



AGENDA

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING

Thursday, November 4, 2010 • 9:00 a.m. – 10:30 a.m.

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

Los Angeles Regional Interoperable Communications Systems Authority (the “Authority”)

AGENDA POSTED: October 29, 2010

Complete agendas are made available for review at the designated meeting location during normal business hours and may also be accessible on the Authority's website at <http://www.la-rics.org>.

Members:

1. **William T Fujioka**, Chair, CEO, County of Los Angeles
2. **Charles L. Beck**, Vice Chair, Police Chief, City of Los Angeles
3. **Mark R. Alexander**, City Manager, representing California Contract Cities Association
4. **Leroy D. Baca**, Sheriff, County of Los Angeles
5. **Michael J. Bowman**, Police Chief, Los Angeles Unified School District
6. **P. Michael Freeman**, Fire Chief, County of Los Angeles
7. **Reginald Harrison**, Deputy City Manager, City of Long Beach
8. **LeRoy J. Jackson**, City Manager, City of Torrance, representing At Large Seat
9. **Gerry Miller**, Chief Legislative Analyst, City of Los Angeles
10. **Millage Peaks**, Fire Chief, City of Los Angeles
11. **Donald Pedersen**, Police Chief, City of Culver City, representing At Large Seat
12. **Scott Pickwith**, Police Chief, representing the Los Angeles County Police Chiefs Association
13. **Kim Raney**, Police Chief, City of Covina, representing At Large Seat
14. **Alex C. Rodriguez**, Fire Chief, representing the Los Angeles Area Fire Chiefs Association
15. **Miguel Santana**, CAO, City of Los Angeles
16. **John Schunhoff**, Interim Director, DHS, County of Los Angeles
17. **Gregory Simay**, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat

Officers:

1. **Scott Poster**, Task Force Leader
2. **Wendy L. Watanabe**, County of Los Angeles Auditor-Controller
3. **Mark J. Saladino**, County of Los Angeles Treasurer and Tax Collector
4. **Vacant**, Board Secretary



NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

III. APPROVAL OF MINUTES – from the October 7, 2010, Board of Directors Regular Meeting

IV. CONSENT CALENDAR – (None)

V. REPORTS (1 – 3)

1. Committee Reports
Finance Committee – Poster
 - a. Update: Membership/Funding Options
2. Project Status – Poster
 - a. Evaluation Update
 - b. Staffing Update
 - c. Narrowbanding Update
3. Grant Status – Henry/Poster
 - a. Urban Areas Security Initiative (UASI)
 - b. State Homeland Security Grant Program (SHSGP)
 - c. Broadband Technology Opportunities Program (BTOP)
 - d. Justice Association Grant (JAG) / American Recovery and Reinvestment Act (ARRA) & Public Safety Interoperable Communications (PSIC) Grant

VI. ADMINISTRATIVE MATTERS (4 – 6)

4. D-Block Spectrum comprehensive review by the Technical Committee – Poster
DISCUSSION ITEM: D-Block Spectrum comprehensive review by the technical committee, Comprehensive Reporting of the Advantage or Disadvantage the D-Block – technical review is not complete and the technical committee has not convened. Request item be postponed until the December or January meeting.
5. Invitation For Bids (IFB) to hire a contractor for the Environmental Assessment (EA) – Poster
DISCUSSION ITEM: The Authority must issue an IFB to submit qualifications and pricing to perform tasks related to the analysis, completion and submission of the required EA Requirement for the Broadband Technology Opportunities Program (BTOP) Grant. This IFB will be prepared for approval at the December 2, 2010 meeting.

The Executive Director will seek authority from the Board to execute one or more agreements with qualified firms at the conclusion of the bid review and negotiation process.

Attachment: Item 5



6. Recommendation for the Director Appointment – Fujioka
 - a. ACTION ITEM: Approve the selection of the LA-RICS Director.

VII. MISCELLANEOUS – (None)

VIII. ITEMS FOR FURTHER DISCUSSION AND ACTION BY THE BOARD

Financial Funding Plan to be discussed on December 2, 2010

- a. Project Funding Policy and Guidance Feedback

IX. PUBLIC COMMENT

- X. **ADJOURNMENT – NEXT MEETING:** Thursday, December 2, 2010 at 9:00 a.m.
at the Grace E. Simons Lodge.



BOARD MEETING INFORMATION

Members of the public are invited to address the LA-RICS Authority Board on any item on the agenda prior to action by the Board on that specific item. Members of the public may also address the Board on any matter within the subject matter jurisdiction of the Board. The Board will entertain such comments during the Public Comment period. Public Comment will be limited to three (3) minutes per individual for each item addressed, unless there are more than ten (10) comment cards for each item, in which case the Public Comment will be limited to one (1) minute per individual. The aforementioned limitation may be waived by the Board's Chair.

(NOTE: Pursuant to Government Code Section 54954.3(b) the legislative body of a local agency may adopt reasonable regulations, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.)

Members of the public who wish to address the Board are urged to complete a Speaker Card and submit it to the Board Secretary prior to commencement of the public meeting. The cards are available in the meeting room. However, should a member of the public feel the need to address a matter while the meeting is in progress, a card may be submitted to the Board Secretary prior to final consideration of the matter.

It is requested that individuals who require the services of a translator contact the Board Secretary no later than the day preceding the meeting. Whenever possible, a translator will be provided. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. (323) 881-8291 or (323) 881-8295

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR LA OFICINA CON 72 HORAS POR ANTICIPADO.

