



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

OPERATIONS COMMITTEE MEETING

NOTICE OF REGULAR MEETING

DATE: April 22, 2022

TIME: 10:00 a.m.

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

Meeting Procedure During Coronavirus (COVID-19) Outbreak:

In keeping with the guidelines provided by the State of California and Alameda County Department of Public Health regarding gatherings during the coronavirus (COVID-19) outbreak, and recommendations to follow social distancing procedures, the East Bay Regional Communications System Authority (EBRCSA) will adopt the following practices during upcoming Operations Committee meeting:

- The EBRCSA Operations Committee will hold the meetings remotely via Zoom Video Communications.
- The Public will have access to the meeting via a telephonic option by calling: 1 253 215 8782 Meeting ID: 829 1976 9973 Passcode 858881
- The Public will have access to all materials via the EBRCSA Web Site, <http://www.ebrcsa.org/default.page>. The material will be under the header Calendar, then Operations Committee, and then April 22, 2022
- The Public will be asked if there is any comment or question concerning the meeting during the Public Comment Period and as each item is discussed.
- The Speaker may provide their name for the record if they so choose

AGENDA

1. Call to Order/Roll Call
2. Public Comments (Meeting Open to the Public):
At this time, the public is permitted to address the Committee on items within the Committee's subject matter jurisdiction that do not appear on the agenda. 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.
3. Approval of Minutes of the November 5, 2021 Operations Committee Regular Meeting

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

4. Provide Direction on Budget Review FY 22/23
5. Increased Cost of Legal Services
6. Bay Alarm Camera Upgrade and Increased Monitoring Cost
7. Provide Direction regarding Appointment of Two Members of Finance Committee to a Sub Committee to assist in Recommendation of Compensation for Administrative Assistant
8. Receive an Update on the City of Antioch (Walton Lane Site)
9. Receive an Update on the Wiedemann Site in San Ramon
10. Receive an Update on the Carquinez Site (651 Pine Replacement)
11. Receive an Update on the Biannual SUA II Upgrade
12. Receive an Update on Encryption (Change Order 35)
13. Receive an Update on Ethernet/MPLS Project
14. Receive an Update on TDMA – Time Division Multiple Access
15. Receive an Update on 10 Year Plan
16. Agenda Items for Next Meeting
17. 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.



Tom McCarthy, Executive Director
April 15, 2022



**East Bay Regional
Communications
System Authority**



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AGENDA ITEM NO. 3.

**AGENDA STATEMENT
OPERATIONS COMMITTEE MEETING
MEETING DATE: April 22, 2022**

TO: Operations Committee
East Bay Regional Communications System Authority (EBRCSA)

FROM: Tom McCarthy, Executive Director
East Bay Regional Communications System Authority

SUBJECT: Approval of Minutes of the November 5, 2021 Regular Operations Committee Meeting

RECOMMENDATIONS:

Approve the minutes of the November 5, 2021 Regular Operations Committee Meeting.

SUMMARY/DISCUSSION:

The Operations Committee will consider approval of the minutes of the November 5, 2021 Regular Operations Committee Meeting.

RECOMMENDED ACTION:

It is recommended that the Committee approve the minutes of the November 5, 2021 Operations Committee Meeting.

Attachment:

Attachment "A"- Draft Minutes November 5, 2021 Meeting



East Bay Regional Communications System Authority



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OPERATIONS COMMITTEE MEETING

REGULAR MEETING

DATE: November 5, 2021

TIME: 10:00 a.m.

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

DRAFT MINUTES

- 1. Call to Order/Roll Call:** A Regular meeting of the Operations Committee was held on November 5, 2021, remotely via Zoom Video Communications. The meeting was called to order at 10:00 a.m.

Committee Members Present:

G. Ahern, Sheriff, Alameda County Sheriff's Office
M. Casten, Assistant Sheriff, Contra Costa County Sheriff's Office
J. King, Chief of Police, Moraga
C. Nice, Assistant Sheriff, Alameda County Sheriff's Office
D. Swing, Chief of Police, City of Pleasanton

Staff:

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

Public:

G. Poole, Motorola Representative

- 2. Public Comments (Meeting Open to the Public):** None.
- 3. Approval of Minutes of the April 2, 2021 Operations Committee Regular Meeting**

On motion of Bm. Nice, seconded by Bm. King and by unanimous vote, the Operations Committee approved the minutes of the April 2, 2021 Operations Committee meeting.

4. Implementation of AB 361 to Allow Teleconferenced Meeting

Director McCarthy explained that AB 361 required meetings covered by the Brown Act must now pass a resolution every 30 days to allow the continuation of teleconference meetings, if the Committee decided to not return to in-person meetings.

Chair Ahern suggested that the Committee return to in-person meetings after the first of the year.

On motion of Bm. King, seconded by Bm. Swing and by unanimous vote, the Operations Committee agreed to return to in-person meetings after the first of the year.

5. Provide Direction on Budget Adjustment FY 20/21

Executive Director McCarthy explained this adjustment was for last fiscal year, 20/21. There had been overages due to air conditioning, mechanical and generator repairs. The revenues were being adjusted for \$90,000 and the expenses, also for \$90,000.

