Board of Directors adopted **Resolution No. 24-09 Adopting Subscriber Rate Increase.**

7. Committee Updates:

7.1 Receive Informational Report on Recent Finance Committee Activities

The Finance Committee discussed the items that were on today's Board agenda: budget, why monies that were budgeted were not spent, and the fee increase.

7.2 Receive Informational Report on Recent Operations Committee Activities

The Operations Committee discussed the fee increase, the MOU relating to autoaid amongst agencies and other agenda items on this Board agenda.

8. Reports:

8.1 Receive Informational Report on Capital Replacement Project

Executive Director Swing is working with CSI Telecommunications as they are leading the capital replacement project. They are working with the radio shops and site visits will begin within the next couple of weeks. They will inventory the equipment that belongs to EBRCSA and what they are responsible for maintaining and replacing. The goal is to bring the capital replacement project in August for discussion.

8.2 Receive Informational Report on MPLS Project Update

There are four agencies that still need to cutover to the MPLS system. Once that happens the Active Eye Cyber Security program can be installed. The Executive Director anticipates MPLS to be completed by the end of May.

8.3 Receive Informational Report on Cyber Security Active Eye Update

There are two active eye sensors that help maintain and monitor the network. The external sensor will be activated once the MPLS project is done. Clearly, the external network is the higher priority than the internal because of external risk potential. The external sensor will be activated in the next few weeks.

8.4 Receive Informational Report on SUA Update

The SUA is underway. Meetings are happening regularly. Motorola and the Radio Shops are working on the master site first and then they will go out to dispatch centers to update the consoles and software there. Expected completion July timeframe.

8.5 Receive Informational Report on Encryption

Encryption is underway. The radio shops are starting in Alameda County with the Sheriff's Office and then moving through the rest of Alameda County.

8.6 Receive Informational Report on Walton Lane Site

This is an ongoing project. There is money set aside in the budget for this site. Staff is working with the interim Chief in Antioch. He learned today that Fire Chief Broschard is also willing to help with the project. The Executive Director's goal is to have a meeting within the next couple of weeks at the Walton Lane site to move the project forward.

8.7 Receive Informational Report on Wiedemann Project San Ramon

The Wiedemann site is on. They are dealing with some shelter issues and last-minute changes. It will provide better coverage in that area.

Executive Director Swing stated in regard to BART ISSI, it allows agencies to go underground and have radio coverage. He is meeting with stakeholders on that and that project is continuing to do some testing of radios at the current time. He is also working with BART with their similar system, different vendor, also a P-25 compliant system. Working with BART so officers can communicate directly with one another.

9. **Board Comments:** None.
10. **Adjournment:** With no further business coming before the Board of Directors, the meeting was adjourned at 11:04 a.m.

Caroline P. Soto
Authority Secretary



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AGENDA ITEM NO. 4.2

**AGENDA STATEMENT
BOARD OF DIRECTORS
MEETING DATE: SEPTEMBER 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Interoperability MOU – City of Oakland and California Highway Patrol

RECOMMENDATIONS:

Adopt a resolution authorizing the Board Chair to execute and the Executive Director to implement the proposed interoperability MOU between the City of Oakland and the California Highway Patrol.

SUMMARY/DISCUSSION:

In addition to pre-planned events, the California Highway Patrol frequently supports the Oakland Police Department with spontaneous events that occur in the City of Oakland. Some, but not all, of these events include CHP officers helping to contain side-shows, vehicle pursuits and other high-risk events. Presently, CHP officers are unable to communicate with OPD field personnel during these events, which hinders the response and safety of those involved. Both agencies have indicated their desire to share OPD talk groups (radio channels). The radio shops of each agency would facilitate radio programming and the system has the capacity to add the 135 requested radios. The Operations Committee recommended the approval of the Board of Directors to implement the attached MOU at their meeting on August 30, 2024

Attachments:

1. Proposed Interoperability MOU
2. Board Resolution

**Alameda County Office of Homeland Security and Emergency Services
4985 Broder Blvd, Dublin CA 94568 • (925) 803-7802 • www.ebrcsa.org**

Radio Interoperability Agreement between the City of Oakland Police Department and the California Highway Patrol

The City of Oakland (“Grantor”) and the California Highway Patrol (“Grantee”) enter this Radio Interoperability Agreement (“Agreement”) dated February 16, 2024, by which the City of Oakland Police Department provides to the California Highway Patrol permission to operate on the City of Oakland’s Radio Frequencies, see appendix “A” on the East Bay Regional Communications System Authority (“EBRCSA”) proprietary P25 radio system for the purposes and on the terms and conditions specified in this Agreement.

1. Term of the Agreement. This Agreement shall become effective on the date it is fully executed by all parties, and shall remain in effect, unless terminated in accordance with the terms and conditions contained in this Agreement.
2. Purpose. This Agreement is for the purpose of radio interoperability required in the field to allow California Highway Patrol personnel to communicate with employees of the City of Oakland Police Department with whom its personnel work on a regular and recurring basis.
3. Authorized Personnel. Only Grantee’s personnel are authorized to use the programmed radios and transmit on the EBRCSA talk groups assigned to the City of Oakland Police Department under this Agreement. Grantee shall not allow any unauthorized personnel to utilize EBRCSA/City of Oakland Department talk groups or channels.
4. Authorized Use. Grantee’s Authorized Personnel may use the EBRCSA/City of Oakland Police Department talk groups and channels only (1) when working with employees of the City of Oakland Police Department or during joint operations, (2) during Priority 1 circumstances as defined in the California Law Enforcement Mutual Aid Radio System Plan (“CLEMARS”) system priority guidelines – disaster and extreme emergency operations for mutual aid and interagency communications, and (3) during Priority 2 circumstances as defined in the CLEMARS system priority guidelines - emergency or urgent operations involving imminent safety of life or protection of property. With the prior approval of EBRCSA, Grantee may also use the EBRCSA/City of Oakland Police Department talk groups and channels for training purposes on joint trainings with City of Oakland Police Department employees. The Grantee is a member of EBRCSA, therefore there will be no charge to Grantee for the access to the EBRCSA/ City of Oakland Police Department talk groups listed in Attachment “A”.
5. Talk groups and Channels. This Agreement authorizes Grantee and its Authorized Personnel to access and transmit only on the talk groups listed in Attachment “A” as approved by the City of Oakland Police Department.
6. Primary Authority. The Grantee’s Authorized Personnel communicating on City of Oakland Police Department channels recognize the ultimate authority of the City of Oakland Police

Department's Chain of Command while operating on the Department's designated channels, absent exigent circumstances. The City of Oakland Police Department Dispatchers shall be afforded the extent of command and control consistent with the normal operations of the Oakland Police Department. The City of Oakland Police Department shall have domain over Departmental talk groups and channels and any use of these talk groups and channels by the Grantee during preplanned operations should be coordinated prior to the start of the operation with the City of Oakland Police Department's Communications Division and designated Departmental personnel.

7. Radio Capabilities. Grantee must obtain its own radios capable of operation on a Motorola P25 system with the most current operating version installed in order to access talk groups on Grantor's 700MHz Interoperability System.
8. Radio System Maintenance and Upgrades. Grantor may perform periodic system upgrades and/or decommission parts of the radio systems. Grantor will make best effort to ensure the system is backward compatible with Grantee's radios. However, Grantor cannot and does not guarantee that the Grantee's radios will be supported through the life of this Agreement.
9. Radio Programming. Grantee shall submit any radios to be used under this Agreement to either the: Alameda County Radio Shop; Contra Costa County Radio Shop; Motorola Radio Shop (collectively identified as "Radio Shops"); or another Authorized EBRCSA Programming entity to program and authorize the radios to function on Grantor's EBRCSA system. Grantee shall be responsible for all maintenance and repair costs for their radios used under this Agreement.
10. Radio Identification Sheet. Grantee shall provide the Radio Shops or Authorized EBRCSA programming entity identified in Section 9 of this Agreement with a completed Radio Identification Sheet for each California Highway Patrol radio used under this Agreement, in order to allow Grantor the ability to properly track transmissions and radio IDs of Grantee's subscriber units and personnel accessing Grantor's network. A blank Radio Identification Sheet is attached to this Agreement as "Attachment B" and incorporated by reference as if fully set forth herein. When the personnel Grantee has assigned a programmed radio under this Agreement changes, Grantee shall provide an updated Radio Identification Sheet to the Radio Shops or Authorized EBRCSA programming entity responsible for the programming within 15 calendar days of the change, in which it shall provide updated information to the authorized personnel currently assigned to the radio.
11. Radio Limit. This Agreement authorizes Grantee to configure up to a maximum of **135** radios for use on the EBRCSA channels assigned to the Oakland Police Department.
12. Lost or Stolen Radio. In the event a radio programmed for access to the EBRCSA channels is lost or stolen, Grantee shall immediately, and in any event no later than within 24 hours, contact the EBRCSA and inform them of the six or eight digit radio numbers assigned to the lost or stolen radio for deactivation from the systems. If the radio is subsequently found,

Grantee shall notify the Grantor and the radio may be enabled again for operations on the EBRCSA system.

13. Radio Identification. When the Radio Shops or authorized EBRCSA programming entity programs a radio for Grantee, they shall designate and log that radio's call sign. Grantee must ensure that its personnel identify themselves at all times on radio channels using the predetermined call sign.
14. Patching Prohibited. Grantee shall not permit its personnel to use frequency bridging equipment, a dispatch console or any other mechanism to "patch" or "link" any EBRCSA talk groups to any other system, channel, sub-system or any type of communications bridging equipment.
15. Communications Over the Radio. Grantee agrees that its personnel will use plain speech when communicating on EBRCSA/City of Oakland Police Department talk groups assigned to the City of Oakland Police Department and plain speech when using California Mutual Aid frequencies. In the event of inappropriate language or behavior, or misuse of the radio system by any of Grantee's personnel, Grantor may revoke and disallow that individual from using EBRCSA's system and channels or may terminate this Agreement and prohibit all of Grantee's radios from use within its system. If this should occur, Grantor shall notify Grantee in writing of this revocation prior to deactivation.
16. Disabling Radios. Grantor may disable a Grantee's radio temporarily or permanently at Grantor's sole discretion. Examples of when Grantor may determine to disable a radio include, but are not limited to: (1) if the radio is malfunctioning; (2) Grantee's personnel has been deemed by Grantor to be using the radio in violation of this Agreement; (3) Grantee allows an unauthorized usage of the radio or the EBRCSA's systems or channels; or (4) if the radio is in any way interferes with the Grantor's communications.
17. CLETS Transactions Prohibited. Grantee shall not run or request to be ran any CLETS transactions through Grantor. In the event Grantee requires a CLETS transaction, it will switch to its primary channel to request the transaction through its agency ORI.
18. Access to EBRCSA Records/NICE Recording. If Grantee seeks access to EBRCSA records/NICE recording regarding audio transmissions, it shall submit a written request to the Grantor's Custodian of Records. The request shall specify the CAD or incident number (if known), the date and location of the incident, and the name, job classification, phone number and address of the California Highway Patrol employee submitting the request. The request shall also confirm that the employee submitting the request is authorized to obtain the records sought. The California Highway Patrol agrees to treat all un-redacted material as confidential and to use any records it obtains only for official California Highway Patrol purposes in accordance with all applicable state and federal statutes.
19. Ongoing Associated Cost. The Grantee is responsible for any ongoing associated cost surrounding the Grantee's use of EBRCSA encryption, radio updates, hardware, software,

and any servicing of radio equipment under the Grantee's domain and control during the duration of this Agreement.

20. Notices. Unless otherwise specifically provided herein, all notices and other communications shall be in writing, addressed to the person and address set forth below and shall be (a) deposited in the U.S. mail, first class, certified with return receipt requested and with appropriate postage, (b) hand delivered or (c) sent via facsimile (only if prior written agreement has been made by the parties regarding transmission by facsimile):

To:
Oakland Police Department
Attention: Dr. Carlo M. Beckman
455 7th Street
Oakland, CA 94607

To:
California Highway Patrol
Attention: Commander
California Highway Patrol
P.O. Box 942898
Sacramento, CA 94298-0001

To:
East Bay Regional Communications System Authority
Attention: Tom McCarthy, Executive Director
4985 Broder Blvd.
Dublin, CA 94568

From time to time any party may designate a new address or recipient for notice for purposes of this Section 20 by written notice to the other parties.

21. Contact Information. Each party shall provide the other party with a list of appropriate contact personnel for notices and notifications under this Agreement. Each party is responsible for updating the list to ensure it is current.
22. Indemnification. Each party agrees to indemnify, defend, and hold harmless the other party, its officers, agents, and employees from any and all liabilities, claims, or losses of any nature, including attorney's fees, court costs and all reasonably related legal costs, to the extent caused by, arising out of, or in connection with the indemnifying party's gross negligence or willful misconduct pursuant to this Agreement.
23. No Assignment or Subcontracting. Grantee may not subcontract or assign any rights, duties or obligations under this Agreement. Any agreement made in violation of this provision shall confer no rights on any party and shall be null and void.