The meeting is recorded, and the recording is kept for 30 days.



LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

2525 Corporate Place, Suite 200
Monterey Park, California
(323) 881-8291

SCOTT L. POSTER
TASK FORCE LEADER

November 4, 2010

Board of Directors
Los Angeles Regional Interoperable Communications System Authority (the "Authority")

Dear Directors:

ENVIRONMENTAL ASSESSMENT REQUIREMENT FOR BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM (BTOP) GRANT

FOR YOUR INFORMATION

BACKGROUND

On September 27, 2010, the National Telecommunications and Information Agency (NTIA) awarded the Authority a BTOP Comprehensive Community Infrastructure (CCI) grant in the amount of \$154,640,000 to build a public safety broadband network – LA-SafetyNet – throughout Los Angeles County.

As a Special Award Condition of the grant, the LA-RICS Authority is required to complete an Environmental Assessment (EA) of the overall LA-SafetyNet project by March 31, 2011. While the cost of the EAs is reimbursable under the grant, our evaluation and contract negotiations schedule make it unlikely that the Authority will meet the deadline. We are working with the NTIA to clarify the requirement and identify acceptable alternatives that will meet the needs of both the Authority and NTIA.

To facilitate the work, the Authority plans to issue an Invitation For Bids (IFB) in November asking qualified firms to submit qualifications and pricing to perform tasks related to the analysis, completion and submission of the required EA documentation. Upon the conclusion of the bid review and negotiation process, the Executive Director will seek authority from the Board to execute one or more agreements with qualified firms.

Respectfully submitted,

Scott L. Poster
Task Force Leader

SLP:Ifp

cc: County Counsel

AGENDA ITEM 5



Board of Directors MEETING MINUTES

**LOS ANGELES REGIONAL
INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY**

October 7, 2010

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
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing Contract Cities Association
LeRoy J. Jackson, City Manager, City of Torrance, representing At Large Seat
Gerry Miller, Chief Legislative Analyst, City of Los Angeles
Donald “Don” Pedersen, Police Chief, City of Culver City, At Large Seat
Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Kim Raney, Police Chief, City of Covina, At Large Seat
Alex C. Rodriguez, Fire Chief, City of Santa Fe Springs, representing the Los Angeles Area Fire Chiefs Association
Miguel Santana, CAO, City of Los Angeles
Gregory “Greg” Simay, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat

Representatives For Board Members Present:

David R. Betkey, representing Leroy D. Baca, Sheriff, County of Los Angeles County
Cathy Chidester, representing John Schunhoff, Interim Director, DHS, County of Los Angeles
Andrew P. Fox, representing Millage Peaks, Fire Chief, City of Los Angeles
Sandy Jo MacArthur, representing Charles “Charlie” L. Beck, Vice Chair, Police Chief, City of Los Angeles
Daryl Osby, representing P. Michael Freeman, Fire Chief, County of Los Angeles
Nancy Ramirez, representing Michael J. Bowman Police Chief, Los Angeles Unified School District

Officers Present:

Scott Poster, Task Force Leader
Connie Yee, representing Wendy L. Watanabe, Los Angeles County Auditor-Controller

Absent:

Reginald “Reggie” Harrison, Deputy City Manager, City of Long Beach
Mark J. Saladino, Los Angeles County Treasurer and Tax Collector
Vacant, Board Secretary



Before the official meeting began, Chair Bill Fujioka mentioned that the previous week was interesting with respect to the grant that LA-RICS received. He went on to say that the grant doesn't come close to the need for this particular project but that it provides a huge boost and it was a day/good moment that should be celebrated by the entire Joint Powers Authority (JPA).

I. CALL TO ORDER

A meeting of the Los Angeles Regional Interoperable Communications Systems Authority Board of Directors was called to order on October 7, 2010 at 9:00 a.m. by the Chair Bill Fujioka.

II. ANNOUNCE QUORUM – Roll Call

Chair Bill Fujioka made an acknowledgement that a quorum was present without a formal roll call.

III. APPROVAL OF MINUTES

- A. Motions were made for approval of the minutes from the September 2, 2010, Board of Directors Regular Meeting.

MOTION APPROVED.

IV. CONSENT CALENDAR

None.

V. REPORTS (1 – 3)

1. Committee Reports

a. Finance Committee – Financial Solution Recommendation to Project Funding

Felipe Perez, designee of the Los Angeles Police Department and Chair of the LA-RICS Finance Committee gave a briefing regarding project funding and one broad recommendation and three questions to the Board regarding the Financial Plan. He asked for policy guidance and will seek feedback from committee members.

Board Member LeRoy Jackson stated that he could not really discuss the voter approved concept unless he goes back to the Independent Cities and to his own city [Torrance], and that he believed very strongly that his City Council would not support a voter approved source of revenue.

Chair Bill Fujioka stated that this was just a presentation of a potential option and there is going to be considerable discussion in the future and if an objection to any single option is voiced alternatives must be provided.

Felipe Perez said that the justification for the broad recommendation — Voter Approved

- Decision Point #1: Policy guidance with the respect to structure of a Voter Approved Revenue source.
- Decision Point #2: Guidance on Operations and Maintenance Costs and how to fund those costs – what would be the appropriate mix of that Voter Approved Revenue source and members general fund contributions.
- Decision Point #3: Guidance including or excluding User Equipment in the overall cost of the system and the Financial Model.



