



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

Thursday, August 1, 2013 • 9:00 a.m.

Los Angeles County Hall of Administration
Room 739, 500 W. Temple Street, Los Angeles, CA 90012

Board Members Present:

William “Bill” T Fujioka Chair, CEO, County of Los Angeles
Miguel Santana, CAO, City of Los Angeles
Gerry F. Miller, Chief Legislative Analyst, City of Los Angeles
Reginald “Reggie” Harrison, Deputy City Manager, City of Long Beach
Bill Walker, 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

Representatives For Board Members Present:

Brence Culp, representing William “Bill” T Fujioka Chair, for the County of Los Angeles Chief Executive Office
Patricia “Patty” J. Huber, representing Miguel Santana, for the City of Los Angeles Chief Administrative Office
Sandy Jo MacArthur, representing Charles “Charlie” L. Beck, Vice Chair, for the City of Los Angeles Police 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
Derek Webster, representing Kim Raney, for City of Covina, representing At Large Seat

Officers Present:

Pat Mallon, LA-RICS Executive Director
Patricia Saucedo, Board Secretary

Absent:

Brian Cummings, Fire Chief, City of Los Angeles Fire Department
Wendy L. Watanabe, Auditor-Controller, County of Los Angeles
Mark J. Saladino, Treasurer and Tax Collector, County of Los Angeles



I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

Chair Brence Culp greeted the Board and announced that Bill Fujioka would be joining this meeting a little later, more towards the end of this meeting. She acknowledged that a quorum was present.

III. APPROVAL OF MINUTES – (1)

1. July 11, 2013, Regular Meeting Minutes. **MOTION APPROVED.**

IV. CONSENT CALENDAR – (None)

V. REPORTS – (2–5)

2. Committee Reports

- a. Finance Committee – Stephen Sotomayor

Stephen Sotomayor, Chair of the Finance Committee reported the LA-RICS Finance Committee met on July 25, 2013 and during that meeting they discussed and recommended that the Executive Director retain consultant services to assist the committee with the development of the Funding plan for LA-RICS.

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

Board Member Greg Simay had a request for the Legislative Committee to review Federal Legislation Public Law 112-96, and see if there is any further action to recommend to the Board at this time regarding 112-96 or if the latest statement to the FCC should continue to be the effective position of this Board.

Chair Brence Culp requested that the Legislative Committee review Public Law 112-96 and report their findings.

3. Director's Report – Pat Mallon

Executive Director Pat Mallon provided an update on the status of the LMR Project, and stated that Agenda Item Number 9 be discussed later in the meeting.

Another item which pertains to the LMR is the requested waiver from the FCC for additional reserve channels in the 700 MHz spectrum. That process is moving slowly through the FCC. Other jurisdictions, such as Washington DC, have submitted similar request to the FCC and so far both NPSTC (which is a federally funded commission oversees spectrum) as well as APCO (Association for Public Communications Officers) have voice support for that waiver. We have been told by FCC that we should receive some action on this item by the end of the year. That will be very important as we look into further development of the LMR system.

On the LTE Procurement, your Board approved the release of the LTE RFP on July 11th, subject to completion of the document review by the Authority's legal counsel and review by the Board Members. We have been working diligently to try and push that out. We have not invited Board Members to review it yet because we are still making some amendments to it. We have been working with FirstNet Consultants to incorporate elements that the FirstNet Authority is looking for



in a National System. We are hopeful that we can release the RFP within the next seven to eight days. It is a significant undertaking. Another departure from what we have done in the past is that we are incorporating into the RFP the Statement of Work. This should expedite the negotiations process.

We are continuing to work with our primary consultants to examine replacement sites and hope that we have 232 sites that will meet the elements of our CEQA exemption. If these sites are indeed CEQA exempt, we can request from the Department of Commerce that the NEPA process be initiated. The fact that we have 232 sites that may be CEQA exempt and that would give us 95% coverage in the urban area of the County is a huge step forward. The effort that the County put forward in supporting AB 1486 is now paying off. It is going to significantly support our project.