On motion of Bm. King, seconded by Bm. Nice and by unanimous vote, the Operations Committee agreed to recommend to the Board the approval of the Board Adjustment for FY 20/21.

6. Review Aviat Care Services & Support Agreement

Executive Director McCarthy stated the Authority has an agreement with Aviat for microwave maintenance. As they were now replacing the microwave equipment, the only part of the contract needed is advance replacement, at a cost of \$95,851 for one year.

On motion of Bm. Nice, seconded by Bm. King and by unanimous vote, the Operations Committee agreed to recommend to the Board that EBRCSA enter into an agreement with Aviat Care for Services & Support.

7. AES Encryption for MCC7500 Consoles

Executive Director McCarthy stated the DOJ now required agencies have encryption on channels that carry **CLOI or CLETS** information. There would need to be encryption on each Authority console. The Authority owns all the consoles, maintains them and all are the exact same. Because the Authority owns the consoles, it is recommended the Authority pay for the cost of encrypting the 182 consoles at a cost of \$1,620,183. By putting a specialized server in the System's back room, software changes could be done over the air when they turned on their radios. This would ensure that the Authority's master site and all the consoles have the DOJ AES 256 mandated encryption, along with the multi key and OTAR for over the air.

Bm. Casten asked if the DOJ had discussed enforcement of the new requirement.

Executive Director McCarthy stated the DOJ kept saying the Authority had 30 months to complete encryption.

On motion of Bm. King, seconded by Bm. Nice and by unanimous vote, the Operations Committee agreed to recommend to the Board the Purchase and Implementation of AES

Encryption to the MCC7500 Consoles owned by the East Bay Regional Communications System Authority (EBRCSA).

8. Approval of Draft 2022 EBRCSA Meeting Schedule

On motion of Bm. King, seconded by Bm. Swing and by unanimous vote, the Operations Committee agreed to recommend to the Board the approval of the Draft 2022 EBRCSA meeting schedule.

9. Annual Election of a Board Chair and Vice Chair as Required by the JPA Agreement and Bylaws

Executive Director McCarthy stated if anyone was interested in being nominated for the Board Chair or Vice Chair to let him know as an election would be held at the Board's December 3, 2021 meeting.

10. Motorola Change Order Number 34

Executive Director McCarthy stated that through an analysis of the East Bay Regional Communications System Authority (EBRCSA) Microwave Communications Network Upgrade, Multi-Protocol Label Switching (MPLS), and network transition from T1 Circuits to Ethernet, additional sites were identified that needed to be added to the original plan. The cost is \$961,877.35. This was not an option; it is an integral part of the System. Some of the System is 20+ years old. It could be financed with the microwave payments. It could be financed for five or six years at 2.33% or 2.37%, depending on how many years it is financed.

On motion of Bm. King, seconded by Bm. Nice and by unanimous vote, the Operations Committee agreed to recommend to the Board the approval of Change Order Number 34, and consider both finance options for the change order.

11. Receive an Update on the City of Antioch

Executive Director McCarthy stated he has a meeting scheduled next week to meet with Antioch's new Police Chief and City Manager to get the project up and running again.

12. Receive an Update on the City Vallejo

Executive Director McCarthy stated they were finishing up the new antenna they installed. A week from today, they will be done.

13. Receive an Update on the San Ramon Site at Wiedemann Ranch

Executive Director McCarthy stated San Ramon Fire Protection District and Motorola had a contract to add the Wiedemann site.

14. Receive an Update on TDMA – Time Division Multiple Access

Executive Director McCarthy stated they would begin TDMA next Thursday. The bugs had been worked out. They would start with Contra Costa Central and then move into Alameda County.

15. Receive an Update on 10 Year Plan

Executive Director McCarthy stated the 10-Year Plan was being worked on. CSI is out at sites gathering information.

16. Agenda Items for Next Meeting: None.

17. Adjournment: With no further business coming before the Operations Committee, the meeting was adjourned at 11:00 a.m.

DRAFT



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AGENDA ITEM NO. 4.

**AGENDA STATEMENT
OPERATIONS COMMITTEE
MEETING DATE: April 22, 2022**

TO: Operations Committee
East Bay Regional Communications System Authority (EBRCSA)

FROM: Thomas G. McCarthy, Executive Director
East Bay Regional Communications System Authority

SUBJECT: Budget Review FY 22/23

RECOMMENDATIONS:

Receive a report regarding the FY 22/23 Budget. It is recommended that the Committee recommend to the Board of Directors a budget for FY 22/23 based on the information discussed in this item.

SUMMARY/DISCUSSION:

Craig Boyer, Alameda County Auditor's Office, has prepared the FY 22/23 Budget so that the Operations Committee will have information concerning the Fiscal Year Budget.

RECOMMENDED ACTION:

It is recommended that the Committee discuss and reach a consensus for the Fiscal Year Budget for FY 22/23 for presentation to the Board of Directors.