One further recommendation to be brought to the Board as part of the Financial Model is a set of recommendations regarding future grant revenues. The Finance Committee will bring the best projection/recommendation for the level of funding that we should seek from various grant sources and down the road will need the Board to help execute those recommendations.

Board Member LeRoy Jackson asked if that was the only option for financing – a voter approved approach.

Chair Bill Fujioka reiterated that this is an option that is being put out. The other option is through our respective general fund and another option would be to issue bonds, but debt service for those bonds would have to come again through our general fund.

Board Member LeRoy Jackson added “or our subscriber service or sorts” and asked if any of the options were going to be brought forward.

Chair Bill Fujioka stated that if there is a subscriber service, an entity would still have to put the money up front to build it and that was asking a lot of any single entity.

Board Member LeRoy Jackson further added “or we could opt out.”

Chair Bill Fujioka stated that the ultimate goal is to have a regional interoperable communications system, and that opting out makes no sense. He explained that we have the options and to prepare to look at the other ones from our general fund, our subscriber method, and finding one entity to step up and issue the bonds — service to debt through the subscriber payments. He went on to say that as a group we will decide which option is best, recognizing that each one presents a challenge.

Board Member Gerry Miller expressed that cities cannot use the Ad Valorem Tax for operating cost – only for capital and that you can do a special tax of some sort. He also discussed the need to have some sense of what the impact on the taxpayer is going to be — the amounts of money both for the capital investments and estimated operating costs and various equipment.

Board Member Mark Alexander recommended that the Finance Committee look at how the Los Angeles County Consolidated Fire Protection District funds itself. He said that it is a unique way that they have spread those costs among the cities that it provides services too.

Chair Bill Fujioka said that we could look at the option but to be careful because those monies...the way that it is set up are designed to support direct fire services. And that it is our responsibility—the Finance Committee, to present every conceivable option possible and that we would talk about it and decide as a group which one is best to suit our needs for the goal is a regional system that we are reporting towards.

Felipe Perez also noted that the Finance Committee has been active over the course of the year and encouraged each Board Member to make sure that their designee is actively participating for there is a lot of detail at the meetings in which the designee would be more than able to communicate to them.

Board Member Miguel Santana commented that whatever option is considered, there is also the important need of being sensitive to the larger environment (the realities of each one's cities) and that it is going to involve an even greater level of creativity and being able to identify ways to perhaps mitigate both the idea of creating a new system that all want while at the same time addressing or providing some level of relief for the immediate crisis that are expending.



Board Representative Daryl Osby asked for clarity of the timeframes of the November feedback and the December Financial Model. He asked if there is an expectation for the JPA to get feedback based on the presentation or was more feedback going to be given at the next meeting.

Chair Bill Fujioka stated that the need to present information on the other alternatives models will be done by the November meeting and that December is our deadline. He further stated that it could move but right now the request was to look at the full universe of options.

b. Operations Committee – Procedures Working Group Formation

Scott Edson, LA Sheriff Communications & Fleet Bureau, Chair of the Operations Committee briefly reported that they continued to meet on a monthly basis which is usually the last Tuesday of each month to discuss the system use, management and administrative issues, policies, procedures, and training. He said that the Procedures Working Group (an Ad Hoc Committee) has emerged from the Operations Committee and is being run by John Lenihan from Los Angeles County Fire Department and that they are directing their efforts on agency specific requirements, talk groups, channel requirements, mutual aid communications issues, emergency trigger use and also training. He went on to say that the Operations Committee and the Procedures Working Group are moving forward on a regular basis and would appreciate your continued involvement.

There was no reportable action from the Legislative or Technical Committees.

2. Project Status

Scott Poster, Task Force Leader, provided a brief description as follows:

a. LA Safety Net – September 27th Award Announcement \$154,640,000, September 29, 2010 Press Conference.

He stated that LA-RICS was given an award of \$154,640,000 from the National Telecommunications and Information Administration (NTIA) which is stimulus money to help build the LA Safety Net which is a broadband system. And on September 29th the press conference was held at the Hall of Administration, [Congresswoman] Jane Harmon among other elected officials, the Chair Bill Fujioka and other JPA Members were there to receive the award which is the biggest that has been handed to any organization in the United States. He stated that there is a tremendous amount of Congressional support, local, and through Washington for the region to be successful in building this broadband system that will enable computerated dispatch, rapid law enforcement queries, real-time video streaming, medical telemetry and patient tracking, and has a significant EMS component – geographic information, systems and services and other things that will be enjoyed by law enforcement, our citizens, and the fire services. He also stated that this is a significant accomplishment for this region and that he will be able to have photos, streaming video and interoperability with the stakeholders internally and externally.

b. Evaluation Update

Mr. Poster stated that as an Evaluation for the Request for Proposal (RFP), the evaluation time period is about half-way over and that they are working on the proposals diligently and anticipate a completion beyond the expected schedule for the following reasons: The BTOP grant that was awarded is going to require a supplement to the RFP. Components of the RFP have to be clarified and will take a few days to create that supplement or possibly a couple of weeks which involve a slight extension of the evaluation period with the anticipation that the



entire process to be six to eight weeks in addition to the current timeframe. However, further schedule will be given as that evolves. He said the that Internal Services Department (ISD) and County Counsel experts have provided a clear direction on the best way to incorporate the BTOP Grant into the RFP process so that broadband system and the voice system come out to a non-protestable as much as possible endeavor.

c. Travel

He further stated that the Evaluation Team is going to require traveling to at least three sites where current systems have been established. And that he will be asking the Board to allow him to provide travel arrangements for the Evaluation Team and the facilitators of that team within the next two months. They will have to visit on-site to get some real-time information as part of the evaluation process and that he will be able to present and deliver information and details on that travel to the Board.