At the last meeting I had also requested support from the Authority Members on Evaluators for the LTE RFP. So far we have received contact from only two member agencies. We are going to need more evaluators. There were some conditions that no prior evaluator from either of the previous procurements can be on the evaluation team; subject matter experts from those three can be subject matter experts or evaluators for the new LTE RFP; anybody that was a contract negotiator on those previous procurements can be a SME; any contract negotiators from those first three can be evaluators on the new LTE RFP but they cannot serve on the negotiating team for LTE. Once they start the evaluation, they will be excluded from any further discussions. Also anybody who has worked closely in the drafting of the RFP cannot be an evaluator. One good piece of news is that we have been informed by the Department of Commerce, that evaluators can be compensated using the BTOP Grant.

The Site Access Agreements have been cleared by the Counsel and we will soon release the draft document to member agencies. I believe the LA City Attorney has received a copy of the Site Use Agreement draft. We will be sending those out to the independent Cities very shortly. We are also working with the California Joint Powers Insurance Authority to clarify indemnifications requirements that should be included.

Board Member Reginald Harrison asked for notification when the document will be sent out to the City Managers. Pat Mallon stated, absolutely. All Board Members will receive a copy of the documents as well.

Board Member Mark Alexander asked, Pat how did you address the public input process on those site agreements? Pat Mallon replied, the approval processes by the individual local entities would require a public meeting, such as a City Council Meeting, so there would be an opportunity for public input at that point. We anticipate that some Cities will require a public meeting. We are actually working with the Project Manager firm to look at what would be required to support that from a public relations type firm. Our staff is really being stretched thin with all the aspects of the project so we are looking for some outside expertise in how to present these kinds of issues. We will be working with each individual City to address their concerns.

Board Member LeRoy Jackson asked, are you still looking at 80 or 70 foot structures? And, if our City for instance, several Cities had a Telecomm approval process separate from the site approval, would that still go through that process as well? Pat Mallon stated that LA-RICS will work with the affected City, and will look at whatever process a City would undertake if the City was building its own standard site. Recognizing that we are under a significant time constraint so



any assistance we can get to expedite the process of hundreds of sites between LMR and LTE, it is going to be imperative. The difficulty is, if we are not at a point where we could execute a site use agreement in order to move forward and timely spend the grant, we have to drop those sites. That would be the unfortunate part.

4. Project Manager's Report – Pat Mallon

Item Number 4 is the Project Manager's Report for reference.

5. Grant Status Report – Pat Mallon

Item number 5 is the Grant Status Report. The LMR funding with the execution of contract under item number 9 we will be requesting UASI 2010 Grants that currently expires at the end of December 2013.

Executive Director Pat Mallon reiterated that we executed a spectrum managers lease agreement on July 1st and on July 2nd we requested a lifting of the suspension for the LTE Project as well as an extension of our BTOP grant performance period through September 2015.

VI. DISCUSSION ITEM (6)

6. Board Members and Alternates

Pat Mallon reported that because LA-RICS is a Public Authority, we have to comply with the California Conflict of Interest Code. The Joint Powers Authority Agreement establishes that each of the 17 seats can appoint an alternate representative. As an example, the CEO can appoint a representative and an alternate. The representative can be himself, but he can also appoint an alternate. The LA Chief of Police can appoint himself and an alternate, or he can appoint somebody to serve as his representative on the Board, and then that person can appoint an alternate. We just need to be cautious because if there is a change of seats for even one meeting, you will have to complete a Form 700 for going out of office and complete a Form 700 for anyone coming into that office for that one vote. So the purpose of this discussion item is to clarify that there can only be one alternate.

Board Member Greg Simay stated, up until now the City of Burbank for example had an alternate through Burbank. The first line would be to get an alternate from Burbank and then the case of my seat, a gentleman from Pomona would then be the alternate. Is that still valid? Pat Mallon stated, in that instance no, it is not. The City of Burbank is the Board Member, so the City of Burbank can appoint a representative to sit on the Board as well as an alternate. Since the City of Pomona is the alternate for the City of Burbank, only if the City of Burbank drops out of the Authority will the City of Pomona assume the Burbank seat. So we don't, in those "At-Large" seats have in essence four potential Board members. Greg Simay asked further, "So as long as Burbank is a member of the Authority than the only person that can vote in my absences would be an alternate appointed from the City of Burbank." Pat Mallon stated, that is correct, the same situation for City of Culver City. The City of Culver City could appoint Chief Pedersen and an alternate. I believe the City of Beverly Hills is the alternate City. So it is only if the City of Culver City drops out of the Authority that Beverly Hills can vote. Chair Brence Culp asked, "And for each seat, it's only the representative and the alternate who have been designated to vote?" Pat Mallon stated, "that is correct. And, the same similar situation for our four Committees, each Board Member can appoint a representative to each of the four committees and there can be an alternate. For example, the Finance Committee. You can appoint a representative to sit at the