Attachment:

Attachment "A" – Budget Highlights
Attachment "B" – Budget Fiscal Year 2022/2023



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HIGHLIGHTS:

REVENUES - \$8.81M

- Expecting revenues to increase compared with FY21-22 budget
 - While no changes in membership or rates, radio counts increased leading to higher actual revenues than budgeted in FY21-22
- \$613,000 increase in Operating Payments from members
 - Adjusted to actual earned FY21-22

EXPENSES - \$7.22M

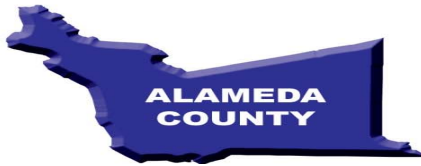
- \$55,000 increase in Operating Expense
 - \$32,000 increase in Maintenance due to higher volume of transactions, inflation and scheduled increases in contracts
 - \$15,000 increase in Utilities due to increased rates
- \$1.94M in Capital expenditures
 - \$1.66M for the TDMA upgrade
 - \$250,000 for the DC power upgrades
 - \$25,000 for control stations
- \$650,000 in Debt Service

NET INCOME - \$1,596,000

- \$1,185,503 net increase to Capital Reserves

PROJECTED RESERVES

- Operating - \$2.31M
- Debt - \$1.00M
- Capital - \$13.88M
- Total - \$17.19M



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BUDGET
FISCAL YEAR 2022-23

Revenues

Operating payments	\$ 7,453,000
Service payments	1,260,000
Interest	100,000
Total revenues	<u>8,813,000</u>

Expenses

Administration	452,000
Audit fees	20,000
Contingency	100,000
Insurance	48,000
Lease	73,000
Legal	20,000
Licenses and permits	30,000
Membership fees	10,000
Maintenance	3,629,000
Security	17,000
Utilities	225,000
Website hosting	4,000
Total operating expenses	<u>4,628,000</u>
Capital	1,939,000
Debt Service	650,000
Total expenses	<u>7,217,000</u>
Net Income	<u>\$ 1,596,000</u>

Assumption: Operating payments 21,000 radio count at \$30 per month per radio
Service payments 7,000 radio count at \$15 per month per radio

EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY
EXPENDITURE DETAIL
FISCAL YEAR 2022-2023

OPERATING EXPENSES	FY21-22 Final Budget	FY21-22 Projected	FY22-23 Budget	Change FY22 vs FY23
Administration				
Executive director	\$ 263,000	\$ 220,132	\$ 263,000	\$ (42,868)
Administrative assistant	40,000	11,273	40,000	(28,727)
Planning	134,000	-	134,000	(134,000)
Travel	5,000	-	5,000	(5,000)
Miscellaneous	10,000	23	10,000	(9,977)
Audit fees	20,000	17,820	20,000	(2,180)
Contingency	100,000	-	100,000	(100,000)
Insurance	44,000	44,336	48,000	(3,664)
Lease	71,000	70,395	73,000	(2,605)
Legal	20,000	2,743	20,000	(17,257)
Licenses and permits	30,000	759	30,000	(29,241)
Membership fees	10,000	5,256	10,000	(4,744)
Maintenance				
Service agreement	1,095,000	1,087,828	1,105,000	(17,172)
Software maintenance (SUA II)	977,000	811,010	985,000	(173,990)
Network administration	267,000	263,897	270,000	(6,103)
HVAC maintenance	25,000	23,417	32,000	(8,583)
Generator maintenance	53,000	47,533	53,000	(5,467)
ALCO general maintenance	600,000	600,000	600,000	-
COCO general maintenance	265,000	138,565	265,000	(126,435)
CSI telecommunications	200,000	86,710	200,000	(113,290)
Microwave maintenance	100,000	133,131	104,000	29,131
Miscellaneous	15,000	15,000	15,000	-
Security	15,000	11,357	17,000	(5,643)
Utilities	210,000	212,703	225,000	(12,297)
Website hosting	4,000	3,117	4,000	(883)
Total expenses	<u>4,573,000</u>	<u>3,807,005</u>	<u>4,628,000</u>	<u>(820,995)</u>
CAPITAL EXPENDITURES				
Microwave Network Upgrade	962,000	962,000	-	962,000
Encryption Upgrade	1,621,000	1,621,000	-	1,621,000
TDMA Upgrade	1,664,000	1,663,030	1,664,000	(970)
DC Power Upgrade	250,000	250,000	250,000	-
Dispatch Consoles	25,000	-	25,000	(25,000)
Total expenditures	<u>4,522,000</u>	<u>1,913,030</u>	<u>1,939,000</u>	<u>(25,970)</u>
DEBT SERVICE				
Principal	512,000	512,000	533,000	(21,000)
Interest	138,000	138,000	117,000	21,000
Total expenses	<u>\$ 650,000</u>	<u>\$ 650,000</u>	<u>\$ 650,000</u>	<u>\$ -</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 2022-2023