24. Independent Agencies. None of the provisions of this Agreement are intended to create, and none shall be deemed or construed to create any relationship between the parties other than that of independent entities contracting with each other solely for the purpose of effecting the provisions of the Agreement. Neither party nor its employees is an employee of the other party; nor is either party or its employees entitled to any of the benefits and protections afforded to employees of the other party. The parties to this Agreement shall have no authority, express or implied, to act on behalf of any signatory in any capacity whatsoever as an agent. The parties shall have no authority, express or implied, pursuant to this Agreement to bind each other to any obligation whatsoever. The parties agree that the provisions of this Agreement are not intended to directly benefit any third party, and shall not be enforceable by any person or entity not a party to this Agreement. This Agreement is not intended to confer any legal rights or benefits on any person or entity other than the parties to this Agreement.
25. Proprietary or Confidential Information of EBRCSA/City of Oakland and Third Parties. Grantee understands and agrees that in accessing and using the EBRCSA/City of Oakland Police Department talk groups and channels under this Agreement, Grantee may have access to private or confidential information that may be owned or controlled by EBRCSA or the City of Oakland Police Department or to which EBRCSA or the City of Oakland Police Department has authorized access, and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to EBRCSA or the City of Oakland Police Department or to third parties. Grantee agrees that all information disclosed by EBRCSA or the City of Oakland Police Department to Grantee or to which Grantee has access by virtue of this Agreement shall be held in confidence and used only in performance of the Agreement.
26. Modification of Agreement. This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved in the same manner as this Agreement.
27. Termination. Either party may terminate this Agreement for any reason at any time upon 10 days written notice to the other party, or in accordance with the terms and conditions contained in Section 20 of this Agreement.
28. Entire Agreement. This Agreement sets forth the entire agreement between the parties, and supersedes all other oral or written provisions. The terms and conditions of the agreement may be modified only as provided for in Section 26 of this Agreement.
29. Severability. Should the application of any provision of this Agreement to any particular facts or circumstances be found by a court of competent jurisdiction to be invalid or unenforceable, then (a) the validity of other provisions of this Agreement shall not be affected or impaired thereby, and (b) such provision shall be enforced to the maximum extent possible so as to effect the intent of the parties and shall be reformed without further action by the parties to the extent necessary to make such provision valid and enforceable

30. Agreement Made in California: Venue. The formation, interpretation and performance of this Agreement shall be governed by the laws of the State of California. Venue for any litigation relative to the formation, interpretation and performance of this Agreement shall be in Alameda County, California. Grantee understands and agrees to waive its rights under California Code of Civil Procedure Section 395 et. al. and agrees to have any dispute pertaining to this Agreement decided in the jurisdiction of courts Alameda County.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on the dates specified herein.

Witness:

Agency: East Bay Regional Communications System Authority (EBRCSA)

Contact : David L. Swing

Contact Phone #: 925-803-7802

Rank/Position: Executive Director

Email: David.swing@acgov.org

Date: _____

Signature _____

Agency: City of Oakland


Contact: Jestin Johnson

Contact Ph #: _____

Rank/Position: City Administrator

Email: jdjohnson@oaklandca.gov

Date: Jul 25, 2024

Signature  _____
Jestin Johnson (Jul 25, 2024 21:59 PDT)

Agency: City of Oakland Police Department

Contact: Assistant Chief James Beere

Contact Ph #: 510-238-3330

Rank/Position: Assistant Chief

Email: jbeere@oaklandca.gov

Date: Jul 25, 2024

Signature James P Beere
James P Beere (Jul 25, 2024 15:31 PDT)

Agency: California Highway Patrol
Contact: Chief D. Jenkins
Contact Ph #: (916) 843-4000
Rank/Position: Chief, Information Management Division
Email: DJenkins@chp.ca.gov
Date: 02/07/2024

Signature _____

ATTACHMENT A

Authorized Talk Groups for Programming

Talkgroup_ID	Talkgroup ID (Hex)	Controlling Agency	Talkgroup_Name_Short	Talkgroup_Name_Long
3405	0D4D	Oakland PD	OPD PAT1	OPD PATROL 1
3406	0D4E	Oakland PD	OPD PAT2	OPD PATROL 2
3407	0D4F	Oakland PD	OPD PAT3	OPD PATROL 3
3408	0D50	Oakland PD	OPD PAT4	OPD PATROL 4
3409	0D51	Oakland PD	OPDPAT5	OPD PATROL 5
3418	0D5A	Oakland PD	OPD TAC1	OPD TAC 1
3419	0D5B	Oakland PD	OPD TAC2	OPD TAC 2
3420	0D5C	Oakland PD	OPD TAC3	OPD TAC 3
3421	0D5D	Oakland PD	OPD TAC4	OPD TAC 4
3430	0D66	Oakland PD	OPD SRS1	OPD SRS 1
3431	0D67	Oakland PD	OPD SRS2	OPD SRS 2
3432	0D68	Oakland PD	OPD SRS3	OPD SRS 3

3433	0D69	Oakland PD	OPD SRS4	OPD SRS 4
3434	0D6A	Oakland PD	OPD SRS5	OPD SRS 5
3437	0D6D	Oakland PD	OPDCRWD1	OPD CROWD 1
3438	0D6E	Oakland PD	OPDCRWD2	OPD CROWD 2

2024 JUN -4 AM 10: 34

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

J-
CITY 'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 029 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A RADIO INTEROPERABILITY AGREEMENT WITH THE CALIFORNIA HIGHWAY PATROL, FOR THE OAKLAND POLICE DEPARTMENT TO PERMIT THE CALIFORNIA HIGHWAY PATROL TO OPERATE ON THE CITY'S RADIO FREQUENCIES, USING THE EAST BAY REGIONAL COMMUNICATIONS* SYSTEM AUTHORITY ("EBRCSA") RADIO SYSTEM.

WHEREAS, the Oakland Police Department ("OPD") is a member of EBRCSA, of which the California Highway Patrol ("CHP") is not a member; and

WHEREAS, pursuant to Oakland Municipal Code Section 9.64.010.14.E, OPD's radio system is not a Surveillance Technology system; and

WHEREAS, under the proposed Radio Interoperability OPD will grant permission to the CHP to operate on the City of Oakland's Radio Frequencies (via EBRCSA) under specified circumstances; and

WHEREAS, the Radio Interoperability Agreement will expedite the flow of information and communication between agencies for joint operations or situational awareness, thereby improving cross-departmental awareness and potentially improving officer and public safety; and

WHEREAS, there is no additional cost to the City of Oakland; and

WHEREAS, Article V, Section 504(1) of the City Charter requires that the City Council authorize the City Administrator to enter into agreements for joint government actions; now, therefore, be it

RESOLVED: That the City Administrator is authorized to enter into a Radio Interoperability Agreement with the CHP, for OPD permit the CHP to operate on the City of Oakland's Radio Frequencies using the EBRCSA radio system; and be it

FURTHER RESOLVED: That the Radio Interoperability Agreement authorized by this resolution shall be approved by as to form and legality by the City Attorney before the City Administrator executes it, and a copy of the fully executed Agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

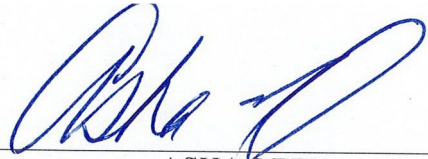
JUN 18 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS- *f*;

NOES-*Jo*
ABSENT-
ABSTENTION *Q5*

ATTEST:



ASHA AHMED

City Clerk and Clerk of the Council of the
City of Oakland, California

331829lv1








OPD_CHP_Radio_MOU_Final 041824

Final Audit Report

2024-07-25

Created:	2024-07-25 (Pacific Daylight Time)
By:	Aracely Garza (AGarza@oaklandca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAANiaN30AyxWoUVXI6_DWvOo_8eKheNSxd

"OPD_CHP_Radio_MOU_Final 041824" History

-  Document created by Aracely Garza (AGarza@oaklandca.gov)
2024-07-25 - 3:06:12 PM PDT - IP address: 209.232.103.91
-  Document emailed to jbeere@oaklandca.gov for signature
2024-07-25 - 3:27:57 PM PDT
-  Email viewed by jbeere@oaklandca.gov
2024-07-25 - 3:30:24 PM PDT - IP address: 104.47.64.254
-  Signer jbeere@oaklandca.gov entered name at signing as James P Beere
2024-07-25 - 3:31:04 PM PDT - IP address: 209.232.103.82
-  Document e-signed by James P Beere (jbeere@oaklandca.gov)
Signature Date: 2024-07-25 - 3:31:06 PM PDT - Time Source: server- IP address: 209.232.103.82
-  Document emailed to Jestin Johnson (JDJohnson@oaklandca.gov) for signature
2024-07-25 - 3:31:08 PM PDT
-  Document e-signed by Jestin Johnson (JDJohnson@oaklandca.gov)
Signature Date: 2024-07-25 - 9:59:46 PM PDT - Time Source: server- IP address: 141.239.93.35
-  Agreement completed.
2024-07-25 - 9:59:46 PM PDT



RESOLUTION NO. 24-xx

**A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

ADOPT A RESOLUTION AUTHORIZING THE BOARD CHAIR TO EXECUTE AND THE EXECUTIVE DIRECTOR TO IMPLEMENT THE INTEROPERABILITY MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAKLAND AND THE CALIFORNIA HIGHWAY PATROL

WHEREAS, the East Bay Regional Communications System Authority (“EBRCSA”) P-25 compliant communications system serves Alameda and Contra Costa counties and individual political jurisdictions therein (the “System”); and

WHEREAS, the EBRCSA radio system allows interoperable communications with non-member agencies; and

WHEREAS, the EBRCSA received notification that the Oakland Police Department desires to share radio talk groups with the Oakland Office of the California Highway Patrol; and

WHEREAS, the Executive Director recommends that the Board of Directors approve the Interoperability MOU between the City of Oakland and the California Highway Patrol; and

WHEREAS, the Board’s Operations Committee recommends the proposed actions.

NOW, THEREFORE, the Board of Directors of the East Bay Regional Communications System Authority does **RESOLVE** that it approves and authorizes the Chair to execute the Interoperability Memorandum of Understanding in the accompanying Agenda Report; and

That the Executive Director is authorized to execute all documents and take all actions necessary to implement the aforementioned Memorandum of Understanding and the purpose and intent of this Resolution.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this 13th day of September 2024 by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Jocelyn Kwong, Secretary



**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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

AGENDA ITEM NO. 4.3

**AGENDA STATEMENT
BOARD OF DIRECTORS
MEETING DATE: SEPTEMBER 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Purchase of Replacement Batteries

RECOMMENDATIONS:

Approve the purchase of replacement batteries for the Highland Radio Site.

SUMMARY/DISCUSSION:

Each radio site has batteries that back-up the radio system in the event of a power failure. The batteries provide redundant power to allow for the generator to start and begin generating power until PG&E service is restored. During the recent power failure of the Highland radio site, staff learned the batteries needed replacement. The Highland radio site has two battery packs. One battery pack supports the microwave system while the other supports the radio equipment. The cost to replace the batteries is \$30,960, which exceeds the \$25,000 purchasing authority of the Executive Director. The Operations Committee recommended the approval of the Board of Directors to purchase the batteries at their meeting on August 30, 2024.

Attachment:

1. Invoice for replacement batteries



Quote Number	67987	Quote Date	08-26-2024

Matthew Boyer
 Contra Costa County DOIT

American Power Systems, LLC is pleased to provide you the following quotation:

Qty	Part Number	Description	Unit Price	Total Price	Lead Time
1	M8702405013014AALV	024AGP 05013WL V0 24-cell complete system	\$10,800	\$10,800	
1	M8702410017018AALV	024AGP 10017WL V0 24-cell complete system	\$17,767	\$17,767	
1	Freight Estimate		\$2,393	\$2,393	
				\$30,960	

Please reference quote number 67987 on your purchase order and you can email your purchase order to orders@ampowersys.com. Please make your purchase order out to American Power Systems, LLC with a bill to address of 1851 Central Place South Suite 206, Kent, Washington 98030.

Thank you for your time and consideration. If you need any additional information, please feel free to contact me.

Sincerely,
 Tom Treacy
tomtreacy@ampowersys.com
 (209) 467-8999

Quotation Terms:

- Credit terms are subject to approval and periodic review. You can apply for credit [here](#).
- Credit card payment is available [here](#). A 3% processing fee will be applied to all credit card payments.
- Freight is FOB Origin and pricing is prepaid and added to invoice (unless otherwise agreed upon in writing).
- Freight estimates are valid for 7 days.
- Returned or cancelled items are subject to restocking fees.
- Lead times are subject to change without notice.
- Sales or use tax may be included in the final invoice in accordance with state laws.
- Please provide sales tax resales or exemption certificates with your purchase order.
- All other terms are available [here](#).



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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

AGENDA ITEM NO. 4.4

AGENDA STATEMENT BOARD OF DIRECTORS MEETING MEETING DATE: SEPTEMBER 13, 2024

TO: Board of Directors
East Bay Regional Communications System Authority (EBRCSA)

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Accounts Receivable Write-offs

RECOMMENDATIONS:

Adopt a resolution authorizing the Board Chair to execute and the Executive Director to implement the write-off of the invoices identified in the agenda report.