Chair Bill Fujioka asked where the sights were.

Scott Poster stated that they are being determined and that he did not want to tell exactly where the sights are but said that one of them could be in Canada and the other one can be in the western United States, unfortunately not in California, and that he would provide that in the briefing to the Board Members prior to approval.

Board Member LeRoy Jackson asked if the supplemental goes out will there be time for the Board to review and to respond as to any modifications or changes or questions that we may have.

Scott Poster responded that they will follow the same model as the RFP and that it will be a very succinct amount of time and that he wanted the amendment or the supplement to be produced and on the street within two weeks.

Chair Bill Fujioka said that we will have that time, but will follow that same process.

3. Grant Status

Sara Henry, LA-RICS Contract/Grant Specialist provided a brief report on grant activities.

The sum of the grants prior to the BTOP was about \$142,000,000 and the total for grant funds is \$297,000,000.

a. Urban Areas Security Initiative (UASI)

The focus is on the 2008 USAI grant and she is working to request an extension for one year. A draft letter has been written to submit to the Mayor's Office for the reasoning behind the one year extension.

b. State Homeland Security Grant Program (SHSGP)

The focus is on the 2008 grant which expires May 31, 2011. As mentioned last month of the reprogramming some of that grant fund for various site developments and projects — she was requested to come back with some of the site locations. This is not a finalized list. But the Technical Team is still working out the details, the budgets, and the scopes of work.

- Geotechnical Investigation Study. The locations for the County of Los Angeles – Johnstone Peak, Lower Blue Ridge and San Dimas. For the City of Los Angeles would be Mt. Lee, Mt. Lukens, Verdugo Peak, Adams Hills, San Pedro Hills, Baldwin Hills, Mt. Washington, 100 Wilshire, Beverly Glen, City Hall East, San Vicente, Century Plaza, Green Mountain and Valley District.



- Tower Structural Studies. Located at the – Sheriff Communications Center, Fire Command and Control Center, Whitaker Ridge and the same fourteen City sites.
- Conducting CEQA and NEPA [Environmental] Initial Studies – the first round of studies take around four to six months. It will be the same fourteen City sites, and for the County will be Johnstone Peak, Lower Blue Ridge, Mt. McDill and Castro Peak.
- Microwave Link Upgrades. There are eleven County sites – Lower Blue Ridge to Blue Rock, Lancaster Sheriff to Mt. McDill, Mt. McDill to Oat Mountain, Johnstone Peak to Rio Hondo, USC Medical Center to the Criminal Court, Criminal Court to Oat Mountain, Oat Mountain to Whitaker Middle Peak, Castro Peak to Oat Mountain, Hauser Peak to Oat Mountain, and Eastern Microwave to Rio.

Board Member LeRoy Jackson asked if all of the improvements are either in the County or City operations and that none of the member agencies equipment has been included in the list.

Sara Henry said that they were working with the City Information Technology Agency (ITA) and the County ISD and that these were the ones that they requested.

Board Member LeRoy Jackson asked if all the agencies have not been included in the request if we can explore other facilities that might be available to member agencies.

Chair Bill recommended working with the County offices, because of their extensive mailing list whether it's ISIS, the City Managers or the main associations whatever works.

c. Broadband Technology Opportunities Program (BTOP)

The total award for that grant was \$154,640.000 and there are requirements that have to be completed within ten days including all reporting which is due this Sunday [October 10, 2010] which the final draft have been submitted and that she have to click to submit for that report to go through.

VI. ADMINISTRATIVE MATTERS (4 – 8)

4. Recommendation for approval to obtain services from County Department

ACTION ITEM: Approve the use of the Memorandum of Understanding (MOU) Template and the Agreement to Provide Services Template to be used for the Authority to obtain services from County Departments. These templates were approved by the County of Los Angeles Board of Supervisors on August 3, 2010.

Scott Posted reported that on August 3, 2010 the Los Angeles County Board of Supervisors approved the establishment of the Los Angeles Regional Communication Project Budget Unit to provide funding and positions for the LA-RICS project and fiscal year 10/11. He recommended that the [JPA] Board review and approve the forms of agreement to provide services (attachment included) which is a MOU by and between the County of Los Angeles Chief Executive Office and LA-RICS Authority. The forms are templates which provide a vehicle for the County of Los Angeles to provide services to the JPA through an agreement.

MOTION APPROVED.

5. Recommendation for approval of Grant Funds

ACTION ITEM: Approve the Authority to receive \$154,640,000 in Grant Funds from the National Telecommunication Information Administration (NTIA) to be used to construct the LA-Safety Net Broadband System.



Scott Poster stated that he was here to request the Board to approve the Broadband Technologies Opportunities Program. He said that the Board is being asked to approve the acceptance of \$154,640,000 for the LA Safety Net at 700 MHz Public Safety Mobile Broadband Network. He said that this is federal stimulus money which will require intensive reporting and does include some administrative costs to run and manage the program we are asking for your approval.