	FY21-22	FY21-22	FY22-23
	Final Budget	Projected	Budget
Operating Reserve			
Beginning Balance	\$ 2,054,302	\$ 2,054,302	\$ 1,903,503
Operating Payments	6,840,000	7,340,374	7,453,000
Initial Payments	-	66,400	-
Interest	100,000	128,975	100,000
Operating Expenses	(4,573,000)	(3,807,005)	(4,628,000)
Transfer to Capital Reserve	(2,134,802)	(3,879,543)	(2,514,503)
Ending Balance	2,286,500	1,903,503	2,314,000
Debt Service Reserve			
Beginning Balance	1,000,000	1,000,000	1,000,000
Service Payments	1,260,000	1,452,780	1,260,000
Debt Service	(650,000)	(650,000)	(650,000)
Transfer to Capital Reserve	(610,000)	(802,780)	(610,000)
Ending Balance	1,000,000	1,000,000	1,000,000
Capital Reserve			
Beginning Balance	9,923,583	9,923,583	12,692,876
Transfer In	2,744,802	4,682,323	3,124,503
Capital	(4,522,000)	(1,913,030)	(1,939,000)
Ending Balance	8,146,385	12,692,876	13,878,379
Total Reserve Balance	\$ 11,432,885	\$ 15,596,379	\$ 17,192,379

1. Operating Reserve Balance is equal to 50% of the next fiscal years Operating Budget
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 2021-22 Projected	FY 2022-23 Budget	FY 2023-24 Forecast	FY 2024-25 Forecast	FY 2025-26 Forecast	FY 2026-27 Forecast	FY 2027-28 Forecast	FY 2028-29 Forecast	FY 2029-30 Forecast	FY 2030-31 Forecast
Operating Reserve										
Balance - beginning	2,054,302	1,903,503	2,314,000	2,365,295	2,426,001	2,497,280	2,579,198	2,646,319	2,724,209	2,812,934
Receipts from members	7,535,749	7,553,000	7,660,000	7,660,000	7,660,000	7,660,000	7,660,000	7,660,000	7,660,000	7,660,000
Payments to suppliers	(3,807,005)	(4,628,000)	(4,730,590)	(4,852,001)	(4,994,560)	(5,158,396)	(5,292,638)	(5,448,418)	(5,625,868)	(5,774,135)
Transfer to Capital Reserve	(3,879,543)	(2,514,503)	(2,878,115)	(2,747,294)	(2,594,161)	(2,419,686)	(2,300,241)	(2,133,692)	(1,945,407)	(1,811,732)
Balance - ending	1,903,503	2,314,000	2,365,295	2,426,001	2,497,280	2,579,198	2,646,319	2,724,209	2,812,934	2,887,068

Debt Service Reserve										
Balance - beginning	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	-	-	-	-
Service payment	1,452,780	1,260,000	1,260,000	1,260,000	1,260,000	1,260,000	-	-	-	-
Principal	(512,000)	(533,000)	(553,000)	(576,000)	(600,000)	(623,000)	-	-	-	-
Bond interest	(138,000)	(117,000)	(97,000)	(74,000)	(50,000)	(27,000)	-	-	-	-
Transfer to Capital Reserve	(802,780)	(610,000)	(610,000)	(610,000)	(610,000)	(1,610,000)	-	-	-	-
Balance - ending	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	-	-	-	-	-

Capital Reserve										
Balance - beginning	9,923,583	12,692,876	13,878,379	15,244,494	16,479,787	17,561,948	19,469,634	19,647,875	21,531,567	23,226,974
Transfer In	4,682,323	3,124,503	3,488,115	3,357,294	3,204,161	4,029,686	2,300,241	2,133,692	1,945,407	1,811,732
Capital	(1,913,030)	(1,939,000)	(2,122,000)	(2,122,000)	(2,122,000)	(2,122,000)	(2,122,000)	(250,000)	(250,000)	(250,000)
Balance - ending	12,692,876	13,878,379	15,244,494	16,479,787	17,561,948	19,469,634	19,647,875	21,531,567	23,226,974	24,788,705

TOTAL RESERVE BALANCE	15,596,379	17,192,379	18,609,789	19,905,788	21,059,228	22,048,832	22,294,194	24,255,776	26,039,908	27,675,773
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SUPPLEMENTARY SCHEDULE FOR PAYMENTS TO SUPPLIERS

