



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL
INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

JULY 11, 2012

Grace E. Simons Lodge
1025 Elysian Park Drive, Los Angeles, CA 90012

Board Members Present:

William "Bill" T Fujioka Chair, CEO, County of Los Angeles
Gerry F. Miller, Chief Legislative Analyst, City of Los Angeles
Timothy Scranton, Fire Chief, City of Beverly Hills, representing the Los Angeles Area Fire Chiefs Association
Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing the Contract Cities Association
LeRoy J. Jackson, City Manager, City of Torrance, representing At Large Seat
Donald "Don" Pedersen, Police Chief, City of Culver City, representing At Large Seat
Gregory "Greg" L. Simay, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat
Kim Raney, Police Chief, City of Covina, representing At Large Seat

Representatives For Board Members Present:

Patricia "Patty" J. Huber, representing Miguel Santana, for the City of Los Angeles Chief Administrative Office
Kevin Nida, representing Brian Cummings, for the City of Los Angeles Fire Department
Mark J. Bennett, representing Daryl L. Osby, for the County of Los Angeles Fire Department
David Betkey, representing, Leroy "Lee" D. Baca, for the County of Los Angeles Sheriff Department
Cathy Chidester, representing Dr. Mitchell H. Katz, for the County of Los Angeles Department of Health Services
Nancy L. Ramirez, representing Steven K. "Steve" Zipperman, for the Los Angeles School Police Department

Officers Present:

Pat Mallon, LA-RICS Executive Director
Rachelle Anema, representing Wendy L. Watanabe, Auditor-Controller, County of Los Angeles
Patricia Saucedo, Board Secretary

Absent:

Charles "Charlie" L. Beck, Vice Chair, Police Chief, City of Los Angeles
Reginald "Reggie" Harrison, Deputy City Manager, City of Long Beach
Mark J. Saladino, Treasurer and Tax Collector, County of Los Angeles



I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

Chair Bill Fujioka made an acknowledgement that a quorum was present.

III. APPROVAL OF MINUTES – (1)

1. June 7, 2012 Minutes – Special Meeting – **MOTION APPROVED.**

IV. CONSENT CALENDAR – (None)

V. REPORTS – (2–4)

2. Committee Reports

- a. Finance Committee – Stephen Sotomayor

Stephen Sotomayor, Chair of the Finance Committee, stated that they met last month and decided to hold a subcommittee meeting to work with Jacobs Project Management Team on a phasing plan for the funding of the project. This would match different phases of the project with grants sources.

- b. Legislative Committee – No Report
- c. Operations Committee – No Report
- d. Technical Committee – No Report

3. Director's Report – Pat Mallon

Executive Director Mallon stated that at the June 7th meeting, he provided an update regarding the negotiation suspension. He had asked Jacobs Project Management Team to conduct a hybrid study for the land mobile radio system. He also advised the Board that he was participating in a working group from the National Public Safety Telecommunication Council (NPSTC) on T-Band with the ten other impacted jurisdictions to compile information that could be provided to Congress. Executive Director Mallon deferred additional LTE and LMR updates to Item 5 of the Agenda.

Executive Director Mallon reported that they were working with Sacramento on the CEQA legislation. The trailer bill did not make it to the final version of the budget that was approved by the Senate and Assembly. The legislature is on break until August and the bill may be introduced as another trailer bill or as a stand-alone bill.

4. Grant Status Report – Pat Mallon

BTOP Grant - Executive Director Mallon reported that staff submitted an amendment to the BTOP grant that identified specific elements of the budget suspended per the partial suspension notification from NTIA, such as the LTE antennas, the core and some user equipment which totals about \$70.5 million. This portion will continue to be suspended and staff will be working on a grant modification to reduce the grant match from 29% to 20% which is the minimum match required.



SHSGP Grant – Executive Director Mallon reported that the SHSGP Approval Authority was notified that the project would not be able to spend SHSGP 09 funding due to delays resulting from HR 3630 and suspension of negotiations. He stated that LA-RICS requested using SHSGP 09 funds to purchase user equipment that would be distributed to member agencies under a formula approved by the SHSGP Approval Authority. There is a meeting scheduled for Thursday afternoon to discuss the SHSGP 09 Grant.

Board Member Pedersen requested the amount of funding up for consideration. Executive Director Mallon stated \$5.7 million was allocated and LA-RICS has identified \$704,000 in studies and about \$1 million in radios, so about \$4 million is left for consideration.

UASI Grant – Executive Director Mallon stated that there was no representative present from the City of Los Angeles to report on these funds.

VI. ADMINISTRATIVE MATTERS – (5–8)

5. Procurement Report and Recommendation – Pat Mallon

RECOMMENDATION: It is recommended that your Board:

- a. Discuss and take possible action to determine the next steps of the procurement process for the LA-RICS.