SUMMARY/DISCUSSION:

A review of the Accounts Receivable Aging found several invoices related to businesses that ceased operations or that should be written off due to clerical errors or at the recommendation of the Executive Director for a business relationship reason. The Executive Director recommends the Authority write off these uncollectable accounts, which requires the approval of the Board of Directors. The Finance Committee met on August 30, 2024 to review this matter and recommended the action to the Board of Directors

The following invoices are from businesses that have ceased operations:

Organization	Invoice	Date	Amount
Oakland School Police Department	20180047	11/15/17	\$18,840
Paramedics Plus	20180050	11/15/17	\$106,280
United Ambulance Service	20180058	11/15/17	\$8,140
United Ambulance Service	20190162	12/03/18	\$1,884
United Ambulance Service	20190220	09/26/19	\$1,980
United Ambulance Service	20210279	07/01/20	\$7,020
United Ambulance Service	20220165	07/01/21	\$7,020
United Ambulance Service	20220165	07/01/22	\$7,020
United Ambulance Service	20230264	07/01/23	\$7,020
		Total	\$165,294

Alameda County Office of Homeland Security and Emergency Services
4985 Broder Blvd, Dublin CA 94568 • (925) 803-7802 • www.ebrcsa.org



**East Bay Regional
Communications
System Authority**



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Additionally, the Executive Director recommends adjusting the invoice for the City of Benicia to maintain goodwill. During an audit in 2021, the external auditor found the Authority's initial billing of Benicia was not accordance with a side letter authored by the then Executive Director and signed by the City Manager of Benicia. Benicia was overbilled in one year and underbilled in others. The Authority issued another invoice on July 1, 2021 for additional Operating payments and Service payments for 2018-2022 totaling \$165,340.00 aligned with the external auditor's findings.

The City of Benicia paid their initial invoices and was never informed of the billing errors that resulted in a second round of invoicing. The omissions included an inaccurate amount charged for Operating payments and not charging for Service payments. The Executive Director seeks the authorization from the Board of Directors to write-off the additional City of Benicia Operating Payments of \$24,400 for fiscal years 2018-2022. Approving this recommendation would still require the City of Benicia to pay the previously unbilled Service Payment of \$140,940 – Invoice #CathchUp001.

Bay Medic Transport (BMT) is billed by the Alameda County Information Technology Department (ITD). BMT has three outstanding invoices from 2017-2019 totally \$17,360. A review of the records found the monies owed were paid by BMT to ITD. ITD then transferred the money to EBRCSA; however, the invoices were never updated. Invoice# 201800060, 20190105, and 20190174.

Lastly, the City of Alameda has an outstanding balance of \$61,800 from a radio count dispute. The City of Alameda provided documentation that confirms the disputed invoices and conversations with the prior Executive Director authorizing the underpayment. The Executive Director requests Board of Directors authorization to write-off of \$61,800. Invoice#20160013 and 20170005.

The total of the write-offs is \$268,854.00.

There are additional outstanding invoices that require further research. The Executive Director will return to the Finance Committee at a future meeting on additional write-off recommendations, if necessary.

RESOLUTION NO. 24-xx

**A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

ADOPT A RESOLUTION AUTHORIZING THE BOARD CHAIR TO EXECUTE AND THE EXECUTIVE DIRECTOR TO IMPLEMENT THE WRITE-OFF OF CERTAIN PAST DUE INVOICES

WHEREAS, the East Bay Regional Communications System Authority (“EBRCSA”) P-25 compliant communications system serves Alameda and Contra Costa counties and individual political jurisdictions therein (the “System”); and

WHEREAS, the EBRCSA conducts annual billing for its services; and

WHEREAS, the EBRCSA has determined that certain past due invoices are uncollectable due to business closure, billing errors, and the Executive Director’s recommendation to maintain certain business relationships; and

WHEREAS, the Executive Director recommends that the Board of Directors should write-off delinquent invoices to reconcile the Accounts Receivable Aging; and

WHEREAS, the Finance Committee recommends the proposed actions to the Board of Directors.

NOW, THEREFORE, the Board of Directors of the East Bay Regional Communications System Authority does **RESOLVE** that it authorizes the write-off of invoices identified in the accompanying Agenda Report and authorizes the Executive Director to execute all documents and take all actions necessary to effect the purpose and intent of this Resolution.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this 13th day of September 2024 by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Jocelyn Kwong, Secretary



**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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

AGENDA ITEM NO. 7.1

**AGENDA STATEMENT
BOARD OF DIRECTORS
MEETING DATE: SEPTEMBER 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Fiscal Year 2023/2024 Budget Amendment

RECOMMENDATIONS:

Adopt a resolution authorizing the Board Chair to execute and the Executive Director to implement a Budget Amendment for Fiscal Year 2023/2024.

SUMMARY/DISCUSSION:

The annual Audit of the Financial Statements requires an amended budget that recognizes areas where expenditures exceeded the previously appropriated amount during the budget adoption. Staff from the County Auditor's Office identified five categories that require adjustment identified in the table below. The requested amount does not reflect areas that were underspent. Total operating expenses are \$3.9 million compared to a budget of \$5.3 million.

Staff from the Auditor's Office will be present at the meeting to answer questions. This item was not presented to the Finance Committee for approval; however, the Finance Committee is aware of the budget amendment and had questions about the total expenses, the monies paid to Motorola and comparing budget v. actual expenses. Staff is presenting this item outside of the Finance Committee due to time constraints for its approval to complete the Fiscal Year 2023/2024 Audited Financial Statements and the routine nature of the item.

**Alameda County Office of Homeland Security and Emergency Services
4985 Broder Blvd, Dublin CA 94568 • (925) 803-7802 • www.ebrcsa.org**



**East Bay Regional
Communications
System Authority**

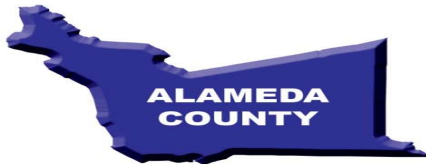


Participating agencies include Alameda and Contra Costa Counties and the following cities and special districts: Alameda, Albany, Antioch, Berkeley, Brentwood, Clayton, Concord, Danville, Dublin, El Cerrito, Emeryville, Fremont, Hayward, Hercules, Lafayette, Livermore, Martinez, Moraga, Newark, Oakley, 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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

Category	Approved	Requested	Reason
Exec Director	\$263,000	\$11,958	Transition of Director – one month overlap
Legal	\$26,000	\$50,243	Transition of Director and counsel
SUA - Motorola	\$0	\$163,210	Not previously captured in budget
CoCo Maintenance	\$345,000	\$150,498	Additional time required for project work – MPLS, CIP, SUA
Security	\$33,000	\$5,507	Security enhancements at radio sites
Total Requested		\$381,416	

Attachments:

1. Revised Budget Documents
2. Board Resolution



East Bay Regional Communications System Authority



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BUDGET FISCAL YEAR 2023-24

Operating revenues

Operating dues	\$ 7,453,000
Service dues	1,512,000
Total operating revenues	<u>8,965,000</u>

Operating expenses

Administration	525,958
Audit fees	26,000
Contingency	100,000
Insurance	102,000
Lease	81,000
Legal	76,243
Licenses and permits	39,000
Membership fees	13,000
Maintenance	3,999,708
Security	38,507
Utilities	293,000
Website hosting	6,000
Total operating expenses	<u>5,300,416</u>

Operating income	3,664,584
Interest income	100,000
Capital outlay	(6,005,000)
Debt service	(650,000)
Change in net position	<u>\$ (2,890,416)</u>

Assumption: Operating payments 21,000 radio count at \$30 per month per radio
Service payments 8,400 radio count at \$15 per month per radio

**EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY
EXPENDITURE DETAIL
FISCAL YEAR 2023-2024**

OPERATING EXPENSES	FY23-24 Approved	FY23-24 Amendment #2	FY23-24 Amended
Administration			
Executive director	\$ 263,000	\$ 11,958	\$ 274,958
Administrative assistant	40,000		40,000
Training	30,000		30,000
Planning	161,000		161,000
Travel	7,000		7,000
Miscellaneous	13,000		13,000
Audit fees	26,000		26,000
Contingency	100,000		100,000
Insurance	102,000		102,000
Lease	81,000		81,000
Legal	26,000	50,243	76,243
Licenses and permits	39,000		39,000
Membership fees	13,000		13,000
Maintenance			
Astro maintenance	1,479,000		1,479,000
MDR	291,000		291,000
Software maintenance (SUA II)	-	163,210	163,210
Network administration	351,000		351,000
HVAC maintenance	75,000		75,000
Generator maintenance	69,000		69,000
ALCO general maintenance	660,000		660,000
COCO general maintenance	345,000	150,498	495,498
CSI telecommunications	260,000		260,000
Microwave maintenance	136,000		136,000
Miscellaneous	20,000		20,000
Security	33,000	5,507	38,507
Utilities	293,000		293,000
Website hosting	6,000		6,000
Total operating expenses	<u>4,919,000</u>	<u>381,416</u>	<u>5,300,416</u>
CAPITAL OUTLAY			
Astro SUA	1,369,000		1,369,000
MPLS	97,000		97,000
NICE SUA	323,000		323,000
Walton Lane Simulcast Site	1,746,000		1,746,000
Microwave Network Upgrade	97,000		97,000
Encryption Upgrade	226,000		226,000
TDMA/Microwave Upgrade	1,872,000		1,872,000
DC Power Upgrade	250,000		250,000
Dispatch Consoles	25,000		25,000
Total capital outlay	<u>6,005,000</u>	<u>-</u>	<u>6,005,000</u>
DEBT SERVICE			
Principal	554,000		554,000
Interest	96,000		96,000
Total debt service	<u>\$ 650,000</u>	<u>\$ -</u>	<u>\$ 650,000</u>

1. TDMA Upgrade is the annual payment for the Change Order approved by the Board of Directors
2. DC Power Upgrade is an annual amount to replace the batteries in various locations

**EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY
PROJECTED CASH RESERVE BALANCES
FISCAL YEAR 2023-2024**

	FY22-23 Final Budget	FY22-23 Audited	FY23-24 Budget
Operating Reserve			
Beginning balance	\$ 1,904,000	\$ 1,904,000	\$ 1,965,264
Operating dues	7,453,000	5,804,298	7,453,000
Initial dues	-	18,000	-
Interest	100,000	198,683	100,000
Operating expenses	(4,636,000)	(3,930,528)	(5,300,416)
Transfer to Capital Reserve	(2,502,503)	(2,029,189)	(2,567,640)
Ending Balance	2,318,497	1,965,264	1,650,208
Debt Service Reserve			
Beginning balance	1,000,000	1,000,000	1,000,000
Service dues	1,260,000	1,561,410	1,512,000
Debt service	(650,000)	(648,802)	(650,000)
Transfer to Capital Reserve	(610,000)	(912,608)	(862,000)
Ending Balance	1,000,000	1,000,000	1,000,000
Capital Reserve			
Beginning balance	12,693,000	12,304,000	11,119,982
Transfer from other reserves	3,112,503	2,941,797	3,429,640
Capital outlay	(4,552,000)	(4,125,815)	(6,005,000)
Ending Balance	11,253,503	11,119,982	8,544,622
Total Reserve Balance	\$ 14,572,000	\$ 14,085,246	\$ 11,194,830

1. Operating Reserve Balance is equal to 50% of the next fiscal years Operating Budget. Per the recommendation of the Finance Committee, the Authority has transferred \$1 million of operating reserves to the capital reserve.
2. Debt Reserve Balance is set to equal \$1,000,000 every fiscal year
3. Capital Reserve Balance is the projected remaining cash after the Operating and Debt Reserve requirements have been met

EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY
10 YEAR CASH FLOW PROJECTION