Board Member Mark Alexander asked if the extensive reporting required was going to be addressed in Item #7 — if that was the purpose of the item.

Scott Poster replied yes.

MOTION APPROVED.

6. Spectrum for D-Block, Federal Communications Commission (FCC)

DISCUSSION ITEM: D-Block Spectrum debate and issues

Mike Thayer, Deltawrx, addressed the controversies surrounding the D-Block Spectrum in the Public Safety Community. He stated that there are competing Bills out on what to do with 10 MHz of spectrum which is adjacent to the 10 MHz and that LA-RICS have been granted a waiver for the BTOP process. He further detailed that the Public Safety Community in general wants the additional 10 MHz of spectrum allocated directly to public safety for a total of 20 MHz and that there is a competing proposal by Congressman Waxman that says that 10 MHz would be auctioned and the proceeds would be used to help public safety build out the 10 MHz and that part of Waxman's Bill also says that User Equipment will be available that would span both those blocks of spectrum. The prediction is the User Equipment price will be much lower if the 10 MHz is auctioned. He said that the staff of LA-RICS has discussed this issue and because of the members of our Congressional Delegation on both sides, we recommend not take a position, just keep monitoring the process and see how the Bills play out.

Board Member Greg Simay stated that there is a policy issue for the Board and questioned if staff has an opinion as to whether the dedication to public safety would be preferable.

Mike Thayer said that there are competing interests and that we can certainly take advantage of the extra spectrum—twice as much spectrum is good for us. But the challenge is if we get the spectrum, the pricing on the User Equipment—may drive up the pricing of the equipment we end up with because you really have to look at the universe of potential users and if all 20 MHz of spectrum is dedicated to public safety the number of users is much lower than if commercial users could share that same spectrum. So instead of tens or hundreds of thousands of devices you would be looking at millions of devices and the more devices the manufacturer makes the cheaper the costs so it could cut the cost significantly.

Chair Bill Fujioka asked by staying with 10 [MHz].

Mike Thayer replied that the proposal of public safety would use their 10 and the other 10 would be auctioned off. But public safety could roam onto the commercial network and use not only that 10 but additional spectrum that the commercial users have as well. So some in the public safety community are saying no—we want all the 20 for ourselves and then we can build it out as robust as we want and not have to rely on the commercial services while other people in that argument are saying that you may have access not only to 20 but 30, 40, or 50 MHz of spectrum in the time of need.

Board Member Greg Simay said that he think the policy issue is if it's not a clear advantage or disadvantage in staff's opinion that there are pluses or minuses then it would make sense



not to advocate because we do not have a strong position but if we did have a strong opinion that one alternative or the other was better, then he would recommend to the Board that we try to persuade legislatures as to why our position should be adopted rather than hope for the best from other efforts.

Chair Bill Fujioka asked what is the timeline with the Bill.

Mike Thayer responded that it is probably not going to happen until next year.

Chair Bill Fujioka asked Mr. Thayer whether through his expertise or if we need to elicit the aid of anyone else in the consulting field to come up with a very comprehensive assessment of the benefits of both the 10 or the 20 during the next 30 or 60 day period. He said that he had heard from people in the community that there are arguments on both sides—some say keep 10 and then piggyback on the commercial side because the commercial side has resources that we do not have and they are going to build out this very robust system and so there's always the opportunity. And other people say to keep your system very closed and control everything yourself.

Board Representative Sandi Jo MacArthur said that she agreed wholeheartedly to take a stance on it and would be much more comfortable with that.

Board Member Mark Alexander asked if the Technical Committee looked at this issue.

Chair Bill Fujioka said that we would like to have another discussion next meeting and to make sure our Technical staff looks at it and that he does not want to rely on the commercial side. He reiterated to Mr. Thayer that whether he do it himself or find the resources needed to come back with a proposal to us for the next meeting and should he need more time just let us know.

7. Agreement for an Consultant (Grant Specialist)

ACTION ITEM: Recommendation for approval of a consultant (Sara Henry) to serve as grant specialist for the Authority under a Professional Services Agreement (PSA) with the Authority.

Scott Poster gave a brief summary of the action item and recommendation to the Board.

He stated that on August 3, 2010 the Board approved consultant Sara Henry to serve as Grant Specialist for the Authority under a Delegated Authority Agreement (DAA). The Authority has been notified that DAA cannot be used to provide a consultant to the Authority. Counsel to the Authority has recommended a PSA be established between the consultant and the Authority. He requested the Board to approve the use of a PSA to obtain services from consultant Sara Henry a Grant Specialist and delegate authority to the Task Force Leader to sign on behalf of the Board. He further detailed that the attachment is a template which says Specialized Consultant Services Agreement and that the consultant would not be an employee for the Authority but will be a consultant for the Authority and paid by the Authority.

Chair Bill Fujioka stated that the scope of work would include the ongoing reports of all grants.

Board Member Mark Alexander had two questions, the first, that he saw the hourly rate listed in the proposed agreement but did not have a sense of what the outside cost might be total hours or if this is a not to exceed and that he bring it back for further authorization from this Board. Second, what was the process that was used in selecting this particular consultant.