Finance Committee such as yourself and an alternate. Those are the only two representatives". Board Member LeRoy Jackson asked, so if you are going to change the designated alternates, the member has to send you a letter to advise? Pat Mallon stated, yes, that is correct. We have received a letter advising us that Chief Bill Walker is now the representative for the LAAFCA. We have to get a Form 700 from Chief Scranton declaring his "Leaving Office" and another Form 700 from Chief Walker declaring his "Assuming Office." Board Member LeRoy Jackson asked, if we are caught where both individuals are not available and we had to appoint another alternative, then I would send you a letter and they have to go through the process even though it was a single meeting? Pat Mallon stated, "that is correct".

Chair Brence Culp stated, we just want to make sure you all know who is officially representing each agency under this very technical rule.

VII. ADMINISTRATIVE MATTERS (7-8)

7. Accept 2010 State Homeland Security Grant Program (SHSGP) Funds – Pat Mallon

It is recommended that your Board:

- a. Accept \$5,315,000 in grant funds from the Fiscal Year 2010 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 2010 Homeland Security Grant Program Sub-recipient Agreement between the County of Los Angeles and the Authority.

Executive Director Pat Mallon asked the Board to approve the recommendation noted above. Board Member LeRoy Jackson moved the motion to approved and second by another Board member with no objections.

MOTION APPROVED.

8. Fiscal Manual Amendment – Pat Mallon

It is recommended that your Board:

- a. Amend the Authority's Fiscal Manual (Attachment A) to delegate authority to the Executive Director, or such person's designee, to pay invoices up to \$5,000,000 per single invoice without further Board action on new and existing contracts, agreements and Memoranda of Understanding (MOU) with a maximum contract sum of \$100,000,000 and over;
- b. Amend the Authority's Fiscal Manual (Attachment A) to delegate authority to the Executive Director, or such person's designee, and the Chair of the Board, or such person's designee, to pay invoices exceeding \$5,000,000 per single invoice without further Board action on new and existing contracts, agreements and MOU's with a maximum contract sum of \$100,000,000 and over; and,
- c. Amend the Authority's Fiscal Manual (Attachment A) to make other edits as indicated in Attachment A.

Executive Director Pat Mallon stated, Item Number 8 is a recommendation to modify the Authority's Fiscal Manual as it currently stands for contracts that have been approved by the Board. It is to grant the authority to execute or to approve a payment request up to \$5,000,000. As we move into the larger elements of the LMR and the LTE systems, both procurement



contracts will be well into the millions. We can anticipate invoices on a monthly basis over \$5,000,000. For contracts that exceed \$100,000,000 the request is that you allow me (the Executive Director) to approve the invoices up to \$5 million and for invoices over \$5 million, it will require two signatures, myself as well as the Chair.

Board Member LeRoy Jackson asked, do you anticipate the billings that are going to come in to be paid within less than 30 days? Pat Mallon stated, no, we do have 30 days. The difficulty is that we are looking at probably 60 or more days in order to pay an invoice if we bring it to the Authority for approval. Board Member LeRoy Jackson stated, I can't imagine bringing forth the monthly meetings wouldn't be sufficient to authorize the payment. Pat Mallon stated, if we receive an invoice say on July 31st, covering up to the month of July, it would have to have been on today's agenda. We would have had to receive it at least three days ago, plus whatever processing time needed, if it came in late to include it on today's agenda. LeRoy Jackson stated, no, it would have been an agenda item as appearing after the posting of the agenda and the majority vote of the Board can move forward. I'm pretty sure that's true. Pat Mallon stated, unfortunately, if we received an invoice today we wouldn't have time to process it, so that we would have to wait at least until the September meeting, and at least 30 days beyond that. Board Member Mark Alexander stated, Pat, I understand the point intended here and am somewhat willing to provide some flexibility, but why the \$5 million figure, as opposed to \$1 million? Pat Mallon stated, we looked to the County's requirement for a similar project and for both Internal Services Department and Public Works, the Directors of those two Departments are allowed to approve invoices in any amount up to the contract. We certainly will be reporting every month to the Board on any amount being spent. Board Member Mark Alexander further stated, to me that is just too high of an amount to give that much discretion. I think those invoices should come to the Board and the Board should be approving those.