Executive Director Mallon explained NTIA has confirmed that funds for LTE related equipment will be suspended until such time that FirstNet can establish a nationwide architecture. However, there is approval to move ahead with the infrastructure development that is specifically, site grading as necessary, monopole installation, emergency generators, and equipment shelters. Those installations must show a nexus to public safety. Currently, selected sites, to the greatest extent possible, are based on public safety installations, such as fire stations, police stations and sheriff stations. He also informed the Board that NTIA is working with the Office of Management and Budget and recognizes that the suspension of equipment has placed a significant imposition to complete grant expenditures by September 2013. He informed the Board that NTIA has issued formal communications to the Office of Management and Budget requesting an extension and although there is nothing available in writing, nor a copy of what was sent over, NTIA has indicated that they are seeking a two-year extension. He does not expect any formal action from the NTIA regarding the extension until after the November (2012, Presidential) elections.

Executive Director Mallon explained that in the current RFP process, LA-RICS had suggested 255 sites and both vendors came back with fewer sites. In moving forward to create an infrastructure coverage that is agnostic; meaning, it should be able to accept any vendor's equipment using any kind of architecture that FirstNet may establish. LA-RICS should consider building out all 255 sites. This will require an amendment or a restart of the procurement due to significant changes to the LTE portion of the procurement. The significant changes being: 1) the elimination of \$70.5 million in equipment; and, 2) significant shift in the schedule requirements. If LA-RICS requests a quote for equipment as an additive alternate, it will be at the Board's sole discretion to exercise that option. If the architecture (as determined by FirstNet) is incompatible with the equipment that has been proposed, then LA-RICS will need to issue an additional RFP for that specific equipment.

Executive Director Mallon reported that an additive alternate approach would allow the Board to know the full cost of the LTE system, including the equipment; and, puts LA-RICS in a good position to be the first in line to offer a system as a FirstNet Beta system. He also informed the Board of risks, for example if the national architecture is issued before the contract is executed, it may constitute a substantial change putting the project back in the exact situation that we were in today.



Board Member Simay asked if one of the early decisions was whether a State like California would choose to try and manage such a system or seek management from FirstNet?

Executive Director Mallon stated that HR 3630 requires each state appoint a single point-of-contact, to serve as a contact for FirstNet, for all of the public safety broadband communications within that state. He informed the Board that staff has already met with the State along with BayRICS, CalEMA, and California Technology Administration to begin discussions.

Board Member Simay asked how the D-Block might be assigned. Executive Director Mallon stated that the FCC and the NTIA have taken the position that the FCC issue an unencumbered license for the full 20 MHz spectrum to FirstNet.

Alternate Member Huber asked for more information on the additive alternate, specifically why would the Board choose this option when we do not know the infrastructure that is going to be required by FirstNet and what is the benefit or value of adding it to the RFP if may have to go out for another RFP. She stated that the Board does not know the system architecture and that she does not want LA-RICS to be in a situation where we have a messy RFP process due to action taken by another entity. Executive Director Mallon stated that the main reason for asking for the additive alternate is to have a better understanding for the full system cost. Executive Director Mallon added that he doubts that FirstNet will significantly depart from industry standards and by getting the cost, as an option; there is no risk to the Authority if it does not exercise that option.

Alternate Member Huber stated that she does not agree that we would know the full cost because there is no guarantee that we would be able to use that equipment. Therefore, if you had to issue another RFP, there may be different cost numbers. In terms of the cost being component of the evaluation, she stated that she was not sure that would help LA-RICS.

Board Member Gerry Miller stated that he was concerned about how the responses to the RFP would be evaluated because if the RFP is focused on building the infrastructure, there will be a different set of respondents than those interested in the additive alternate, therefore, it would be subject to challenge. He added that he believes very strongly that this time LA-RICS needs a procurement process that moves forward.

Executive Director Mallon said that they are trying to get information and allow the project to move forward in the most expeditious fashion and have the grants spent by 2015, assuming the extension. He explained that it would save 6 months to a year in rolling out the system if we use the additive alternate instead of waiting for the national architecture to be determined.

Board Member Jackson requested a list of what would be buildable under this scenario. Executive Director Mallon stated that the agenda packet included the BTOP budget with shaded lines for those items that would remain suspended.

Board Member Simay asked if a performance based criteria would service LA-RICS better because it would provide a wider opportunity for vendors versus trying to get down into actual specific design criteria. Executive Director Mallon stated that in his personal opinion, he thinks that it would be very difficult for a nationwide public safety system to be relegated to a single provider; it is difficult to determine what FirstNet will do at this time. Board Member Simay stated that LA-RICS should not be shy to give input to FirstNet on the best way to proceed.