Administration	(231,428)	(452,000)	(465,560)	(479,527)	(493,913)	(508,730)	(523,992)	(539,712)	(555,903)	(572,580)
Audit fees	(17,820)	(20,000)	(20,600)	(21,218)	(21,855)	(22,511)	(23,186)	(23,882)	(24,598)	(25,336)
Contingency	-	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)
Insurance	(44,336)	(48,000)	(49,440)	(50,923)	(52,451)	(54,025)	(55,646)	(57,315)	(59,034)	(60,805)
Legal	(70,395)	(73,000)	(75,190)	(77,446)	(79,769)	(82,162)	(84,627)	(87,166)	(89,781)	(92,474)
Lease	(2,743)	(20,000)	(20,600)	(21,218)	(21,855)	(22,511)	(23,186)	(23,882)	(24,598)	(25,336)
Licenses and permits	(759)	(30,000)	(30,900)	(31,827)	(32,782)	(33,765)	(34,778)	(35,821)	(36,896)	(38,003)
Membership fees	(5,256)	(10,000)	(10,300)	(10,609)	(10,927)	(11,255)	(11,593)	(11,941)	(12,299)	(12,668)
Maintenance										
Customer svc. agmt.	(1,087,828)	(1,105,000)	(1,099,000)	(1,131,970)	(1,165,929)	(1,200,907)	(1,236,934)	(1,274,042)	(1,312,263)	(1,351,631)
SUA II	(811,010)	(985,000)	(1,014,550)	(1,044,987)	(1,076,337)	(1,108,627)	(1,141,886)	(1,176,143)	(1,211,427)	(1,247,770)
System management	(263,897)	(270,000)	(267,000)	(275,010)	(283,260)	(291,758)	(300,511)	(309,526)	(318,812)	(328,376)
HVAC	(23,417)	(32,000)	(32,960)	(33,949)	(34,967)	(36,016)	(37,096)	(38,209)	(39,355)	(40,536)
Generators	(47,533)	(53,000)	(51,590)	(56,228)	(57,915)	(59,652)	(61,442)	(63,285)	(65,184)	(67,140)
ALCO maintenance	(600,000)	(600,000)	(618,000)	(636,540)	(655,636)	(675,305)	(695,564)	(716,431)	(737,924)	(760,062)
COCO maintenance	(138,565)	(265,000)	(272,950)	(281,139)	(289,573)	(298,260)	(307,208)	(316,424)	(325,917)	(335,695)
CSI telecommunications	(86,710)	(200,000)	(206,000)	(212,180)	(218,545)	(225,101)	(231,854)	(238,810)	(245,974)	(253,353)
Microwave maintenance	(133,131)	(104,000)	(107,120)	(110,334)	(113,644)	(117,053)	(120,565)	(124,182)	(127,907)	(131,744)
Miscellaneous	(15,000)	(15,000)	(15,450)	(15,914)	(16,391)	(16,883)	(17,389)	(17,911)	(18,448)	(19,001)
Security	(11,357)	(17,000)	(17,510)	(18,035)	(18,576)	(19,133)	(19,707)	(20,298)	(20,907)	(21,534)
Utilities	(212,703)	(225,000)	(231,750)	(238,703)	(245,864)	(253,240)	(260,837)	(268,662)	(276,722)	(285,024)
Web site hosting	(3,117)	(4,000)	(4,120)	(4,244)	(4,371)	(4,502)	(4,637)	(4,776)	(4,919)	(5,067)
Payments to suppliers	(3,807,005)	(4,628,000)	(4,730,590)	(4,852,001)	(4,994,560)	(5,158,396)	(5,292,638)	(5,448,418)	(5,625,868)	(5,774,135)



**East Bay Regional
Communications
System Authority**



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AGENDA ITEM NO. 5.

**AGENDA STATEMENT
OPERATIONS COMMITTEE
MEETING DATE: April 22, 2022**

TO: Operations Committee
East Bay Regional Communications System Authority (EBRCSA)

FROM: Thomas G. McCarthy, Executive Director
East Bay Regional Communications System Authority

SUBJECT: Increase in Cost of Legal Services

RECOMMENDATIONS:

Review, and if Committee agrees, make a recommendation to the Board of Directors to accept an increase in cost of legal services with Meyers Nave professional law corporation to perform legal services for the East Bay Regional Communications System Authority (EBRCSA).

SUMMARY/DISCUSSION:

The Meyers Nave professional law corporation has a contract, attachment "A", with East Bay Regional Communications System Authority to provide Professional Law services to EBRCSA. The existing contract was entered into in 2007 and has not had a rate increase as stipulated in the contract.

The contract does not include a rate for the services of a Senior of Counsel with the firm. Meyers Nave has been billing EBRCSA as a Senior Associate, (\$250 per hour), while our representative has served as Authority Counsel. Meyers Nave is proposing an increase in the hourly rate of compensation billed to reflect the firm's current standard contract terms and the lowest rate for public agencies (line A below), Senior of Counsel rate of \$350 per hour.

TITLE	Public Agency		
	A	B	C
Senior Principal	\$495	\$ 515	\$ 525
Principal	\$435	\$ 455	\$ 475
Senior Of Counsel	\$350	\$ 360	\$ 370
Of Counsel	\$330	\$ 340	\$ 350
Senior Associate	\$290	\$ 300	\$ 310
Mid-level Associate	\$270	\$ 280	\$ 290
Junior Associate	\$250	\$ 260	\$ 270
Law Clerk		\$240	
Sr. Paralegal		\$200	
Paralegal		\$180	
Litigation Support Spec		\$230	

FINANCIAL IMPACT:

The EBRCSA Budget for FY22/23 has included \$20,000 for Legal Services provided by Meyers Nave. In the FY21/22 we will pay approximately \$2,743 to Meyers Nave Services. Based on the increased cost from \$250 to \$350 it is anticipated that there will be adequate funding for the FY22/23 year.

The increase for the position of Senior of Counsel rate of \$350 per hour can be covered in projected operating revenue and will not require an increase in the user fees for EBRCSA members.

RECOMMENDED ACTION:

It is recommended the Committee make a recommendation to the Board of Directors that EBRCSA accept the increase in cost of legal services with Meyers Nave.