Chair Brence Culp asked, are there other questions on this matter? Board Member Reginald Harrison asked what is current? Pat Mallon stated, "\$500,000." We have consultant billings coming higher than that. So, the request is to increase the limit.

Board Member Miguel Santana asked, has the chair contemplated establishing an oversight committee to evaluate these kinds of matters on a more regular basis?

Chair Brence Culp responded, I don't think so. I think the delegation would be to Pat with the additional signature from the Chair, where needed. If the Board is uncomfortable with that, perhaps we could modify this so that authority would only be exercised in the instance where there is not a meeting that can be where the approval can be posted at a timely basis. We don't want to be late on the invoices, but we'd also want you to have full confidence of the invoices being processed in a way that meets your scrutiny and your standards. We had hope to achieve that by simply reporting out to you the invoices that had been approved and if there were causes for concern that talk about possibly modifying this delegation. Our expectation is there won't be cause for concern, and that there will be the transparency that you expect. We do think it is important to pay these invoices on time, however, if there is an instance where we receive as Pat mentioned, coming before the meeting and not being able to agenda it, it would be very useful to have the delegated authority to pay it, and then just come back to your Board in a report aspect.

Alternate Board Member Cathy Chidester asked, how does the annual audit play in this? I know annual audits, are annual. But, does the annual audit review do this, or do they look at the expenditures only? Pat Mallon stated, the annual audits do take care of that and are part of compliance with the requirements of a grant contract. And a requirement of the contract is to pay them within 30 days. During the audit it would be in essence, a violation of that 30 day requirement. Cathy further asked, could we go up to the extent that they want? Because an



annual audit is another check and balance that could make people more comfortable on this item. Mark Alexander asked, but what does the proposed contract say with regard to payment of invoices? Can we extend that to a 60-day period, instead of a 30-day? Cathy Chidester added, or even 45 days? Pat Mallon stated, I'm looking at Counsel to assist with the answer.

Truc Moore, Counsel to the Authority, stated the contract doesn't specify an actual number of days when payments will be made by the Authority. The concern here could be that we timely approve invoices and draw down from the City Grantor, and there may be a gap in time. It may be possible to address the timing issue that we place a standing item on every agenda and that standing item would deal with invoices that come in. Chair Brence Culp asked the Board, is it a general feeling of the Board that it would be preferable to an agenda item with the invoices to be reviewed, discussed, and approved? Board Member Gerry Miller stated, I am not sure what we are going to be able to accomplish, if we are going to be looking at the invoices. But, unless we are going to have our respective staff heavily involved and constantly monitoring these, it is not going to be possible for us to sit here and determine whether or not these invoices add up? So I'm not quite sure what would be accomplished by approving the invoices verses reporting out on them to get them paid. Board Member Greg Simay stated, I think that assuming that this authority is one that we have already built in, that we are not going to be spending any more money than the terms of grants and revenues and that all the invoices would be subject to the scope and budget. Pat Mallon stated, absolutely. Greg Simay continued, so maybe what would help is to maybe have a staff report and provide us with a general idea of what will occur within the next year. Here are the types of activities and the general cash flow that the Board can expect. If we could anticipate for what's ahead and what sources it's going to pay we could... Pat Mallon stated, we can work with a contractor, upon a Notice to Proceed, to develop a cost loaded schedule which would show by month what they anticipate in a form of activity. This can translate to what we expect to be invoiced from a cash flow perspective. Additionally, as you suggested, the staff will be bringing back to the Board for approval each phase to move forward with the project. So we cannot get to Phase II until we've brought it back to the Board and in the Phase II situation we have a funding plan. The funding plan must also be presented to the member agencies for approval and an option to "Opt-Out." We really need to get down to the site and say, we could move forward with this site. We can then remain on target with our grant allocations. Board Member Greg Simay asked, what is the discretion when you get to higher figures? Is it more of the percentage of the contract that we are spending all at once? If \$5 million is 100% of a contract, that gives us very little room to anticipate. If it is 2% of a contract, that is... What is the projected cost next year in the design phase? Pat Mallon replied, for the design in 12 months it's approximately \$10 million. And then we have some equipment that we would like to include that would be about \$12 to \$13 million. So we are looking at a total of \$23 million in the first 12 months. Greg Simay stated, so for the next 12 months you can argue that \$2 million would probably give new discretion? Pat Mallon stated, all of the UASI '09 funding must be expended by December 31st.