Scott Poster explained that when the Board originally approved the DAA agreement the consultant had been working with the JPA already as a representative of the [Los Angeles] Mayor's staff and that she had applied for the position and was interviewed and the name was brought to the Board for approval for the DAA agreement. As far as the salary, in the County of Los Angeles a Grant Specialist is paid as an Administrative Services Manager I — that is the level that the Board



approved last month and that level has been translated to the hourly rate as listed as 40 hour a week position for a Grant Specialist for the JPA.

Board Member LeRoy Jackson asked if we will include the not to exceed amount.

Chair Bill Fujioka responded that we can say the amount is at level not to exceed the salary for that specific position.

Board Member LeRoy Jackson said that if you correlate it to a current employee there are some real questions as to whether or not the employee then becomes an employee should receive retirement and other elements looks like an employee is an employee and if it's a consultant contract then it should have a not to exceed a specified amount.

Chair Bill Fujioka said that we will make that modification with instructions before this contract is signed by all parties.

Board Member Mark Alexander commented that we want to be very careful that this clearly meets the Internal Revenue Service (IRS) requirements for Independent Contractor. He said that if it is deemed that this is an employee of the organization then you get into reporting practices liability issues, worker's comp issues, all those issues that come up, so we should make sure that this certainly meets the independent contractor requirement.

Chair Bill Fujioka said that we will do that and with those two requirements (a) not to exceed; (b) ensuring that this meets all the appropriate IRS requirements.

MOTION APPROVED.

8. Recommendation for the Director Appointment

ACTION ITEM: Approve the selection of the LA-RICS Director.

Chair Bill Fujioka stated the bulletin that sent out was consistent with the direction received from this Board. He said that a number of highly qualified candidates were received. There was an initial Selection Committee/Interview Board that interviewed the top-rated candidate and subsequently referred the two most qualified candidates for consideration. There was another round of interviews with the top candidates and as a consequence of the selection an individual have been identified that we are recommending for approval. He went on to say that the resume of Patrick Mallon was included in the package and that he has considerable experience both in communication and in Project Management which is even more important, have created/and had finished as a Project Manager for a major project for this region—the crime lab which was a project with Cal State LA, the City of Los Angeles, and the County of Los Angeles. And at this point and time he is being submitted for this Board's consideration and with that final appointment.

Board Member LeRoy Jackson said that he would suggest that the action of the Board be to acknowledge the appointment made as part of our contract and our appreciation of the Chair sharing the background and information of that individual for we are not opposed to approve the appointment itself and if that's acceptable to the Board.

Chair Bill Fujioka said that was fine and with that consideration takes Board Member's LeRoy Jackson's recommendation and asked for a motion.

Board Member LeRoy Jackson made a motion to acknowledge.

Jose Silva, JPA Counsel said that he wanted to point out that his understanding is that Mr. Mallon isn't currently an employee of Los Angeles County and if that's the case then the agreements that



were approved earlier by this Board with respect to the use by the JPA the Los Angeles County's employees would not apply to this individual.

Chair Bill Fujioka responded that he is not.

Jose Silva then said that since he is not a current Los Angeles County employee then his agreement would be more along the lines of the other consultant agreement that was just approved in the previous item.

Board Member LeRoy Jackson made the statement that if it's a consulting agreement then we have gone through an improper procedure and used an employment procedure rather than a consulting. He said that we should be involved in the process of selection either as the Board as a whole in which the applicant should have come for consideration or by a committee with recommendations to the Board as a whole neither of which were followed. The assumption was from the beginning that this was an employee of the County of Los Angeles assigned to us.

Chair Bill Fujioka said that at this juncture, we can structure it anyway you like and that person will be hired on a consultant contract not as an employee. He said that there was a selection process as we had with the earlier person who is handling our grants. He went on to say that whether it's a consultant or an employee you still need a structured selection process and that he will not be hired as an employee of the County but will be hired as a consultant that would work with and for this Board.

Board Member LeRoy Jackson asked what we will pay him with.

Board Representative Sandi Jo MacArthur said that she thought originally that this was going to be paid through the County, and asked if that had changed, and if so, how are we going to have the funding to pay.

Jose Silva said that under the Board of Supervisors August 3rd action where certain monies were transferred to the JPA, he thought under that action a specific amount of those funds were allocated to cover employees of the JPA and the Board Letter is attached to Item #4 or #5 and that is the action that the Board took believed that there is a breakdown in there which indicates the allocation of funds were coming from for those positions.

Board Member Mark Alexander said that it seemed that there are two options currently (1) that the County hired this individual and that individual became an employee of the County and would be providing services under our agreement the JPA with the County for employment assistance; (2) the other option would be to come back to this Board with a consultant agreement just as we did with Item #7 on the Agenda.

Chair Bill Fujioka said to table this and put on the Agenda for next meeting as a consultant contract and we will move forward at that time.

Board Member LeRoy Jackson said that if it's coming back as a consultant where we were doing the selection then it should be a selection interview of the two top candidates. It no longer becomes a County employee but of the Board as a whole where he will be reporting to the Board as a whole and as a member of the Board he have a responsibility to vet the individual and we are going to have to have a full interviewing process of/for the consultant evaluation here before the Board in open session.

Chair Bill Fujioka suggested not having an interview in open session not closed session.

Board Member LeRoy Jackson said that we can for an employee, but he didn't think we can for a consultant and asked if you can hire a consultant in executive session.



Jose Silva said that there was not any specific legal requirement with respect to whatever procedure this Board adopts with respect to the employment of....