Board Member Raney asked if broadband waivers are expiring. Executive Director Mallon stated that the waiver for 10 MHz expires in September 2012 and they will not be renewed.



Board Member Raney expressed concern in that there was no report from the Technical Committee and asked if this issue has been vetted by them. Executive Director Mallon stated that this portion of the report had not been submitted to the Technical Committee. He explained that he was hoping for a decision as to how we would move forward, because there is a significant amount of work that needs to be done if LA-RICS issues an addendum or a new RFP, if that is the decision by the Board, it will be subjected to frequent review by the Technical and Operations Committees.

Executive Director Mallon further stated that they considered taking the report to the Committees first, but did not do so considering the magnitude of the decision and Brown Act requirements; and, he wanted to maintain the integrity of the existing procurement.

Alternate Member Huber asked for clarification on the recommendation before the Board. Executive Director Mallon stated that he would provide that once he completes his report.

Executive Director Mallon reported on the land mobile radio portion of the system. He explained that under HR 3630 the FCC was directed to auction the T-Band spectrum in nine years and allowing two additional years to complete the migration. Staff has examined alternate approaches, and is participating in an effort to educate Congress of the difficulty to move the entire LMR project to the 700 MHz spectrum. A feasibility study of a full system move to the 700/800 MHz spectrum was undertaken. The conclusion of the report was that there was not enough spectrums to move the entire system. Executive Director Mallon stated that he had directed Jacobs Project Management Team to conduct a study of the feasibility of a hybrid 700 MHz/T-Band system. Messrs. Skip Funk, of Jacobs Project Management Team, and Ric Martin, of Federal Engineering, reviewed the presentation which was included in the agenda packet.

Executive Director Mallon stated that the impact of HR 3630 and the nine year take back of the T-Band channels have been a significant hurdle. There are some advantages to a hybrid system, in that it allows LA-RICS some time to find some additional spectrum and make a slower migration from the T-Band towards the 700 MHz spectrum. Executive Director Mallon explained that a hybrid system demonstrates to the FCC that we are doing the best that we can to comply with HR 3630. Executive Director Mallon explained that this was only a feasibility study. The technical rewrite of the specifications will be an exhaustive process, if the Board decides to support this as a concept. He further added that LA-RICS will need seventy 700 MHz channels, none of which have been committed.

Board Member Simay stated that it was not premature to do the feasibility study, but it would be premature for the Board to endorse a particular approach ahead of the Technical Committee. Board Member Simay also suggested that agencies lobby Congress to try to get HR 3630 modified.

Board Member Scranton asked what was being asked of the Board, to appropriate money or the allowance to go back and do some more research and get the Technical Committee together.

Executive Director Mallon stated that the change to the current procurement process by eliminating \$70 million dollars in equipment from the LTE portion is a significant change. The extension of possibly two years' is also considered a significant change. The potential to move to a new frequency spectrum could be a significant change. Each one of those elements, by themselves, could require either an addendum and/or a re-evaluation because it could affect the price, or terminating the existing procurement and starting anew.



Board Member Jackson stated that he would be very uncomfortable moving ahead today with the information they have. He explained that there is no comparative analysis between what we originally proposed in the RFP and the hybrid approach. He stated that he likes the hybrid concept, but does not know what consequences are, unless there is comparative information side by side.

Executive Director Mallon stated that we are not in a position to begin rewriting the RFP without the direction from the Board to either issue an addendum or cancel the RFP.

Board Member Simay stated that the initial motivation may have been HR 3630, but moving forward, it should be driven by what is the best system and be willing as an organization to fight for legislation that will allow us to build the system we really need.

Board Member Mark Alexander stated that he concurs with Mr. Simay's comments, but feels that this is something that they have to vet further.

Board Member Alexander made a motion to authorize staff to vet this through the Technical and Operations Committees, and then report back to the Board on their recommendations.

Board Member Pickwith asked about testing on frequencies in the County. Executive Director Mallon stated that there has been no testing. In preparing the feasibility study, the Jacobs team met with LA-RICS staff to clarify the specifications and their report was based on what was required in the RFP.

Board Member Pickwith stated that in moving forward he would hope that independent agencies would be contacted as well. Executive Director Mallon stated absolutely.

Board Member Pickwith asked if Channel 15 will be used in the system as well. Executive Director Mallon stated that the T-Band contribution is all from Channel 15.

Board Member Miller agreed that the Technical Committee should review the hybrid approach and what works best for the agencies.

Board Member Alexander asked for clarification regarding the motion on the floor. There can be discussion after the motion receives a second. Chair Fujioka received a second on Board Member Alexander's motion. Chair Fujioka opened the floor for discussion.

Board Member Simay asked if we should move to closed session before acting on the motion.