Attachments:

Attachment "A" -Engagement of Legal Services 2007

November 30, 2007

1308
DATE RECEIVED
ACCOUNTING
DEC 28 2007

ATTORNEY-CLIENT PRIVILEGED

Bill McCammon, Interim Executive Director
East Bay Regional Communications Systems Joint Powers Authority
4985 Broder Boulevard
Dublin, CA 94568

RE: Engagement of Legal Services

Dear Bill:

Thank you for requesting Meyers, Nave, Riback, Silver & Wilson to perform legal services for the EBRCS Joint Powers Authority. We appreciate the opportunity to serve as your legal counsel and look forward to working with you.

This letter sets forth our agreement concerning the legal services we will provide and our fee arrangements for those services. Please read this entire agreement before signing and returning it to us.

1. Scope of Engagement. We will provide legal services in connection with the administration of the East Bay Regional Communications System Joint Powers Authority. Our work is limited to such services. We will also provide legal services for additional matters that you request of us, provided we agree to perform that additional work. A letter confirming such additional work shall bring such work within the scope of this agreement.

2. Fees and Personnel. As compensation for our services, our fees will be based on our current standard billing rate for the personnel performing services under this agreement at the time such services are rendered. Our standard billing rates for attorneys, paralegals and legal assistants are attached as Attachment 1.

Robin Donoghue and I will be the attorneys in charge of representing your interests. If other attorneys and/or paralegals are assigned to work on your matter, the then current hourly rates of those individuals will be utilized. This agreement retains the legal services of our law firm and not of a particular attorney. Hourly rates are subject to reasonable change, usually at the beginning of each year.

3. Disbursements and Expenses. In addition to hourly fees, we may incur out-of-pocket expenses related to your representation. Our Statement of Fee and Billing Information, which sets forth the details of our disbursement and expense policy, is attached (Attachment 2).

4. Billing and Payment Responsibilities. We will send monthly statements which are due within 30 days of receipt. If you have any questions about an invoice, please promptly contact me so that we may

discuss these matters. Our Statement of Fee and Billing Information sets forth the details of our fee and billing policy.

5. Termination of Services. You may terminate our services at any time by written notice. After receiving such notice, we will cease providing services. We will cooperate with you in the orderly transfer of all related files and records to your new counsel.

We may terminate our services at any time with your consent or for good cause. Good cause exists if (a) any statement is not paid within 60 days of its date; (b) you fail to meet any other obligation under this agreement and continue in that failure for 15 days after we send written notice to you; (c) you have misrepresented or failed to disclose material facts to us, refused to cooperate with us, refused to follow our advice on a material matter, or otherwise made our representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If we terminate our services, you agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of our services, whether by you or by us, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

6. Insurance. During the term of this engagement, this law firm shall maintain general liability and property damage insurance in the amount of \$1,000,000; professional errors and omissions insurance, in an amount of \$2,000,000 per occurrence; and \$4,000,000 aggregate, which insurance may not be canceled or reduced in required limits of liability unless at least ten days advance written notice be given to you.

7. No Guarantee of Outcome. Any comments made by us about the potential outcome of this matter are expressions of opinion only and are not guarantees or promises about any outcome or results.

8. Entire Agreement; Full Understanding; Modifications in Writing. This letter contains our entire agreement about our representation. Any modifications or additions to this letter agreement must be made in writing.

9. Joint Representation. Our firm maintains *of counsel* agreements with certain other attorneys with specific skills. Because these individuals are deemed independent contractors under the applicable provisions of the tax laws and not employees of the firm, it is necessary that you consent to dual representation by the firm and the attorney in the event the matter which you have engaged us to handle requires the use of that attorney. This arrangement has no effect whatsoever on the cost of your legal services, rather it is an ethical requirement that we disclose this fact and that you consent. You are consenting by signing this letter.

10. Conflicts. Our firm represents many public agencies in California. Since 1986, we have represented over five hundred public clients, including numerous cities, redevelopment agencies, special districts, counties and other public entities, and we are accepting new engagements all the time. It is virtually inevitable that we will work on projects from other clients having different governmental or political objectives, beliefs or views from the EBRCS Joint Powers Authority.

This letter confirms that the services which we are rendering to you are limited in scope and for the benefit of the EBRCS Joint Powers Authority only. Meyers Nave performs a variety of professional services for its clients and it is possible that we will represent public agency clients which are adverse to you on other matters. To avoid potential problems, you agree that you expressly waive any actual or potential conflicts that might arise from such representation, that you will not attempt to disqualify Meyers Nave on such matters, and that our firm is free to represent its clients on such matters. To the extent that such current

representation may constitute an ethical conflict which must be disclosed, you acknowledge: 1) that it has been disclosed, and 2) that any conflict is waived.

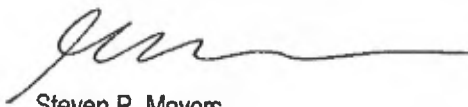
By signing this letter and returning it to us, you acknowledge that we have discussed these matters and you confirm that the EBRCS Joint Powers Authority does not object to our representation of clients on matters where their legal, governmental or political objectives and/or positions may be different from or adverse to those of the EBRCS Joint Powers Authority, and that the EBRCS Joint Powers Authority waives any conflict of interests with respect to our representation of such clients with differing legal, governmental or political interests. You further confirm that the EBRCS Joint Powers Authority will not assert any conflict of interest concerning such representation or attempt to disqualify this firm from representing such clients notwithstanding such adversity. While you would certainly be free to terminate our relationship, you agree that this firm nonetheless would be free to represent such clients even on those matters which you consider adverse, and that you waive any conflict of interest in connection therewith.