Chair Bill Fujioka said that you can interview them in executive session but you must report out in an open session. And that you have to make a distinction for picking a contractor and picking someone who would work for this Board through a personnel process. He further stated that what we are suggesting right now is similar to the process that we used for our grant employee but if it is the will/pleasure of the Board to have that interview next week then we can schedule it.

Board Member Mark Alexander then said that his understanding of the Brown Act is that the exception to open meeting is only for employees of the agency. A consultant would not be considered an employee of the agency therefore the exception does not apply.

Chair Bill Fujioka then said to throw a ~~third~~ fourth option on the table (1) is an employee of the County which he cannot be because he is a retiree of the County (2) is interviewed here if that is legally permissible; (3) we can identify a small group of individuals to constitute our interview board to go through this same process; (4) to delegate it to the Chair in which he has no preference. But that's the universe of options and if this Board would like to identify and we have...he would suggest no more than five and then the Board delegate the authority to have them come back with a recommendation that also can happen.

Jose said that he believes that is also right inasmuch as that being an option also.

Chair Bill Fujioka said he'll take a motion

Board Member Greg Simay asked what was the understanding of the candidates including Mr. Mallon and did they understand themselves to be hired as a consultant, as an employee or was that left open.

Chair Bill Fujioka said as a consultant and that Mr. Mallon was a County employee, he retired and cannot be hired back as a County employee.

Board Member LeRoy Jackson said that it did not appear that way in the brochure that was sent out. It looked like you or the County was seeking an employee and that he was somewhat surprised that now it's a consultant relationship that we are exploring.

Chair Bill Fujioka said that we still have the four options on the table whether or not – if you want to go back and send out a new announcement.

Board Member Mark Alexander said that he was renewing his concern that was expressed earlier about independent contractor status—his concern of bringing on someone as an independent contractor but in reality they might be viewed by the IRS as an employee. He went on to say that if we did advertise for an employee and now we converted to a consultant then it's going to be harder for us to demonstrate that this is in fact an independent contractor.

Chair Bill Fujioka asked Scott Poster if the bulletin was characterized as an employee or just identifying an individual to work with this entity.

Board Member Greg Simay said that he thinks that this is a policy matter that this position is basically someone who is bringing project management expertise to bear on a highly technical project. This is someone who will be executing policy not forming it though they might make recommendations to the Board. If that is the role then that is not something that the Board would necessarily have to vet as far as what this person is doing because they are basically bringing project management expertise and they are executing policy they are not forming it. So leaving aside the situation of the particular candidate and if that person were a candidate of the County or were an employee of some entity that would be consistent with that role and it wouldn't be I'm



testing this and it wouldn't be necessary for the Board to vet someone who is having that role in the organization....

Board Member LeRoy Jackson said that was the original concept we had in place, but it is now us making the decision really raises the question....

Board Member Greg Simay asked if there was a way this position could be an employee position rather than a consultant position but not necessarily an employee of the County which would eliminate a complication of the particular candidates.

Jose Silva then said that an employee of the Authority rather than an employee of the County hired by the Authority would be all attendant problems if the Authority starts hiring people in terms of Human Resources issues.

Board Member LeRoy Jackson said that it can't be the Authority and that we need to have the individual working for another agency or we bring them forward as a formal consultant and that we should go through a normal formal consulting interview process and selection process assessed by the Board as a whole.

Board Member Mark Alexander said that if you keep your staff minimal you can avoid some of the larger issues with having a staff over a certain size and that he was not personally be opposed of the idea to brining on an employee.

Board Representative David Betkey asked if the number four was still an option. He then made a motion to delegate it to the Chair.

Chair Bill Fujioka said that there was a motion on the table. And would caution that the consultant route is the best way to go and that we can make the necessary tweaks. He explained that getting into the employment situation is a host of employment laws, benefits, and everything associated with direct employment status but as a consultant in a contract this makes easier.

Board Member Mark Alexander said that there is a whole list of criteria that the IRS looks at in determining whether if someone is an independent contractor and that it is very easy to fall into the category of employee of the organization which is why he was concerned about this particular item. He went on to say that if it hasn't been looked at from the standpoint of independent contractor and that it has been viewed and advertised as employment arrangement then we need to look at that before the Board acts.

Jose Silva said that we can look at those issues clearly if that's the direction that this Board chooses to go and that he would look at those issues in connection with whatever agreement the Board enter into if it approves such an action.

Board Member Miguel Santana moved that we establish a committee that uses the same process that was used for the previous consultant and we just approve for the selection of a consultant as Executive Director of this Body.

It was seconded.

Board Member LeRoy Jackson asked if we could make it Ad Hoc with three individuals by the Chair.

Board Member Mark Alexander explained the reason why it would be Ad Hoc and not an appointment of the Board for if the Board appoints a committee it is subject to the Brown Act.

Chair Bill recommended that we send out a new bulletin very quickly that clearly states what the intent of the employment agreement. He also suggested that rather than this Board authorizes the formation of this committee because we do have Brown Act considerations that the Board delegate



the authority to him with the understanding that he would constitute a board of three individuals with the intent of interviewing and so on and so forth.

Board Member Miguel Santana said that he accepted the friendly amendment of his motion.

Chair Bill Fujioka said that for that expressed purpose he delegated himself and would identify three individuals who will go through this process...an Executive Director.

Board Member LeRoy Jackson said that he was comfortable with the delegation element with the Chair appointing the committee of three to make recommendations and that the Chair could be on that committee.