Board Member LeRoy Jackson stated, I would move to modify that the Executive Director has up to \$1 million and that there be a regular standing item on our agenda. To require authorization up to \$1 million, instead of \$5 million reduced to just \$1 million. Above the \$500,000 it would require dual signature. Above \$1 million, it would require agenda review every month.

Chair Brence Culp reiterated the Board's request stating, we are changing "A" to reduce the delegated authority for the Executive Director, from \$5 million to \$1 million. Pat Mallon explained the current policy for present contracts I have authority to execute approval of payments up to \$500,000 and over \$500,000, it requires two signatures, one from me and one from the Chair. Chair Brence Culp stated, currently Pat can sign up to \$500,000, anything over \$500,000 also requires the Chair's signature, there is no further Board action required for approval of those.



What we were contemplating changing is moving the \$500,000 threshold to \$5 million because these contracts are larger we expect invoices in excess of that. Board Member LeRoy Jackson stated, okay can I clarify that a single signature up to \$1 million. Board Member Mark Alexander added, with a report of other invoices.

Chair Brence Culp stated, just to clarify the motion, we are increasing Pat's delegated authority from \$500,000 to \$1 million. We are removing the authority for Pat and the Chair to sign off on anything over \$1 million and instead saying that it needs to come back to this Board for consideration. Is that what we want to do? Or, do we want to retain the delegated authorities as currently written for Pat and the Chair of the Board to sign anything over \$1 million with a monthly standing item on the agenda to report back to you about what has been authorized? Board Member Mark Alexander stated, no, working for a public agency it is routine for us, I'm sure the same for LeRoy, we have a rule right here that is approved by City Council every month. We've been meeting actually every two weeks and we have a very limited number of manual checks that are issued through the City Council posts disbursement. I don't think it's out of the ordinary to have invoices over certain amounts come before the Board for approval with a warrant registrar. Board Member Reginald Harrison stated, I know that it's true for Mark. It's a little bit different in the larger agencies where you just get inundated with this. LeRoy Jackson stated, \$1 million seems high. I know you say we're going to have several but not hundreds of these, now I would like to see that we've seen or deliberated some sort of process before we give them payment. Alternate Member Cathy Chidester stated, "If we approve the contract, we approve the contract amounts. It seems kind of funny that now we are looking at the invoices. So, I would go with maybe a \$5 million if that would make people comfortable. I think if we are approving the contracts, we are approving the contract amounts." Chair Brence Culp stated, that is normally how we do things. If the County, the governing body, would approve or authorize the contract amount and as Pat mentioned that is going to be done in phases, so you would be authorizing that in relatively small chunks. And then, as long as the invoices are submitted within that amount within the budget, the Executive Director has the authorization to sign it and if it is over a certain amount that also needs a signature by the Chair with a monthly reporting back to your Board about what has been approved within what limits already established by the Board. I think that is the essence that is being recommended here in item A. Alternate Member Chief Betkey stated, for the record I am in favor of the latter proposal.

Chair Brence Culp stated, so I believe there was a motion that's been seconded on the table, to not approve this as written, but instead consider increasing Pat's delegated authority from \$500,000 to \$1 million but removing the authority for Pat and the Chair to sign anything over that without bringing it back to the Board for consideration. Since that was moved and seconded, do we need to take a vote? Counsel answered, "yes, we need a vote." Chair Brence Culp stated, so all in favor of that please, we'll take a show of hands (hands raised). A vote was called, with the following seven (7) Board Members voting in favor of the motion: Mark Alexander, LeRoy Jackson, Donald Peterson, Scott Pickwith, Nancy Ramirez, Gregory Simay and Derek Webster. The motion failed for only having seven votes.