Needless to say, these acknowledgments do not permit our firm to represent another client in opposing the specific project for which you engage us without your specific written consent.

You may wish, and we encourage you, to consult legal counsel regarding the effect of this conflict waiver.

We would request that you review this letter carefully and, if it is consistent with your understanding of our respective responsibilities, please so indicate by returning a signed copy of this letter to me at your earliest convenience. Enclosed is an additional copy of this letter which you should retain for your records. Again, we thank you for allowing us the opportunity to serve as your lawyers.

Very truly yours,



Steven R. Meyers

SRM:mlf

Enclosure: Client copy of Engagement Letter

c: Conflicts Manager
Billing Manager

These terms are accepted and agreed
to as of the date of this letter.

By:



William J.

Bill McCammon

Interim Executive Director

East Bay Regional Communications System Joint Powers Authority

ATTACHMENT 1

MEYERS, NAVE, RIBACK, SILVER & WILSON
RATE SHEET

Sr. Principal	325
Principal	275
Sr. Associate	250
Associate	200
Paralegal	150

Hourly rates set forth above are reviewed and amended annually in January of each year.

ATTACHMENT 2
MEYERS, NAVE, RIBACK, SILVER & WILSON
STATEMENT OF FEE AND BILLING INFORMATION

The following is a general description of our fee and billing policies. These general policies may be modified by the specific engagement letter or agreement to which this summary is attached.

Professional Fees. Our fees for professional services are based on the fair value of the services rendered. To help us determine the value of our services, our attorneys and paralegals maintain time records for each client and matter. Our attorneys and paralegals are assigned hourly rates which are based on years of experience, specialization, training and level of professional attainment. We adjust our rates periodically (usually at the beginning of each year) to take into account inflation and the increased experience of our professional personnel.

To keep professional fees at a minimum, legal work that does not require more experienced attorneys will be performed, where feasible, by attorneys with lower billing rates. Of course, the quality of the work is paramount, and we do not sacrifice quality to economy.

Before undertaking a particular assignment, we will, if requested, provide you with a fee estimate to the extent possible. Estimates are not possible for some matters, however, and cannot be relied on in many others because the scope of our work will not be clear at the outset. When a fee estimate is given, it is only an estimate; it is not a maximum or minimum fee quotation. The actual fee may be more or less than the quoted estimate.

Retainer. Our normal practice is to require a retainer to cover a portion of the anticipated attorneys' fees and costs. Any retainer will be placed in the firm's trust account. At the conclusion of our services, we will return to our client any unapplied retainer, after deducting payment for charges billed or to-be-billed for services and any remaining out-of-pocket expenses.

Billing And Payment Procedures. Unless other arrangements are made at the time of the engagement, invoices will be sent monthly. Invoices for outside services exceeding \$100 may be billed separately. Occasionally, however, we may defer billing for a given month or months if the accrued fees and costs do not warrant current billing or if other circumstances would make it appropriate to defer billing.

Our invoices contain a brief narrative description of the work performed; if requested, the initials of the attorney who performed the work will appear on the statement. The invoice will include a line item reflecting in-house administrative costs. The firm's in-house administrative costs include, but are not limited to, duplicating, facsimile charges, telephone charges, E-mail, postage, mileage and other administrative expenses. We have determined that the most effective method of accounting for these administrative costs is to charge a flat 8% of the professional fees incurred. We will not bill you for travel time to and from our offices.

The firm will be reimbursed for all outside services incurred in the course of providing legal services to our client(s). Outside services will include, but are not limited to, all third-party expenses, delivery charges, travel expenses, outside research services, filing fees, expert witness and expert consultant fees. To defray the firm's costs for administering these services, there will be an additional cost advance charge of 2% for all outside services of \$100 or more.

If you have any questions regarding an invoice, the Finance Director or Chief Operating Officer are available to answer your questions. For any unresolved matters, the Bar Association has an arbitration mechanism that can be used to resolve such matters.

Late Payments. Statements for services are payable upon presentation and, in all events, within thirty (30) days after receipt. Occasionally a client has difficulty in making timely payments. To avoid burdening those clients who pay their statements promptly with the added costs we incur as a result of late payments, a late charge will be assessed on statements not paid within thirty (30) days. The maximum monthly late payment charge will be 1.5% per month. In the unlikely event we are required to institute legal proceedings to collect fees and costs, the prevailing party will be entitled to reasonable attorneys' fees and other costs of collection.



**East Bay Regional
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System Authority**



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AGENDA ITEM NO. 6.

**AGENDA STATEMENT
OPERATIONS COMMITTEE
MEETING DATE: April 22, 2022**

TO: Operations Committee
East Bay Regional Communications System Authority (EBRCSA)

FROM: Tom McCarthy, Executive Director
East Bay Regional Communications System Authority

SUBJECT: Purchase of 4G/5G Cameras for the East Bay Regional Communications System Authority and Monitoring Services by Bay Alarm

RECOMMENDATIONS:

Request Committee discuss and make a recommendation to the Board of Directors concerning purchase of seven (7) 4G/5G security cameras for the East Bay Regional Communications System Authority (EBRCSA) which will be monitored by Bay Alarm, 24/7, via current contract.