Chair Bill Fujioka said that he was not going to be on the committee.

Board Member LeRoy Jackson said that if an Ad Hoc Committee was coming back it would get by the Brown Act situation but that we could not delegate to an individual that selection process.

Jose Silva stated that was correct and that they would have to be brought to this Committee ultimately for approval.

Chair Bill Fujioka asked which part is correct. The Ad Hoc process or the delegation. He said that it is both legal that the Committee can chose either vehicle to achieve this goal.

Board Member Mark Alexander said that he was confused about what the motion was to vote.

Jose Silva asked to clarify the motion on the table.

Chair Bill Fujioka said that the motion on the table is to delegate to himself the process with the understanding that he would put together a committee of three individuals and welcome any volunteers who will in turn handle the selection process for the project manager. Also as part of the motion — send out a new announcement that clearly defines that this position will function as a consultant and not an employee. The committee will bring back and provide a recommendation that he will subsequently put on the Agenda the individual who will function as Project Director.

Board Member Mark Alexander said that he was not clear on the last part. He asked if the recommendation is for the Board to vote on/to act on or is that a ratification of the decision of the hiring appointment.

Chair Bill Fujioka said that the recommendation was for this Board to vote.

Board Member Greg Simay asked if the Board would be ratifying being asked to approve a consulting contract with a particular individual.

Chair Bill Fujioka said it was like we did in Item #7

Board Member Greg Simay said that just like the last one and the Board will have the benefit of an Ad Hoc Committee recommendation.

Jose Silva said that the Board can decide to approve that.

Chair Bill Fujioka said that we could also reject it and go back and find someone else.

Board Member LeRoy Jackson asked if the Ad Hoc Committee would be made up of members of this Board.

Chair Bill Fujioka answered that was his intent.



Board Representative Cathy Chidester stated that at last month's meeting we approved a process for this. She asked if there was something that we need to do to go back and make sure that this is changed so it overrides that process that was approved.

Chair Bill Fujioka said that it's part of that motion and that this will now supersede any prior decision, direction, etc.

Jose Silva said with respect to that particular issue.

Chair Bill Fujioka answered yes and made a motion with that clarification.

MOTION APPROVED.

VII. MISCELLANEOUS – (None)

Board Member Greg Simay said that he wanted to publicly thank Mr. Perez and Mr. Lee for the work on the Finance Committee and helping the Board sort through the decision points that gets to a viable finance plan in the future.

VIII. ITEMS FOR FURTHER DISCUSSION AND ACTION BY THE BOARD

These issues are **to be discussed on November 4, 2010:**

1. Chair Bill Fujioka said that Mr. Perez [Finance Committee] is going to come back with a universe of options...to pay for this. And there will be a host of options presented to us that we will discuss at the next meeting.

IX. PUBLIC COMMENTS

No additional comments from the public on items of interest were received.

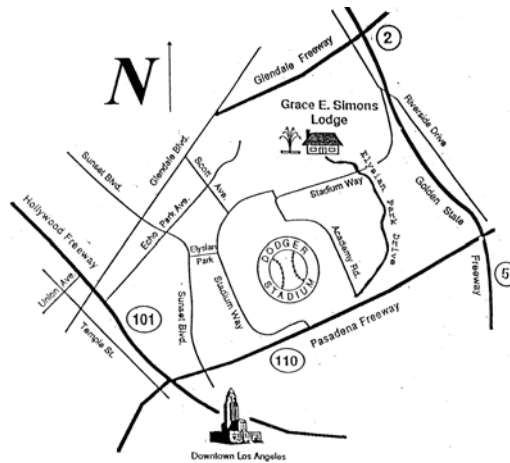
X. ADJOURNMENT and NEXT MEETING

Chair Bill Fujioka adjourned the meeting at 10:05 a.m.

The next regular meeting of the Board of Directors is scheduled for Thursday, November 4, 2010, at 9:00 a.m. at the Grace E. Simons Lodge.

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

Map and Driving Directions:



- **5 Freeway NORTH:**

Exit Stadium Way, Turn Left on Riverside Drive. Turn Left on Stadium Way, Turn Right at top of hill on Elysian Park Drive.

- **5 Freeway SOUTH:**

Exit Stadium Way, Turn Left on Stadium Way. Turn Right at the top of the hill on Elysian Park Drive.

- **110 Freeway NORTH:**

Take the 110 North to the 5 North. Exit Stadium Way, Turn Left on Riverside Drive. Turn Left on Stadium Way, Turn Right at top of hill on Elysian Park Drive.

- **2 Freeway SOUTH:**

Take the 2 South to the 5 South. Exit Stadium Way, Turn Left on Stadium Way. Turn Right at the top of the hill on Elysian Park Drive.

- **101 NORTH:**

Exit Glendale Blvd/Echo Park. Go straight on Union Ave. Turn left on Temple St. Turn left on Glendale Blvd. Turn right on Scott Ave. Turn left on Stadium Way. Turn right on Academy Road, immediately turn left back onto Stadium Way. Go half (1/2) mile and turn left on Elysian Park Drive.

- **Sunset Boulevard WEST:**

Take Sunset Blvd., West, Turn right on Elysian Park Avenue. Turn left on Stadium Way. Turn right on Academy Road, immediately turn left back onto Stadium Way. Go half (1/2) mile and turn left on Elysian Park Drive.