	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	FY 2029-30	FY 2030-31	FY 2031-32	FY 2032-33
	Audited	Budget	Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Operating Reserve											
Balance - beginning	1,904,000	1,965,264	1,650,208	2,388,500	2,480,640	2,588,547	2,680,808	2,787,021	2,894,198	2,987,995	3,094,052
Receipts from members	6,020,981	7,553,000	7,813,000	7,813,000	7,813,000	7,813,000	7,813,000	7,813,000	7,813,000	7,813,000	7,813,000
Payments to suppliers	(3,930,528)	(5,300,416)	(4,777,000)	(4,961,280)	(5,177,093)	(5,361,616)	(5,574,042)	(5,788,395)	(5,975,991)	(6,188,104)	(6,425,696)
Transfer to Capital Reserve	(2,029,189)	(2,567,640)	(2,297,708)	(2,759,580)	(2,528,001)	(2,359,123)	(2,132,745)	(1,917,429)	(1,743,211)	(1,518,839)	(1,268,509)
Balance - ending	1,965,264	1,650,208	2,388,500	2,480,640	2,588,547	2,680,808	2,787,021	2,894,198	2,987,995	3,094,052	3,212,848
Debt Service Reserve											
Balance - beginning	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	-	-	-	-	-
Service dues	1,561,410	1,512,000	1,512,000	1,512,000	1,512,000	-	-	-	-	-	-
Principal	(532,000)	(554,000)	(576,000)	(600,000)	(623,000)	-	-	-	-	-	-
Bond interest	(116,802)	(96,000)	(74,000)	(50,000)	(27,000)	-	-	-	-	-	-
Transfer to Capital Reserve	(912,608)	(862,000)	(862,000)	(862,000)	(862,000)	(1,000,000)	-	-	-	-	-
Balance - ending	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	-	-	-	-	-	-
Capital Reserve											
Balance - beginning	12,304,000	11,119,982	8,544,622	5,123,330	4,752,910	4,089,911	3,332,033	3,139,778	4,782,207	6,250,418	7,494,257
Transfer from other reserves	2,941,797	3,429,640	3,159,708	3,621,580	3,390,001	3,359,123	2,132,745	1,917,429	1,743,211	1,518,839	1,268,509
Capital	(4,125,815)	(6,005,000)	(6,581,000)	(3,992,000)	(4,053,000)	(4,117,000)	(2,325,000)	(275,000)	(275,000)	(275,000)	(275,000)
Balance - ending	11,119,982	8,544,622	5,123,330	4,752,910	4,089,911	3,332,033	3,139,778	4,782,207	6,250,418	7,494,257	8,487,766
TOTAL RESERVE BALANCE	14,085,246	11,194,830	8,511,830	8,233,550	7,678,457	6,012,841	5,926,799	7,676,404	9,238,413	10,588,309	11,700,614

SUPPLEMENTARY SCHEDULE FOR PAYMENTS TO SUPPLIERS

Administration	(306,389)	(525,958)	(353,000)	(367,120)	(381,805)	(397,077)	(412,960)	(429,478)	(446,657)	(464,523)	(483,104)
Audit fees	(17,820)	(26,000)	(26,000)	(27,040)	(28,122)	(29,247)	(30,417)	(31,634)	(32,899)	(34,215)	(35,584)
Contingency	-	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)
Insurance	(72,168)	(102,000)	(108,000)	(112,320)	(116,813)	(121,486)	(126,345)	(131,399)	(136,655)	(142,121)	(147,806)
Legal	(14,694)	(76,243)	(33,000)	(34,320)	(35,693)	(37,121)	(38,606)	(40,150)	(41,756)	(43,426)	(45,163)
Lease	-	(81,000)	(81,000)	(84,240)	(87,610)	(91,114)	(94,759)	(98,549)	(102,491)	(106,591)	(110,855)
Licenses and permits	-	(39,000)	(20,000)	(20,800)	(21,632)	(22,497)	(23,397)	(24,333)	(25,306)	(26,318)	(27,371)
Membership fees	(9,194)	(13,000)	(13,000)	(13,520)	(14,061)	(14,623)	(15,208)	(15,816)	(16,449)	(17,107)	(17,791)
Maintenance											
Astro maintenance	-	(1,479,000)	(1,540,000)	(1,601,000)	(1,667,000)	(1,731,000)	(1,801,000)	(1,855,030)	(1,910,681)	(1,968,001)	(2,027,041)
MDR	-	(291,000)	(305,000)	(315,000)	(330,000)	(345,000)	(360,000)	(370,800)	(381,924)	(393,382)	(405,183)
Customer svc. agmt.	(1,098,062)	-	-	-	-	-	-	-	-	-	-
SUA II	(978,249)	(163,210)	-	-	-	-	-	-	-	-	-
System management	(266,380)	(351,000)	(280,000)	(291,200)	(302,848)	(314,962)	(327,560)	(340,662)	(354,288)	(368,460)	(383,198)
HVAC	(35,192)	(75,000)	(75,000)	(78,000)	(81,120)	(84,365)	(87,740)	(91,250)	(94,900)	(98,696)	(102,644)
Generators	(18,078)	(69,000)	(69,000)	(71,760)	(91,630)	(77,615)	(80,720)	(100,949)	(87,307)	(90,799)	(112,111)
ALCO maintenance	(600,000)	(660,000)	(600,000)	(624,000)	(648,960)	(674,918)	(701,915)	(729,992)	(759,192)	(789,560)	(821,142)
COCO maintenance	(251,133)	(495,498)	(345,000)	(358,800)	(373,152)	(388,078)	(403,601)	(419,745)	(436,535)	(453,996)	(472,156)
CSI telecommunications	(19,913)	(260,000)	(260,000)	(270,400)	(281,216)	(292,465)	(304,164)	(316,331)	(328,984)	(342,143)	(355,829)
Microwave maintenance	(33,245)	(136,000)	(215,000)	(223,600)	(232,544)	(241,846)	(251,520)	(261,581)	(272,044)	(282,926)	(294,243)
Miscellaneous	(4,086)	(20,000)	(20,000)	(20,800)	(21,632)	(22,497)	(23,397)	(24,333)	(25,306)	(26,318)	(27,371)
Security	(21,144)	(38,507)	(35,000)	(36,400)	(37,856)	(39,370)	(40,945)	(42,583)	(44,286)	(46,057)	(47,899)
Utilities	(181,381)	(293,000)	(293,000)	(304,720)	(316,909)	(329,585)	(342,768)	(356,479)	(370,738)	(385,568)	(400,991)
Web site hosting	(3,400)	(6,000)	(6,000)	(6,240)	(6,490)	(6,750)	(7,020)	(7,301)	(7,593)	(7,897)	(8,213)
Payments to suppliers	(3,930,528)	(5,300,416)	(4,777,000)	(4,961,280)	(5,177,093)	(5,361,616)	(5,574,042)	(5,788,395)	(5,975,991)	(6,188,104)	(6,425,696)

RESOLUTION NO. 24-xx

**A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE BOARD CHAIR TO EXECUTE AND THE EXECUTIVE DIRECTOR TO IMPLEMENT THE BUDGET AMENDMENT OF \$381,416.00

WHEREAS, the East Bay Regional Communications System Authority (“EBRCSA”) P-25 compliant communications system serves Alameda and Contra Costa counties and individual political jurisdictions therein (the “System”); and

WHEREAS, the EBRCSA adopts an annual budget; and

WHEREAS, the EBRCSA for purposes of budgetary control needs to amend the Fiscal Year 2023/20224 budget detail; and

WHEREAS, the Auditor’s Office has developed the proposed amendment, to which the Executive Director recommends approval by the Authority Board.

NOW, THEREFORE, the Board of Directors of the East Bay Regional Communications System Authority does **RESOLVE** that it adopts the Budget Amendment to the accompanying Agenda Report and authorizes the Executive Director to execute all documents and take all actions necessary to effect the purpose and intent of this Resolution.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this 13th day of September 2024 by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Jocelyn Kwong, Secretary



**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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

AGENDA ITEM NO. 7.2

**AGENDA STATEMENT
BOARD OF DIRECTORS
MEETING DATE: SEPTEMBER 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Audited Financial Statements Policy

RECOMMENDATIONS:

1. Accept report on the FY22/23 Audited Financial Statements
2. Adopt a resolution for the Board Chair to execute and the Executive Director to implement the Audited Financial Statements Policy

SUMMARY/DISCUSSION:

Each year, the Authority contracts with an independent auditor to perform a financial audit of the Authority's financial statements. The independent auditor evaluates whether the financial statements were prepared in accordance with generally accepted accounting principles. For fiscal year 2022-2023, the independent auditor expressed an opinion that the financial statements were presented in accordance with generally accepted accounting principles.

Currently, the annual audit of the financial statements is conducted by Badawi and Associates and is presented to a representative of the County Auditor's Office and the Authority's Executive Director. The financial audit was last presented to the Finance Committee in 2020. A representative of Badawi and Associates will present the 2023 report at the September Board of Directors meeting. The 2024 report will be presented to the Finance Committee in November 2024 and to the Board of Directors in December, 2024.

The proposed policy requires annual reporting and two members of the Finance Committee to serve as liaisons to the auditors for future financial statement audits. This practice will begin in

**Alameda County Office of Homeland Security and Emergency Services
4985 Broder Blvd, Dublin CA 94568 • (925) 803-7802 • www.ebrcsa.org**



**East Bay Regional
Communications
System Authority**



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2025. The proposed policy was recommended by the Finance Committee to the Board of Directors at their August 30, 2024 meeting.

Attachments:

1. FY 22/23 Audited Financial Statements
2. Proposed Audited Financial Statements Policy
3. Resolution for Adoption



***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

**Financial Statements
With Independent Auditor's Report
For Fiscal Year Ended June 30, 2023**

**East Bay Regional Communications System Authority
Alameda County Office of Homeland Security and Emergency Services
4985 Broder Boulevard, Dublin CA 94568 • (925) 803-7802 • www.ebrcsa.org**

**Prepared by the Alameda County Auditor-Controller Agency
Financial Reporting Unit**

East Bay Regional Communications System Authority

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Introductory Section

East Bay Regional Communications System Authority

Board of Directors

County Representatives

Yesenia Sanchez, Sheriff, Alameda County
David Haubert, Member, Alameda County Board of Supervisors
Susan Muranishi, County Administrator, Alameda County
Michael Casten, Undersheriff, Contra Costa County
Candace Andersen, Supervisor, Contra Costa County
Monica Nino, County Administrator, Contra Costa County

City Representatives

Bret Prebula, City Manager, City of Clayton
Joe Calabrigo, Town Manager, Town of Danville
Karen Stepper, Mayor, Town of Danville
Linda Smith, City Manager, City of Dublin
Gerry Beaudin, City Manager, City of Pleasanton
Matt Rodriguez, City Manager, City of San Pablo
Scott Perkins, Councilmember, City of San Ramon
Cindy Silva, Councilmember, City of Walnut Creek
Marc Salinas, City of Hayward

Public Safety Representatives

Paige Meyer, Fire Chief, San Ramon Valley Fire Protection District (Currently serving as Board Chair)
David Swing, Police Chief, City of Pleasanton (Currently serving as Vice Chair)
Jon King, Police Chief, City of Moraga

Special District Representative

Craig Alan Love, Chief, Oakland Housing Authority Police

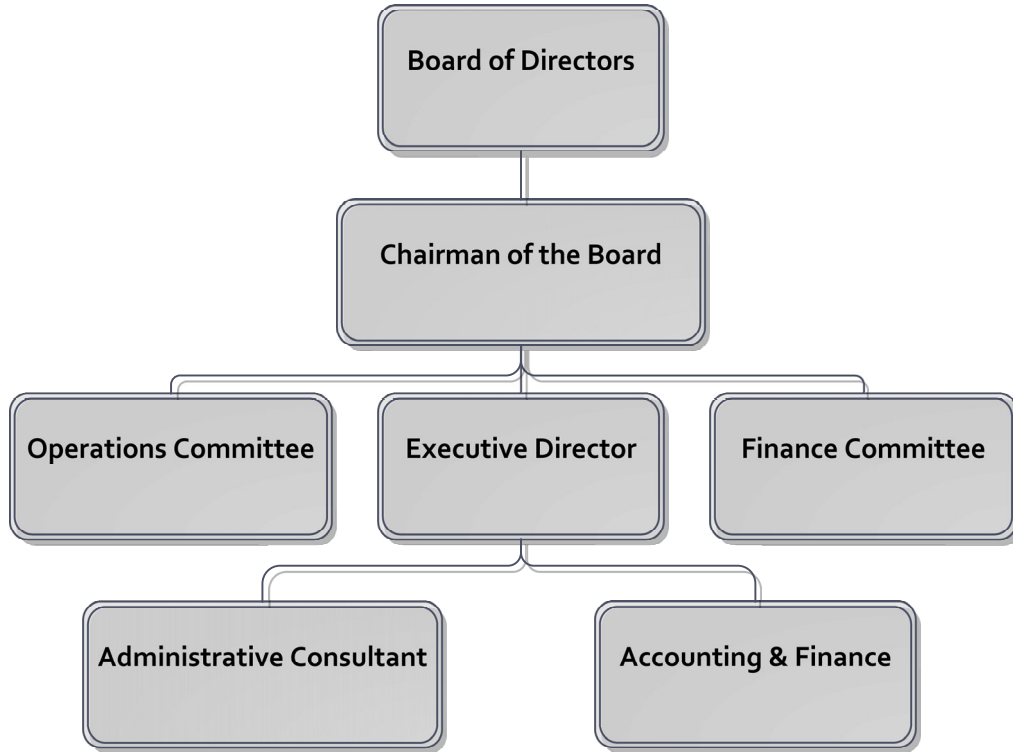
Management Personnel

Executive Director

Tom McCarthy

East Bay Regional Communications System Authority

Organization Chart



East Bay Regional Communications System Authority

Members

The EBRCSA currently has 68 member agencies. Participating agencies include:

Counties

Alameda County
Contra Costa County

Special Districts

Bethel Island Municipal Improvement District
Contra Costa Community College District
Contra Costa County Fire District
Dublin-San Ramon Services District
East Bay Regional Park District
Hayward Area Recreation & Park District
Kensington Police Community Services District
Livermore Amador Valley Transit Authority
Livermore-Pleasanton Fire Department
Moraga-Orinda Fire District
Oakland Housing Authority
Oakland School Police Department
Ohlone Community College District
Oro Loma Sanitary District
Port of Oakland
Rodeo-Hercules Fire Protection District
San Ramon Valley Fire Protection District
Water Emergency Transportation Agency

State

California Department of Corrections
California Department of Corrections/Division of
Adult Parole Operations
University of California, Berkeley

Federal

Bureau of Alcohol, Tobacco, Firearms, and
Explosives
Federal Reserve Bank
US Marshals

Other

American Medical Response
Bay Medic Transportation
Falck Ambulance Company
Falcon Critical Care Transportation
Lawrence Berkeley National Laboratory
Norcal Ambulance
ProTransport-1
Sonoma County Ambulance
United Ambulance Service

Cities

City of Alameda
City of Albany
City of Antioch
City of Berkeley
City of Brentwood
City of Clayton
City of Concord
City of Dublin
City of El Cerrito
City of Emeryville
City of Fremont
City of Hayward
City of Hercules
City of Lafayette
City of Livermore
City of Martinez
City of Newark
City of Oakland
City of Oakley
City of Piedmont
City of Pinole
City of Pittsburg
City of Pleasant Hill
City of Pleasanton
City of Richmond
City of San Leandro
City of San Pablo
City of San Ramon
City of Union City
City of Walnut Creek
Town of Danville
Town of Moraga

Financial Section



INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
of the East Bay Regional Communications System Authority
Dublin, California

Report on the Audit of the Financial Statements

We have audited the accompanying financial statements of the East Bay Regional Communications System Authority (Authority) as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the Authority, as of June 30, 2023, and the respective changes in financial position and cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Authority and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

The Authority's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4-8 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for

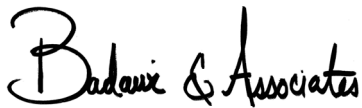
To the Board of Directors
of the East Bay Regional Communications System Authority
Dublin, California
Page 3

consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Management is responsible for the other information included in the Financial Statements With Independent Auditor's Report. The other information comprises the Introductory Section but does not include the financial statements and our auditor's report thereon. Our opinions on the financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.



Badawi & Associates, CPAs
Berkeley, California
October 27, 2023

**East Bay Regional Communications System Authority
Management's Discussion and Analysis (Unaudited)
For Fiscal Year Ended June 30, 2023**

This section of the financial statements for the East Bay Regional Communications System Authority (the Authority) presents a narrative overview and analysis of the financial activities of the Authority for the fiscal year ended June 30, 2023. This information is presented in conjunction with the audited basic financial statements, which follows this section.

Financial Highlights

- The assets of the Authority exceeded its liabilities at the close of fiscal year 2023 by \$29,856,802. Of this amount, \$14,085,246 represents unrestricted net position, which may be used to meet the Authority's ongoing obligations.
- The Authority's total net position decreased by \$1,499,533 which was due to a decrease in prepaid expenses due to the timing of Motorola contract costs and a decrease in cash, offset by a decrease in unearned revenues from prior years that were recognized.
- The Authority's total outstanding long-term obligations decreased by \$2,076,764 during the current fiscal year because of principal payments. Service Payments (revenues obligated for debt payments) decreased by \$35,370, or 2.2 percent, and exceeded debt obligations by \$914,404.

Overview of the Financial Statements

The discussion and analysis are intended to serve as an introduction to the Authority's basic financial statements. The Authority reports financial statements under the enterprise fund type as it is used to report activities for which fees are charged to external users for goods and services. As such, the Authority's financial statements are prepared on an accrual basis in accordance with Generally Accepted Accounting Principles.

Enterprise Fund Financial Statements

The Authority's financial information is presented in the Statement of Net Position; the Statement of Revenues, Expenses and Changes in Net Position; and the Statement of Cash Flows. The Statement of Net Position includes all the Authority's assets and liabilities, and provides information about the nature and amounts of investments in resources (assets) and obligations to creditors (liabilities). The Statement of Revenues, Expenses, and Changes in Net Position identifies the Authority's revenues and expenses and can be used to determine whether the Authority has successfully recovered all its costs through user fees and other charges. The Statement of Cash Flows provides information on the Authority's cash receipts, cash disbursements, and net changes in cash resulting from operations, investments, and financing activities.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the financial statements.

East Bay Regional Communications System Authority
Management's Discussion and Analysis (Unaudited)
For Fiscal Year Ended June 30, 2023

Financial Analysis of the Authority

Statement of Net Position

The statement of net position presents information on all of the Authority's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Authority is improving or deteriorating. A summarized comparison of the Authority's assets, liabilities, and net position at June 30 is as follows:

Condensed Statement of Net Position
June 30, 2023 and 2022

	<u>June 30, 2023</u>	<u>June 30, 2022</u>	<u>Change</u>	
Assets:				
Current assets	\$ 14,390,130	\$ 15,927,730	\$ (1,537,600)	-9.7%
Capital assets, net	27,002,756	29,390,811	(2,388,055)	-8.1%
Lease assets, net	31,974	95,923	(63,949)	-200.0%
Total Assets	<u>41,424,860</u>	<u>45,414,464</u>	<u>(3,989,604)</u>	<u>-8.8%</u>
Liabilities:				
Current liabilities	2,603,936	2,793,410	(189,474)	-6.8%
Noncurrent liabilities	8,964,122	11,264,719	(2,300,597)	-20.4%
Total Liabilities	<u>11,568,058</u>	<u>14,058,129</u>	<u>(2,490,071)</u>	<u>-17.7%</u>
Net Position:				
Net investment in capital assets	15,771,556	16,147,933	(376,377)	-2.3%
Unrestricted	14,085,246	15,208,402	(1,123,156)	-7.4%
Total Net Position	<u>\$ 29,856,802</u>	<u>\$ 31,356,335</u>	<u>\$ (1,499,533)</u>	<u>-4.8%</u>

In fiscal year 2023, total assets decreased by \$3,989,604 or 8.8 percent. This was the result of a decrease in cash of \$949,701 or 8.0 percent and a decrease in prepaid expenses due to the timing on Motorola contract costs. In addition, accounts receivable increased by \$770,118 due to outstanding member dues. The decrease in net capital assets of \$2,388,055 was due to \$4,798,251 in depreciation offset by \$1,638,433 in capital acquisition and \$893,220 in construction in progress.

Total liabilities decreased by \$2,490,071 or 17.7 percent. This was the result of a decrease in accounts payable of \$112,885, recognizing unearned revenue from prior years in the current fiscal year, and a decrease in long term liabilities of \$2,300,597. The decrease in accounts payable was due to the timing of payments made to vendors and the decrease in long term liabilities was as a result of debt payments.

Total net position decreased by \$1,499,533 or 4.8 percent. This was a result of a decrease in unrestricted net position of \$1,123,156 or 7.4 percent and a decrease of net investment in capital assets of \$376,377 or 2.3 percent. See the next section for analysis regarding the change in unrestricted net position. The decrease in net investment in capital assets is due to annual depreciation of capital assets placed in to service, net of long-term debt principal paid during the fiscal year.

East Bay Regional Communications System Authority
Management's Discussion and Analysis (Unaudited)
For Fiscal Year Ended June 30, 2023

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Authority, assets exceed liabilities by \$29,856,802 as of June 30, 2023, a decrease of \$1,499,533 compared to June 30, 2022.

Statement of Revenues, Expenses and Changes in Net Position

The Statement of Revenues, Expenses and Changes in Net Position reflect how the Authority's net position changed during the recent fiscal year as compared to the prior year. These changes are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. A summary of the Statement of Revenues, Expenses and Changes in Net Position is as follows:

Condensed Statement of Changes in Net Position
For the Years Ended June 30, 2023 and 2022

	<u>June 30, 2023</u>	<u>June 30, 2022</u>	<u>Change</u>	
Operating revenues:				
Operating payments	\$ 5,804,298	\$ 6,914,452	\$ (1,110,154)	-16.1%
Other operating revenues	1,579,410	1,663,180	(83,770)	-5.0%
Total operating revenues	<u>7,383,708</u>	<u>8,577,632</u>	<u>(1,193,924)</u>	<u>-13.9%</u>
Operating expenses:				
Maintenance	3,304,338	3,329,806	(25,468)	-0.8%
Depreciation and amortization	4,862,200	4,230,611	631,589	14.9%
Other operating expenses	626,189	530,215	95,974	18.1%
Total operating expenses	<u>8,792,727</u>	<u>8,090,632</u>	<u>702,095</u>	<u>8.7%</u>
Non-operating revenues/(expenses):				
Interest expense	(289,198)	(767,521)	478,323	-62.3%
Interest income	198,684	105,624	93,060	88.1%
Total non-operating revenues/(expenses)	<u>(90,514)</u>	<u>(661,897)</u>	<u>571,383</u>	<u>-86.3%</u>
Change in net position	(1,499,533)	(174,897)	(1,324,636)	757.4%
Net position – beginning of period	31,356,335	31,531,232	(174,897)	-0.6%
Net position – end of period	<u>\$ 29,856,802</u>	<u>\$ 31,356,335</u>	<u>\$ (1,499,533)</u>	<u>-4.8%</u>

Total change in net position decreased by \$1,499,533 for the fiscal year ended June 30, 2023, because of the following:

- Total operating revenues decreased by \$1,193,924 or 13.9 percent. This was due to a decrease in operating payment revenues of \$1,110,154 or 16.1 percent and a decrease in other operating revenues of \$83,770 or 5.0 percent. The reason for the decrease in operating payments revenues is primarily due to an increase of \$1,253,012 in the allowance for doubtful accounts. Other operating revenues decrease is primarily due to fewer initial payments by new members joining the Authority.
- Total operating expenses increased by \$702,095 or 8.7 percent. The cause for the increase was primarily due to an increase in depreciation expense of \$631,589 or 15.1% and an increase in other operating expense of \$85,410, offset by a decrease in maintenance expense of \$25,468.

East Bay Regional Communications System Authority
Management’s Discussion and Analysis (Unaudited)
For Fiscal Year Ended June 30, 2023

- Total non-operating revenues increased by \$93,060 or 88.1 percent due to higher rates on return on investment and total non-operating expenses decreased by \$478,323 due to lower financed purchase interest expense.

Capital Assets and Debt Administration

Capital Assets

The Authority’s capital assets net of accumulated depreciation amount to \$27,002,756, as shown in the table below. This amount includes construction in progress, structures and improvements, machinery and equipment, and software. The increase in the Authority’s capital assets of \$1,638,433 was primarily due to acquisition of encryption equipment. The decrease in the Authority’s capital assets for fiscal year 2023 of \$4,919,708 was primarily due to annual depreciation.

Capital Assets
For the Year Ended June 30, 2023

	<u>2022</u>	<u>Increases</u>	<u>Decreases</u>	<u>2023</u>
Construction in progress	\$ 121,457	\$ 893,220	\$ (121,457)	\$ 893,220
Structures and improvements	903,599	-	(174,890)	728,709
Machinery and equipment	28,053,856	1,638,433	(4,562,960)	25,129,329
Software	311,899	-	(60,401)	251,498
Total	<u>\$ 29,390,811</u>	<u>\$ 2,531,653</u>	<u>\$ (4,919,708)</u>	<u>\$ 27,002,756</u>

Additional information about the Authority’s capital assets can be found in Note 3 (page 16) of the notes to the basic financial statements.

Long-Term Debt Activity

On June 30, 2023, the Authority had long-term debt outstanding of \$11,264,719. The Authority’s total debt decreased by \$2,076,764 as a result of principal payments made to its debtors.

Outstanding Long-term Debt
For the Year Ended June 30, 2023

	<u>2022</u>	<u>Increases</u>	<u>Decreases</u>	<u>2023</u>
Series A	\$ 1,731,000	\$ -	\$ (319,000)	\$ 1,412,000
Series B	1,153,000	-	(213,000)	940,000
Leases	98,605	-	(65,086)	33,519
Financed purchase obligations	10,358,878	-	(1,479,678)	8,879,200
Total	<u>\$ 13,341,483</u>	<u>\$ -</u>	<u>\$ (2,076,764)</u>	<u>\$ 11,264,719</u>

Additional information about the Authority’s long-term debt can be found in Note 4 (page 15) of the notes to the basic financial statements.

Economic Factors and Next Year's Budget

The Authority's budget uses charges for services to recover costs associated with the operation of the communications system. The Authority charges its members various fees to have their radios connected to the system. The board of directors sets the rate structure for the Authority, which consists of three categories:

1. Operating Payments – a \$30 monthly fee charged to members per radio connected to the system. These revenues pay for operating expenses. Any surplus is set aside to cover future maintenance costs.
2. Service Payments – a \$15 monthly fee charged to members per radio connected to the system. These revenues pay for debt expenses. Any surplus is set aside to cover future asset replacement costs.
3. Initial Payments – a \$200 one-time fee charged to members per radio added to the system. These revenues are set aside for future asset replacement costs.