SUMMARY/DISCUSSION:

Bay Alarm notified EBRCSA on March 23, 2022, that the current cameras which monitor seven (7) EBRCSA sites would no longer connect to the Bay Alarm system via a 3G cellular connection. The 3G cellular connection is no longer supported and the cameras need to be upgraded to the current 4G/5G cellular system utilized to connect to the Bay Alarm monitoring site in Concord, CA. Bay Alarm provided a scope of work, detailing the installation of all the new cameras, connecting them to their monitoring center, and resuming live monitoring of the EBRCSA sites. The new cameras provide a much better image, and the images will be recorded for 30 days.

FISCAL IMPACT:

The cost of the equipment, including tax, is \$28,455.00. The monitoring of the sites will cost \$23,268.00 annually. The purchase of the equipment and the increase in the monitoring will require a change order. We currently have budgeted \$17,000.00 for security monitoring and this will need to be increased to \$23,268.00. We do not have the cameras in our current budget, and we cannot wait until the FY 22/23 budget is adopted on July 1, 2022.

The purchase of the cameras and increase in the monitoring costs will not require an increase in Member Operating fees.

RECOMMENDED ACTION:

It is recommended that the Committee provide its recommendation to the Board of Directors as to how the Executive Director should proceed with the purchase of seven (7) cameras and the monitoring by Bay Alarm.

Attachment:

Attachment "A" – Bay Alarm Proposal



East Bay Regional Comm Systems

RE: Live Video Monitoring Proposal
TO: Tom McCarthy
FR: Nick Walley

Scope of Work:

Bay to install, service, and monitor Cloud Based Axis Cameras and Axis Talk Down Speakers. When the Object Based Analytics fire, an automated message will play over the speaker, “You are trespassing, leave the premises immediately” and Live Monitoring starts at our Central Station. Our Operator then evaluates the situation, and if the suspect doesn’t flee, our Operator will escalate and personalize the Talk Down “You in the Red Hat... you are trespassing”, and call the Authorities if necessary.

Bay to Provide:

- Live Remote Video Monitoring at our UL listed, 5 Diamond, Central Station in Concord, CA
- Edge-based Camera Intelligence: Axis Object Analytics
- Full Service agreement- normal wear and tear maintenance from Bay Alarm CA, WA, and AZ offices
- Ongoing Feature and Firmware updates pushed directly to Cameras
- Continuous Cloud Recording for 30 days
- SD card in Camera for limited local recording

Bay to Install:

- One (1) Axis Dome Camera w/ varifocal lens + health status, 1080p
- One (1) Junction Box Mount
- One (1) Talk down speaker, 120 db
- One (1) Network Switch
- One (1) 4G AT&T / 5G Cradlepoint
- One (1) Control Panel Unit w/ Cellnet
- One (1) Keypad

Bay to Provide:

- After hours live remote video monitoring
- DMP App- for arming / disarming & User management

Bay Retained System

Installation Charge:	\$3,687.00
Monthly Service Charge for maintenance and monitoring:	\$277.00

- *3-5 year term
- *Proposal is valid for 30 days.

***To add another camera prior to installation:**

Additional Installation Charge:	\$1,350.00
Additional Monthly Service Charge:	\$150.00

Payment Terms:

In order to commence work, we will need to formalize this agreement in the form of a signed contract. At that time a 50% deposit will be collected. Upon completion of the installation, the remaining balance is due and should be paid to the installing technician.

Thank you again for asking Bay Alarm to assist you in meeting your security needs. Please contact me directly with any questions or revision requests at (415) 299-5769.

Sincerely,

Nick Walley
 Bay Alarm Company
 Nicholas.walley@bayalarm.com



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AGENDA ITEM NO. 7.

**AGENDA STATEMENT
OPERATIONS COMMITTEE
MEETING DATE: April 22, 2022**

TO: Operations Finance Committee
East Bay Regional Communications System Authority (EBRCSA)

FROM: Thomas G. McCarthy, Executive Director
East Bay Regional Communications System Authority

SUBJECT: Subcommittee to Recommend Change in Compensation for Administrative Assistant

RECOMMENDATIONS:

Request two members of the Operations Committee work with two members of the Finance Committee and Board Chair to make a recommendation to the Board of Directors concerning current compensation for the Administrative Assistant's salary and possible elevator for the next three years.

SUMMARY/DISCUSSION:

The Administrative Assistant entered a contract with East Bay Regional Communications System Authority in 2015 and the contract has not been reviewed nor the compensation adjusted since 2015. The Board Chair is asking for two volunteers from the Operations Committee to work with him and two members of the Finance Committee to review the compensation and contract. The Board Chair desires the subcommittee to make a recommendation concerning the current compensation and possible escalator for the Administrative Assistant's Compensation for an additional three years.

RECOMMENDED ACTION:

It is recommended that the Committee discuss and appoint two members to assist the Board Chair and subcommittee in preparing a possible change in compensation for the Administrative Assistant to the Board of Directors.