Board Member Raney asked Chair Fujioka to ensure that the proposed hybrid system includes secondary responders. Executive Director Pat Mallon confirmed that discussions would include secondary responders.

Board Member Jackson stated that his second concern was that he does not understand how this fits in with the constraints brought forth by the Federal government.

Executive Director Mallon stated that the suspension and the additive alternate apply to the broadband system only, the LMR system is an effort in and of itself, although there is integration in the backhaul and controllers at sites.

Board Member Jackson stated that he would like to amend motion to include that comparison as well to see what the elements are. Board Member Alexander accepted this amendment to his motion.



Executive Director Mallon asked for clarification on the motion. Board Member Alexander stated that his motion did not speak to amending the RFP process, the motion requires staff to work with the Technical and Operations Committees to further evaluate this hybrid concept and come back with some information.

Executive Director Mallon indicated that they can report back at the next meeting.

MOTION AS AMENDED: Require staff: (a) to work with the Technical and Operations Committees to further evaluate the LMR hybrid concept; (b) to prepare a comparison of the LMR hybrid concept with the existing system; and, (c) to report back to the Board with the findings.

MOTION APPROVED AS AMENDED.

6. Accept 2011 State Homeland Security Grant Program (SHSGP) Funds – Pat Mallon

RECOMMENDATION: It is recommended that your Board:

- a. Accept \$3,000,000 in grant funds from the Fiscal Year 2011 State Homeland Security Grant Program (SHSGP) as distributed through the California Emergency Management Agency (CalEMA); and,
- b. Authorize the Executive Director to execute the attached 2011 Homeland Security Grant Program Sub-recipient Agreement between the County of Los Angeles and the Authority.

Executive Director Mallon explained that the action before the Board was to approve the SHSGP 11 agreement in the amount of \$3,000,000. He made an amendment to the second recommendation, to remove the text “the attached” and replace it with “a” since the agreement was not attached.

Board Member Alexander asked about the prior request to use funds in an alternative manner during the Director’s Report. Executive Director Mallon clarified that he referred to SHSGP 09 during his report. Board Member Alexander asked what would happen if his request was denied for the SHSGP 09 funds. Executive Director Mallon stated that the funding will be redirected as determined by the SHSGP Approval Authority.

MOTION APPROVED.

7. Approve Amendment to Jacobs Project Management Co., Contract for Project Management Services – Pat Mallon

RECOMMENDATION: It is recommended that your Board:

- a. Authorize the Executive Director to execute a contract amendment with Jacobs, substantially similar to the attached form, to include procurement process assistance and subject matter expertise.

Executive Director Mallon stated that he reviewed the agreement for Project Management. He explained that Jacobs was brought on board assuming that they would enter the process when LA-RICS was close to contract execution. However, this has significantly changed, due to the impact of HR 3630. He explained that this action would amend their contract to increase their scope of service and increase their fees by \$1,546,000.



Chair Fujioka received a first and second to the motion.

MOTION APPROVED.

8. Temporary Suspension of Section 3.01 of the Authority's Bylaws – Pat Mallon

RECOMMENDATION: It is recommended that your Board:

- a. Suspend Section 3.01 of the Authority's Bylaws until August 1, 2013.

Executive Director Mallon stated that the item before the Board was a temporary suspension of the Authority's bylaws as it pertains to the At Large Board Members, to extend the standing of the current Board Members to August 1, 2013 to maintain consistency as LA-RICS moves forward with the procurement process.

Board Member Jackson asked if this item was referred to Counsel; and, if there were any complications created by such an extension. Amanda Drukker, JPA Counsel, stated that the action was consistent with the Joint Powers Agreement regarding the term of the At Large Directors, which is two years or until a successor is appointed, and, that suspending the bylaws is within the scope of the Board's authority.

Chair Fujioka received a first and second to the motion. Board Member Jackson abstained.

MOTION APPROVED.

VII. CLOSED SESSION (9)

9. POSSIBLE Conference with Legal Counsel – Anticipated Litigation (Subdivision (b) of Government Code Section 54956.9.

- a. Significant exposure to litigation (one case)

NO CLOSED SESSION.

VIII. MISCELLANEOUS – (None)

IX. PUBLIC COMMENTS – (1)

Ms. Lisa Specht, representing Manatt for Raytheon, withdrew her submittal for a Public Comment.

X. ITEMS FOR FUTURE DISCUSSION AND/OR ACTION BY THE BOARD

10. Project Funding
11. Project Risk Controls

XI. ADJOURNMENT

Meeting adjourned.

The next meeting will be held on Thursday, August 2, 2012, at 9:00 a.m., at the Grace E. Simons Lodge, 1025 Elysian Park Drive, Los Angeles, CA 90012.