The Authority annually updates its radio counts based on reports provided by the Information Technology Departments of the County of Alameda and the County of Contra Costa.

All of the above factors were considered in preparing the Authority's budget for fiscal year 2022-2023.

The Authority adopted its fiscal year 2023-2024 budget on June 16, 2023.

Requests for Information

This financial report is designed to provide our citizens, taxpayers, and members with a general overview of the Authority's finances and to demonstrate the Authority's accountability for the money it receives. Below is the contact for questions about this report or requests for additional financial information.

East Bay Regional Communications System Authority
Alameda County Office of Homeland Security and Emergency Services
4985 Broder Boulevard, Dublin, CA 94568
Website: www.ebrcsa.org

East Bay Regional Communications System Authority
Statement of Net Position
June 30, 2023

Assets:

Current assets:

Cash and cash equivalents (Note 2)	\$ 11,946,289
Receivables (Note 7)	2,279,626
Prepaid expenses	<u>164,215</u>
Total current assets	14,390,130

Noncurrent assets:

Capital assets, not being depreciated (Note 3)	893,220
Capital assets, net of accumulated depreciation (Note 3)	26,109,536
Lease assets, net of accumulated amortization (Note 3)	<u>31,974</u>

Total assets	<u>41,424,860</u>
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Liabilities:

Current liabilities:

Accounts payable (Note 7)	216,820
Interest payable	86,519
Bonds payable (Note 4)	553,000
Leases payable (Note 4)	33,519
Financed purchase obligations (Note 4)	<u>1,714,078</u>
Total current liabilities	2,603,936

Noncurrent liabilities:

Bonds payable (Note 4)	1,799,000
Financed purchase obligations (Note 4)	<u>7,165,122</u>

Total liabilities	<u>11,568,058</u>
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Net Position

Net investment in capital assets	15,771,556
Unrestricted	<u>14,085,246</u>

Total net position	<u>\$ 29,856,802</u>
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The notes to the basic financial statements are an integral part of this statement.

East Bay Regional Communications System Authority
Statement of Revenues, Expenses, and Changes in Net Position
For Fiscal Year Ended June 30, 2023

Operating revenues:	
Initial payments	\$ 18,000
Service payments	1,561,410
Operating payments	5,804,298
Total operating revenue	<u>7,383,708</u>
Operating expenses:	
Administration	306,389
Audit fees	17,820
Depreciation	4,798,251
Amortization	63,949
Insurance	72,168
Legal	14,694
Maintenance	3,304,337
Membership fees	9,194
Security	21,144
Utilities	181,381
Website hosting	3,400
Total operating expenses	<u>8,792,727</u>
Operating income (loss)	<u>(1,409,019)</u>
Non-operating revenues (expenses):	
Interest expense	(289,198)
Interest income	198,684
Total non-operating revenues (expenses)	<u>(90,514)</u>
Change in net position	(1,499,533)
Net position - beginning of period	31,356,335
Net position - end of period	<u>\$ 29,856,802</u>

The notes to the basic financial statements are an integral part of this statement.

East Bay Regional Communications System Authority
Statement of Cash Flows
For Fiscal Year Ended June 30, 2023

Cash flows from operating activities:

Receipts from members	\$ 6,328,058
Payments to suppliers and service providers	(2,623,094)
Net cash provided by operating activities	<u>3,704,964</u>

Cash flows from capital and related financing activities:

Principal paid on financing	(2,076,764)
Interest paid on financing	(304,089)
Acquisition and construction of capital assets	(2,410,196)
Net cash used in capital and related financing activities	<u>(4,791,049)</u>

Cash flows from investing activities:

Interest received on pooled cash	150,403
Net cash provided by investing activities	<u>150,403</u>

Net increase in cash and cash equivalents

(935,682)

Cash and cash equivalents - beginning of period

12,881,971

Cash and cash equivalents - end of period

\$ 11,946,289

Reconciliation of operating income to net cash provided by operating activities:

Operating income	\$ (1,409,019)
Adjustments for non-cash activities:	
Depreciation expense	4,798,251
Amortization expense	63,949
Changes in assets and liabilities:	
Accounts receivable	(770,118)
Prepaid expenses	1,420,318
Prepaid interest	-
Accounts payable	(112,885)
Unearned revenues	(285,532)
Total adjustments	<u>5,113,983</u>
Net cash provided by operating activities	<u>\$ 3,704,964</u>

The notes to the basic financial statements are an integral part of this statement.

Note 1: Summary of Significant Accounting Policies

A. Scope of Financial Reporting Entity

The East Bay Regional Communications System Authority (the Authority) is a joint exercise of powers agency (JPA) organized by the State of California and composed of the County of Alameda and the County of Contra Costa created pursuant to a Joint Exercise of Power Agreement dated as of September 11, 2007. By definition, a JPA is two or more contracted public agencies jointly exercising any power common to the contracting parties, including, but not limited to, the authority to levy a fee, assessment, or tax, even though one or more of the contracting agencies may be located outside the state.

The Authority was formed to develop a P-25 compliant communications system that provides fully interoperable communications to all public agencies not only within the two counties, but with adjoining counties and State and Federal agencies as well. The development of the system was financed through multiple sources including Homeland Security grant funds from the Urban Area Security Initiative (UASI), Community Oriented Policing Services (COPS), Public Safety Interoperable Communications (PSIC), State Homeland Security Grant Programs (SHSGP), revenue bonds, and capital contributions from members.

The Authority's financial activities are reported under the JPA Radio Interoperability Fund in the County of Alameda and its funds are held by the Treasurer of the County of Alameda. The books and records for the Authority are maintained by the County of Alameda, Auditor-Controller Agency's Financial Reporting Unit.

B. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The financial statements of the Authority are presented as an enterprise fund under the broad category of funds called proprietary funds. Enterprise funds account for business-like activities that are financed primarily by user charges and use the *economic resources measurement focus* and the *accrual basis of accounting* similar to the private sector. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenues when all eligibility requirements imposed by the provider have been met.

The financial statements are presented in accordance with the pronouncements of the Governmental Accounting Standards Board (GASB). According to GASB Statement 34, enterprise funds may be used to report any activity for which a fee is charged to external users for goods or services.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The Authority also recognizes as operating revenue the portion of connection fees intended to recover the cost of connecting new customers to the system. Operating expenses include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

C. Cash and Investments

The Authority’s cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments. The Authority maintains its cash with the County of Alameda Treasurer.

The County follows the practice of pooling cash and investments of all funds with the County Treasurer, except for certain restricted funds, which are generally held by outside custodians and classified as “Cash and investments with fiscal agents” within its financial statements.

The fair value of the Treasurer’s Pool is determined on a quarterly basis. The adjustment to the cash balance of all participants in the pool is based on the cash balance at the valuation date. The change in the fair value of the investments is recognized in the year in which the change occurred. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value of investments is determined using the fair value hierarchy defined by GASB Statement No. 72, *Fair Value Measurement and Application*.

The Treasurer’s Pool is audited annually by independent auditors. In order to obtain a copy of the most recent report, contact the Office of the Alameda County Treasurer – Tax Collector at 1221 Oak Street, Room 131, Oakland, CA 94612.

D. Capital and Lease Assets

Capital assets, which include land, construction in progress, structures and improvements, machinery and equipment, software, and infrastructure, are valued at historical cost. The Authority capitalizes equipment and computer software with minimum cost of \$5,000 and \$250,000, respectively, and an estimated useful life in excess of one year. Structures and improvements and infrastructure with a value of at least \$250,000 are capitalized. Donated capital assets are recorded at acquisition value at the date of donation. Financed purchased assets, which include structures and improvements, and machinery and equipment, follow the same capitalization thresholds as capital assets.

Capital assets of the Authority are depreciated using the straight-line method applied over the estimated useful lives of the assets, using the following estimated useful lives:

<u>Type of Asset</u>	<u>Estimated Useful Life in Years</u>
Structures and Improvements	30
Machinery and Equipment	3-20
Software	5-10
Infrastructure	10-100

Lease assets are amortized using the straight-line method over the shorter of the contract term or the useful life of the underlying asset, unless the contract contains a purchase option that the Authority has determined is reasonably certain of being exercised. In this case, the lease asset is amortized over the useful life of the underlying asset.

East Bay Regional Communications System Authority

Notes to Basic Financial Statements

June 30, 2023

It is the intent of the Authority to follow the County’s accounting guidelines concerning the depreciation method and estimated useful life for capital assets as closely as possible. However, the P-25 compliant communication system is itself a unique asset and is accounted for accordingly. It is estimated that the system will have a useful life of 15 years, at which time technological advances in the communications industry and a lack of replacement parts will force the system into obsolescence. The first cell of the system was operational on September 1, 2012, and any additions to the system that are capitalized will have their respective useful lives end on August 31, 2027, unless it is clear that the addition will extend the life of the system.

E. Net Position

Net Investment in Capital Assets

This category of net position groups all capital assets into one component. Accumulated depreciation and the outstanding balances of debt, excluding unexpended bond proceeds, related to the acquisition, construction, or improvement of the capital assets reduce the balance in this category. The Authority had \$15,771,556 in net investment in capital assets as of June 30, 2023.

Restricted Net Position

Restricted net position are those assets, net of their related liabilities, that have constraints placed on their use by creditors, grantors, contributors, or by enabling legislation. Accordingly, restricted assets may include unspent grant revenues, certain fees and charges and restricted tax revenues. The Authority has no restricted net position as of June 30, 2023.

F. Cash Flows

A statement of cash flows is presented for proprietary fund types. Cash and cash equivalents include all unrestricted and restricted highly liquid investments with original purchase maturities of three months or less. Pooled cash and investments in the County’s Treasury represent monies in a cash management pool. Such accounts are similar in nature to demand deposits.

Note 2: Cash

As of June 30, 2023, the Authority’s cash and cash equivalents were as follows:

Cash and cash equivalents	\$	11,946,289
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Custodial Credit Risk – Deposits

The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, the Authority will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside entity. The Authority’s investment policy requires that deposits in banks must meet the requirements of the California Government Code. As required by California Government Code Section 53652, the market value of the pledged securities must equal at least 110 percent of the Authority’s deposits, with the exception of mortgage-backed securities, which must equal at least 150 percent.

East Bay Regional Communications System Authority

Notes to Basic Financial Statements

June 30, 2023

County of Alameda Treasurer's Investments

The Authority is considered a voluntary participant in an external investment pool as the Authority deposits all receipts and collections, except those required to be deposited with the trustee, with the County of Alameda Treasurer.

Funds with the County Treasurer are invested pursuant to the annual investment policy established by the Treasurer and approved by the Board of Supervisors. The objectives of the policy are, in order of priority: preservation of capital, liquidity, and yield.

The policy addresses the soundness of financial institutions in which the County deposits funds, the types of investment instruments and the percentage of the portfolio, which may be invested in certain instruments, as permitted by Section 53600 et seq. of the Government Code of the State of California. Authorized instruments in which the Treasurer can invest include U.S. Treasury securities, banker's acceptances, federal, state and local government securities, commercial paper, medium-term corporate notes, negotiable certificates of deposit, local agency investment fund, California asset management program, and money market mutual funds.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rate will affect the fair value of an investment. In accordance with the investment policy, the County Treasurer manages the risk exposure by limiting the weighted average maturity of its investment portfolio to not more than two years at any time. The weighted average maturity of the County Treasurer's pool at June 30, 2023 was 473 days.

Note 3: Capital and Lease Assets

The Authority began constructing the Project 25 compliant communications system in fiscal year 2008 with the goal of developing a communications system that would allow public agencies within the counties of Alameda and Contra Costa to communicate with one another. The system consists of six cells with a total 34 sites, and provides fully interoperable communications to all public agencies within the two counties. The system is also designed to offer participation to adjoining counties, as well as State and Federal agencies. As of June 30, 2013, construction of the system was complete and the system was fully operational.

The Authority financed the acquisition of equipment and recorded the equipment as capital assets with corresponding financed purchased obligation liabilities. The Authority also leased the right to use cell towers on third-party property to transmit its signals. Since these cell tower leases are granting the Authority access to a portion of the useful lives of the assets, the Authority recorded lease assets with corresponding lease liability.

East Bay Regional Communications System Authority
Notes to Basic Financial Statements
June 30, 2023

Capital asset activities of the Authority for the year ended June 30, 2023, are as follows:

	<u>Balance</u> <u>June 30, 2022</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balance</u> <u>June 30, 2023</u>
Capital assets, not being depreciated:				
Construction in progress	\$ 121,457	\$ 893,220	\$ (121,457)	\$ 893,220
Total capital assets, not being depreciated	<u>121,457</u>	<u>893,220</u>	<u>(121,457)</u>	<u>893,220</u>
Capital assets, being depreciated:				
Structures and improvements	2,554,131	-	-	2,554,131
Machinery and equipment	51,025,615	1,638,433	-	52,664,048
Software	885,687	-	-	885,687
Total capital assets, being depreciated	<u>54,465,433</u>	<u>1,638,433</u>	<u>-</u>	<u>56,103,866</u>
Less accumulated depreciation for:				
Structures and improvements	(1,650,532)	(174,890)	-	(1,825,422)
Machinery and equipment	(22,971,759)	(4,562,960)	-	(27,534,719)
Software	(573,788)	(60,401)	-	(634,189)
Total accumulated depreciation	<u>(25,196,079)</u>	<u>(4,798,251)</u>	<u>-</u>	<u>(29,994,330)</u>
Total capital assets, being depreciated, net	<u>29,269,354</u>	<u>(3,159,818)</u>	<u>-</u>	<u>26,109,536</u>
Capital assets, net	<u><u>29,390,811</u></u>	<u><u>(2,266,598)</u></u>	<u><u>(121,457)</u></u>	<u><u>27,002,756</u></u>
Lease assets, being amortized:				
Structures and improvements	159,872	-	-	159,872
Total lease assets, being amortized	<u>159,872</u>	<u>-</u>	<u>-</u>	<u>159,872</u>
Less accumulated amortization for:				
Structures and improvements	(63,949)	(63,949)	-	(127,898)
Total lease assets, being amortized, net	<u>\$ 95,923</u>	<u>\$ (63,949)</u>	<u>\$ -</u>	<u>\$ 31,974</u>

Note 4: Long-Term Obligations

On April 21, 2011, the Authority issued a total of \$6,136,866 in 2011 Series A & B revenue bonds for the acquisition of the communications system in the amount of \$3,681,752 and \$2,455,114, which were acquired by Alameda County and Contra Costa County respectively. The bonds have a fixed interest rate of 4.05 percent. The bonds are payable from and secured by 100 percent of the revenues collected from Service Payments paid by its members for operating the Authority's communications system. The total debt service (principal and interest) on the Series A & B revenue bonds for the year ended June 30, 2023 amounted to \$647,006 compared to pledged revenues earned of \$1,561,410.

On June 1, 2014, the bonds converted from Capital Appreciation Bonds to Current Interest bonds. The accreted interest amount of \$325,248 for the Series A and \$216,886 for the Series B was applied to the principal balance of the loans.

East Bay Regional Communications System Authority
Notes to Basic Financial Statements
June 30, 2023

Changes in Long-Term Obligations

The changes in long-term obligations for the year ended June 30, 2023 are as follows:

Description	Beginning Balance	Increases	Decreases	Ending Balance	Amounts Due
	July 1, 2022			June 30, 2023	Within One Year
Series A	\$ 1,731,000	\$ -	\$ (319,000)	\$ 1,412,000	\$ (332,000)
Series B	1,153,000	-	(213,000)	940,000	(221,000)
Leases	98,605	-	(65,086)	33,519	(33,519)
Financed purchase obligations	10,358,878	-	(1,479,678)	8,879,200	(1,714,078)
Total	\$ 13,341,483	\$ -	\$ (2,076,764)	\$ 11,264,719	\$ (2,300,597)

Annual debt service requirements to maturity for the revenue bonds, including interest payments, are as follows:

Series A

Year Ending	Principal	Interest	Total
June 30,			
2024	332,000	57,186	389,186
2025	346,000	43,740	389,740
2026	360,000	29,727	389,727
2027	374,000	15,147	389,147
	\$ 1,412,000	\$ 145,800	\$ 1,557,800

Series B

Year Ending	Principal	Interest	Total
June 30,			
2024	221,000	38,070	259,070
2025	230,000	29,120	259,120
2026	240,000	19,805	259,805
2027	249,000	10,084	259,084
	\$ 940,000	\$ 97,079	\$1,037,079

East Bay Regional Communications System Authority
Notes to Basic Financial Statements
June 30, 2023

Annual payments on financed acquisitions and leases, including interest payments, are as follows:

<u>Financed purchase obligations</u>			
Year Ending June 30,	Principal	Interest	Total
2024	1,714,078	157,162	1,871,240
2025	1,744,417	126,823	1,871,240
2026	1,775,293	95,947	1,871,240
2027	1,806,716	64,524	1,871,240
2027-2029	1,838,696	32,545	1,871,241
	<u>\$ 8,879,200</u>	<u>\$ 477,001</u>	<u>\$ 9,356,201</u>

<u>Leases</u>			
Year Ending June 30,	Principal	Interest	Total
2024	33,519	1,006	34,525
	<u>\$ 33,519</u>	<u>\$ 1,006</u>	<u>\$ 34,525</u>

Note 5: Risk Management

The Authority is exposed to various risks of loss related to torts: theft of, damage to, and destruction of assets, errors and omissions, injuries to employees, and natural disasters. The Authority participates in the Special District Risk Management Authority's (SDRMA) property and liability insurance program for risk of loss. The program provides for coverage for bodily injury, property damage, pollution, public official and employee errors, personal liability for board members, employment practices liability, employee benefits liability, employee dishonesty coverage, auto bodily injury, auto property damage, uninsured/underinsured motorists, property coverage, and boiler and machinery coverage. The Authority's deductibles and maximum coverage as of June 30, 2023 are as follows:

Coverage Description	Deductible	Insurance Coverage
Property	\$ 1,000	\$ 1,000,000,000
Boiler and Machinery	1,000	100,000,000
Pollution	1,000	2,000,000
Cyber	1,000	Limits on File
Catastrophic Loss		1,000,000,000
Bodily Injury		5,000,000
Property Damage	500	5,000,000
Public Officials Personal	500	500,000
Employee Benefits Liability		5,000,000
Public Official and Employee Errors and Omissions		5,000,000
Employment Practices Liability		5,000,000
Employee Dishonesty Coverage		1,000,000
Auto Bodily Injury		5,000,000
Auto Property Damage	1,000	5,000,000
Uninsured/Underinsured Motorists		Limits on File

East Bay Regional Communications System Authority
Notes to Basic Financial Statements
June 30, 2023

The Authority has had no settled claims resulting from these risks that exceeded the Authority's insurance coverage in any of the past three years.

Note 6: Evaluation of Subsequent Events

Management has evaluated subsequent events through October 27, 2023, the date the financial statements were available to be issued. No events require adjustment or disclosure in the financial statements.

Note 7: Related-Party Transactions

All members of the Authority participate on the Authority's Board of Directors. Two members, the County of Alameda and the County of Contra Costa, provide communications support for radio programming to the Authority's communications system.

The County of Alameda and the County of Contra Costa bill the Authority monthly for services performed. Accounts payable as of June 30, 2023, were comprised of the following:

<u>Vendor</u>	<u>Amount</u>
County of Contra Costa	\$ 125,886
County of Alameda	567
Other non-related parties	<u>90,367</u>
	<u>\$ 216,820</u>

Members are also the users of the Authority's communications system and pay all operating revenues associated with the Authority's operations, which totaled \$7,383,708 for the year ended June 30, 2023. In addition, the Authority uses the County of Alameda Treasurer's Pool for investment management as disclosed in Note 2 above.

The Authority bills members monthly operating and service payments for access to and use of the communications system. The County of Alameda Treasurer's Pool posts interest income at the end of each quarter with interest credited to the Authority subsequent to each quarter-end.

East Bay Regional Communications System Authority
Notes to Basic Financial Statements
June 30, 2023

Related party receivables as of June 30, 2023, were comprised of the following:

Member	Amount
Accounts Receivable:	
Alameda County Bayshore Ambulance Company	\$ 1,080
AMR	876,720
ATF	146,880
Bay Medic Transportation	17,360
CA Dept of Corrections (CDCR)	457,760
CA Dept of Corrections Adult/ (CDCR/DAPO)	79,380
California State University East Bay	31,200
City of Alameda	61,800
City of Antioch	396,780
City of Benicia	198,460
City of Brentwood	89,100
City of El Cerrito	218,264
City of Hayward	435,680
City of Hercules	66,540
City of Newark	79,920
City of Orinda	16,200
City of Pleasant Hill	48,600
City of Pleasanton	2,200
City of Richmond	131,040
City of Richmond Fire Department	146,160
City of San Ramon	68,040
City of Union City	600
City of Vallejo - Police Department	403,640
CoCo Commun. Collge. Dist. Police Dept.	30
Contra Costa County Fire District	197,600
County of Contra Costa (customer)	465,480
Dept of Corrections- OCS	4,480
Falck Ambulance Company	216,020
Falcon Critical Care Transportation	65,416
Hayward Area Recreation and Park District	3,240
Lawrence Berkeley National Laboratory	372
Lawrence Livermore Lab	7,800
Livermore Pleasanton Fire Department	72,920
Norcal Ambulance	13,416
Oakland Housing Authority	26,280
Oakland School Police Department	18,840
Oro Loma Sanitary District	108,452
Paramedics Plus	106,280
Port of Oakland	27,280
Sonoma County Ambulance c/o Life West	1,620
Town of Danville PBWKS	2,160
Town of Danville Police	73,020
U.S. Marshals Service	4,050
United Ambulance Service	46,564
Vallejo Fire Department	103,140
Total Accounts Receivable	5,537,864
Less: Allowance for Doubtful Accounts	(3,329,734)
Net Accounts Receivable	2,208,130
Other receivables	71,496
Total Receivables	\$ 2,279,626

EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY

POLICIES AND PROCEDURES	NUMBER: 24-01	Page 1 of 1
	REVISION	SUPERCEDES
	09/13/24	N/A
SUBJECT: AUDITED FINANCIAL STATEMENTS	APPROVED BY Board of Directors	EFFECTIVE DATE 09/13/24

PURPOSE

To establish a policy for the development and reporting of the audited financial statements of the East Bay Regional Communications System Authority (“EBRCSA”).

POLICY

The EBRCSA shall ensure that the audited annual financial statements are annually reported to the Finance Committee and Board of Directors.

PROCEDURE

Annual Reporting of Audited Financial Statements

- 1) The Finance Committee will ensure the annual reporting of the audited financial statements.
 - The Finance Committee will assign two members as a working group to liaison with the outside auditor and Executive Director.
 - The working group will ensure the audited financial statements are presented to the Finance Committee at the first committee meeting after the report is issued.
 - The Executive Director will ensure the Audited Financial Statements are presented to the Board of Directors at the December meeting for the year in which the report was issued.

RESOLUTION NO. 24-xx

**A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

ADOPT A RESOLUTION AUTHORIZING THE BOARD CHAIR TO EXECUTE AND THE EXECUTIVE DIRECTOR TO IMPLEMENT THE AUDITED FINANCIAL STATEMENTS POLICY

WHEREAS, the East Bay Regional Communications System Authority (“EBRCSA”) P-25 compliant communications system serves Alameda and Contra Costa counties and individual political jurisdictions therein (the “System”); and

WHEREAS, the EBRCSA uses policies to guide its management and operations; and

WHEREAS, the EBRCSA has an increased need for a policy to provide guidance on Audited Financial Statement reporting; and

WHEREAS, staff has developed the proposed policy; and

WHEREAS, the Finance Committee recommends the proposed policy.

NOW, THEREFORE, the Board of Directors of the East Bay Regional Communications System Authority does **RESOLVE** that it adopts the Audited Financial Statements policy (24-01) to the accompanying Agenda Report and authorizes the Executive Director to implement the policy aligned with the intent of the Board of Directors.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this 13th day of September 2024 by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Jocelyn Kwong, Secretary



**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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

AGENDA ITEM NO. 7.3

**AGENDA STATEMENT
BOARD OF DIRECTORS
MEETING DATE: SEPTEMBER 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Accounts Receivable and Annual Bill for Services Policies

RECOMMENDATIONS:

Adopt a resolution authorizing the Board Chair to execute and the Executive Director to implement an Accounts Receivable policy and updated Annual Bill for Services policy.

SUMMARY/DISCUSSION:

During the Executive Director transition process, it was found that member agencies owed the Authority money for past due subscriber fees. The monies owed are due to a combination of factors that are more easily distilled to a lack of an appropriate policy for oversight of receivables. The Authority's fund balance presented during the budget presentation at the May 3, 2024 meeting does not reflect the amounts owed – meaning that fund balance has and will increase as monies are paid, providing for more money to be allocated to Capital Infrastructure Replacement, and thereby lowering future rate increases.

In order to bring accounts to current status the Executive Director will meet with the County Auditors Office to review past due accounts. The Executive Director has made a recommendation to the Board for write-offs of some balances and implemented a plan for payment of others. To prevent the existing situation from reoccurring, the Executive Director recommends the development of an accounts receivable (A/R) policy that includes the following three components:

1. Use of monetary penalties and collection practices to encourage timely payment.
2. Annual reporting of past due accounts to the Finance Committee.
3. Authorizing the Executive Director to recommend write-off of certain debts with Board approval.

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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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

Use of Monetary Sanctions: Existing policy allows for a 10% penalty for bills not paid by September 1. The Executive Director recommends enforcing this policy and adding that the subscriber is responsible for any legal or collection fees associated to the collection of past due monies. Since the Authority has limited Staff people, the Director should have the authority to use outside resources to assist in the collection of past due accounts and those charges should be borne by the past due account holder.

Annual Reporting: It is widely known that the COVID-19 pandemic disrupted the ecosystem of life world-wide in 2020 and subsequent years. EBRCSA was not immune from those impacts. It is documented in the Finance Committee minutes that the Committee requested an update on the A/R Aging. Unfortunately, that information was not presented to the Committee resulting in a lack of awareness. Codifying in policy the requirement for an annual update on the A/R Aging will better ensure the information is presented so that the Board is aware of any issues.

Debt Write-Off: During the investigation of the A/R Aging, Staff learned that some of the debts are uncollectable or should be forgiven based on documentation provided by the end user. The policy recommends the Executive Director have the authority to write-off the debt in limited situations and report back to the Board of Directors in those instances while the Board of Directors retains authority for more significant amounts or situations that are outside of the norm.

In closing, while a high A/R aging balance demonstrates a need for stronger oversight, the payment of monies owed will help off-set future rate increases as the fund balance and interest earnings increase. The development of and adherence to the proposed policy will mitigate the risk of this situation reoccurring in the future. The Executive Director is seeking the approval of the Board of Directors for the proposed Accounts Receivable policy as recommended by the Finance Committee on August 30, 2024.

The changes to the Annual Bill for Services policy are non-substantive and consist of changing “Clerk” to “Designee” for the mailing of invoices to align with the new Accounts Receivable policy and other minor word choice changes.

Attachments:

1. Proposed Accounts Receivable Policy
2. Revised Annual Bill for Services Policy
3. Resolution

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EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY

POLICIES AND PROCEDURES

NUMBER: 24/02

Page 1 of 1

REVISION

SUPERCEDES

N/A

N/A

SUBJECT:
ACCOUNTS RECEIVABLE POLICY

APPROVED BY
Board of Directors

EFFECTIVE DATE
09/13/24

PURPOSE

To establish a policy for annual billing of the services provided by East Bay Regional Communications System Authority ("EBRCSA").

POLICY

The EBRCSA shall ensure that invoices are paid in a timely manner through the proactive collection of monies owed for services provided.

PROCEDURE

Payment of invoices

- 1) The Authority will bill each member agency for its respective operating and debt payment by July 1 of each year.
 - The bill will be issued to the attention of each member agency's executive or designee;
 - Fees are due and payable on receipt with a two-month grace period;
 - All unpaid accounts as of September 1, of the year which the bill was issued, will be billed a 10 (ten) percent late fee.
 - Delinquent accounts will be referred to collections six months after the date of issuance of the invoice.
 - Members are responsible for the payment of fees associated with using additional resources. Examples include, but are not limited to, fees and costs for legal or collection services.
- 2) The Executive Director will present the Accounts Receivable Aging to the Finance Committee prior to the December Board of Directors meeting to review the number of and value of accounts with outstanding balances.
- 3) The Executive Director shall have the authority to write-off uncollectable accounts and report to the Board of Directors at the December meeting in the following situations:
 - The member is a private business that ceased operation prior to paying the invoice;
 - The amount owed is due to a radio count dispute and a partial payment was made;
 - The amount owed is due to a billing error;
 - The amount owned is \$25,000 or 50% of the invoiced amount, whichever is less.

EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY

POLICIES AND PROCEDURES	NUMBER: 1	Page 1 of 1
	REVISION 09/13/2024	SUPERCEDES 10/03/2015
SUBJECT: ANNUAL BILL FOR SERVICES	APPROVED BY EBRCSA Board of Directors	EFFECTIVE DATE 09/13/2024

PURPOSE

To establish a policy for annual billing of the services provided by East Bay Regional Communications System Authority ("EBRCSA").

POLICY

The EBRCSA shall make claim annually for the cost of operating the system based on the number of mobile and portable radios.

PROCEDURE

Billing for Annual Operating and Debt Payments

- 1) Members are responsible for ensuring that the EBRCSA Executive Director is aware of any radios added or deleted from the system.
 - The Executive Director will utilize biannual reports that will determine if the number of mobile and portable radios each agency is operating on the system has increased;
 - The Auditor will be provided the information which will be used in the preparation of the annual bill
- 2) The Authority will bill each member agency for its respective operating and debt payment by July 1 of each year.
 - The bill will be issued to the attention of each member agency's ~~clerk~~ designee;
 - Members will have 30 days from the receipt of the bill to challenge the bill as to the number of mobiles or portables which they are being billed for;
 - Fees are due and payable on receipt with a two-month grace period;
 - All unpaid accounts as of September 1, of the year which the bill was issued, will be billed a 10 (ten) percent late fee.

RESOLUTION NO. 24-xx

**A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

ADOPT A RESOLUTION AUTHORIZING THE BOARD CHAIR TO EXECUTE AND THE EXECUTIVE DIRECTOR TO IMPLEMENT THE ACCOUNTS RECEIVABLE AND ANNUAL BILL FOR SERVICES POLICIES

WHEREAS, the East Bay Regional Communications System Authority (“EBRCSA”) P-25 compliant communications system serves Alameda and Contra Costa counties and individual political jurisdictions therein (the “System”); and

WHEREAS, the EBRCSA uses policies to guide its management and operations; and

WHEREAS, the EBRCSA has an increased need for a new policy to provide guidance of Accounts Receivable protocols and make changes to the existing Annual Bill for Services policy; and

WHEREAS, staff has developed the proposed and updated policies; and

WHEREAS, the Finance Committee recommends the Board approve the proposed policies.

NOW, THEREFORE, the Board of Directors of the East Bay Regional Communications System Authority does **RESOLVE** that it adopts the Accounts Receivable (24-02) and Annual Bill for Services policies to the accompanying Agenda Report and authorizes the Executive Director to implement the policies aligned with the intent of the Board of Directors.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this 13th day of September 2024 by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Jocelyn Kwong, Secretary



**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, Moraga-Orinda Fire District, Rodeo-Hercules Fire District, San Ramon Valley Fire District, University of California, Berkeley and California Department of Transportation

AGENDA ITEM NO. 7.4

**AGENDA STATEMENT
BOARD OF DIRECTORS
MEETING DATE: SEPTEMBER 13, 2024**

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: David Swing, Executive Director 
East Bay Regional Communications System Authority

SUBJECT: Subscriber Memorandum of Understanding (MOU)

RECOMMENDATIONS:

Adopt a resolution approving and authorizing the Executive Director to execute as necessary and implement a Subscriber MOU and fee schedule that complements the Operating Agreement.

SUMMARY/DISCUSSION:

During a review of the operations of the Authority and in consultation with Authority Counsel, staff learned that a need exists for a separate Subscriber MOU for entities that are joining the system as users yet do not need the complexities of the full Operating Agreement. Additionally, the current Operating Agreement and fee structure for new users requires payment of a \$200 per radio start-up fee and the combination of the monthly operating and service fees totaling \$46 per radio until the bond is paid off in 2027. The \$15 service fee pays for the bonds that provided the capital for the initial system build. The proposed Subscriber MOU does not require the payment of the \$15 per unit Service Payment since the users are low volume and future operating payments will provide for future replacement once the long-term infrastructure replacement costs are known.

The Operations and Finance Committees recommend the proposed Subscriber MOU to the Board for approval at its meetings on August 30, 2024.

Attachment:

1. Proposed Subscriber MOU
2. Board Resolution

**Alameda County Office of Homeland Security and Emergency Services
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MEMORANDUM OF UNDERSTANDING BETWEEN EAST BAY REGIONAL
COMMUNICATIONS SYSTEMS AUTHORITY
AND [REDACTED] FOR SUBSCRIPTION ACCESS TO AUTHORITY INFRASTRUCTURE

This Memorandum of Understanding (“MOU”) is effective as of the date of the second signature below and is entered into by and between East Bay Regional Communications Systems Authority (“EBRCSA” or “Authority”) and [REDACTED] (“[REDACTED]”), collectively referred to as the “Parties”.

A. Scope of Services and Initial Term

The scope of services provided under this MOU involve Authority providing [REDACTED] a subscription to use and access Authority communications infrastructure for a fee. The geographic scope of services shall be within Authority’s jurisdictional limits as defined by Authority’s joint powers agreement. The Initial Term of this MOU shall be twelve (12) months commencing from the effective date, with an automatic twelve-month renewal unless terminated in accordance with this MOU. Details of the services provided by Authority are limited to the following:

1. *Service:* Access and use of Authority infrastructure for [REDACTED] emergency communications needs or requirements.

B. Communication

Designated staff from both Parties shall communicate on the needs and expectations of each Party as they arise or on an “as needed” basis.

1. *Dispatch:* _____ shall provide and use its own dispatch services; Authority itself has no dispatch service.
2. *Administration:* The main points of contact for this MOU are as follows:

- East Bay Regional Communications Systems Authority:
- i. Name: David L. Swing, Executive Director
 - ii. Email: David.Swing@acgov.org
 - iii. Phone: 925-803-4702

- _____:
- iv. Name: _____, _____
 - v. Email: _____
 - vi. Phone: XXX XXX XXXX

C. Payment and Invoicing

Payments will be made based on actual equipment delivery and any services rendered. Payments are due thirty (30) days from the date of invoice. Authority shall issue invoices as frequently as it deems necessary, but no less than once a year. The fees below may be adjusted at Authority’s discretion and become effective upon 30 days’ advance written notice.

One time start up fee	\$200.00
Monthly fee (per unit)	\$31.00
Fee for late payment	10% after date of invoice
Fee to activate replacement unit	\$200.00

D. General Terms and Conditions

1. *Indemnity and Insurance*

The Parties to this MOU agree to indemnify, defend and hold harmless each other, including each Party’s elected and appointed officials, directors, officers, employees, volunteers, and agents respectively from and against any liability, damage(s), claims, costs or causes of action resulting in any way from a breach of this MOU or any claims arising from or in any way related to each Party’s performance of the scope of services under this MOU.

[REDACTED], on behalf of itself and its officials, directors, officers, employees, volunteers, and agents assume all risk of injury to persons or damage to property related to all activities required under or related to its performance of this MOU or use of Authority’s system or infrastructure. The indemnification and assumption of risk requirements shall terminate automatically and without notice upon termination of this MOU.

Each Party represents that it is self-insured and has insurance coverage of sufficient breadth and coverage for the scope of services contemplated herein. Each Party shall procure, hold current during the Term of this MOU, and upon request provide evidence of commercial general liability insurance of at least \$1,000,000, workers compensation insurance commensurate with statutory requirements, automobile liability insurance for all owned, hired, and non-owned vehicles of at least \$1,000,000 and proof that each Party is added as an additional insured on the other Party’s insurance policies. [REDACTED] shall require and upon request show proof that its subcontractors or subconsultants performing any or all the scope of services under this MOU, if any, have procured, hold current, and will produce upon request evidence of insurance coverage and at the amounts described herein.

2. *Early Termination*

Either party may terminate this MOU for any reason upon thirty (30) days written notice to the other party, it being understood that the respective rights and obligations of the Parties shall continue to be governed by this MOU until the effective date of such termination.

If either Party finds the other Party is acting fraudulently, or engages in willful misconduct, gross negligence, or bad faith, it may terminate this MOU immediately upon notice to the other Party.

3. *Amendment*

Either party may request a modification to this MOU by doing so in writing. All changes, other than the Early Termination provisions above, must be agreed to by both parties in writing, via an executed amendment.

4. *Independent Contractors*

The Parties agree that they are independent contractors, and not partners, or joint venturers in the provision of services under this MOU. No employee or agent of either Party shall qualify for or be considered an employee of the other Party or qualified to collect insurance or retirement benefits from the other Party. Authority is not and shall not be considered by _____ a joint or co-employer of any _____ employees, subcontractors or subconsultants. _____ shall indemnify and hold harmless Authority from all claims, causes of actions, injuries or damages related to joint employment or co-employer status.

IN WITNESS WHEREOF, the parties have entered this Memorandum of Understanding as of the date set forth above.

EAST BAY REGIONAL COMMUNICATIONS SYSTEMS AUTHORITY

Name: David L. Swing

Title: Executive Director

Address: 4985 Broder Boulevard, Dublin, CA 94568

Name: _____

Title: _____

Address: _____

RESOLUTION NO. 24-xx

**A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY**

ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AND IMPLEMENT THE SUBSCRIBER MEMORANDUM OF UNDERSTANDING, AS NECESSARY

WHEREAS, the East Bay Regional Communications System Authority (“EBRCSA”) P-25 compliant communications system serves Alameda and Contra Costa counties and individual political jurisdictions therein (the “System”); and

WHEREAS, the EBRCSA uses an Operating Agreement in its management and operations of member agencies; and

WHEREAS, the EBRCSA has a need for a Subscriber Memorandum of Understanding in addition to the standard Operating Agreement; and

WHEREAS, staff developed the proposed Memorandum of Understanding; and

WHEREAS, the Finance and Operations Committees recommends that the Board approve the proposed document.

NOW, THEREFORE, the Board of Directors of the East Bay Regional Communications System Authority does **RESOLVE** that it approves and adopts the Subscriber Memorandum of Understanding to the accompanying Agenda Report and authorizes the Executive Director to execute and implement the document as necessary.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this 13th day of September 2024 by the following votes:

AYES:

NOES: .

ABSTENTIONS:

ABSENT:

ATTEST:

Jocelyn Kwong, Secretary