With failure of this motion, the staff recommendation as contained in the Board letter was on the table. As such, the motion, to reiterate, it is to increase Pat's delegated authority from \$500,000 to \$5 million for contracts of over \$100 million. Anything above that would also require a dual signature from the Chair. I assume what's intended here, we'll add that. We'll have a standing monthly item to report back to your Board and we'll also include information about where our budget is and what the authorization of your body was and a verification that the delivery of services were met to justify the payment of that invoice. Board Member Mark Alexander asked, so a point of clarification, when does that second signature kick in, at what level? Chair Brence



Culp stated, after \$5 million. The motion was approved and seconded by another Board Member. Brence called for a show of hands in favor of this vote, with the following nine Board Members voting in favor of the motion: David Betkey, Cathy Chidester, Brence Culp, Brian Cummings, Reginald Harrison, Sandy Jo McArthur, Gerry Miller, Mark Bennett, and Miguel Santana. The motion passed.

Chair Brence Culp stated, so Pat we'll need to make sure that this is on a monthly agenda, that we provide all the information as requested.

Board Member Miguel Santana stated, "on a related but a separate matter, I think in light of this issue and in light of the matter across the board on the authority around change orders, it may be worthwhile to have the chair consider establishing a separate oversight committee or identifying one of the existing committees as the oversight committee for this particular project. There is going to be a number of issues like this that surface on an ongoing basis and I think it is certainly helpful to have more focused eyes monitor change order invoices, on an ongoing basis. Gerry and I sit on an oversight committee with the City and it helps allow the General Manager move quickly on items, while still allowing a level of scrutiny that helps the Board".

Chair Brence Culp responded, "That's something we may want to consider. Pat, do we want to report back on that?" Pat Mallon, yes, I will agendaize that for the next meeting. I guess the question that we would ask at this point is, do we want to have that committee consist of Board Members with a set of nine? Board Member Miguel Santana replied, "I would refer to the Chair to submit his ideas on what makes sense. But I think it would be helpful to have a structure or use the existing committee structure for this. Pat Mallon stated, okay we will add that to the agenda.

Board Member Greg Simay stated, "and just for the record of what was just passed was the understanding that if the invoices approved would be within the scope, budget, and would not involve any contractual dispute so that they would be unproblematic". Brence stated, I think that's an excellent clarification. Does everybody agree with that? All agreed unanimously.

9. Approval of Contract (Motorola) – Pat Mallon

It is recommended that your Board:

- a. Find that approval and execution of the Agreement for the Land Mobile Radio ("LMR") System and execution of an Amendment for the Unilateral Option for all Work in Phase 1 of the Agreement for the System Design is exempt from review under the California Environmental Quality Act (CEQA) as it is not a project under CEQA pursuant to CEQA Guidelines Sections 15378 and 15061(b)(3); find that the Phase 1 System Design is statutorily exempt pursuant to CEQA Guidelines Section 15262 and categorically exempt pursuant to CEQA Guidelines Sections 15304 and 15306; and find that the purchase and use of selected equipment during Phase 1 of the Agreement is categorically exempt from CEQA pursuant to Sections 15301 and 15303 for the reasons stated in this letter and in the record for the projects.
- b. Delegate authority to the Executive Director to execute the Agreement with Motorola Solutions, Inc. (Motorola), substantially similar in form to Attachment A, for Work related to the design, construction, and implementation of a Land Mobile Radio (LMR) System for the Los Angeles Regional Interoperable Communication System (LA-RICS). The term of the Agreement shall be from the Effective Date, and if the Unilateral Options for all work in Phases 1 through 4 is exercised by your Board, shall continue until the expiration of the Warranty Period for a Contract Sum amount not-to-exceed \$149,628,888. The



Agreement also includes Unilateral Options for Phase 5 – LMR System Maintenance Work of up to fifteen (15) consecutive one-year optional periods for a total not-to-exceed Contract Sum of \$55,898,518, if exercised by your Board. Further, the agreement also includes Unilateral Options for Additive Alternate Work for Bounded Area Coverage, Mandatory Building Coverage, MTA Metrorail Coverage, Metrolink Tunnel Coverage, Maintenance for the LMR System Additive Alternates, and Source Code Software Escrow for a total not-to-exceed Contract Sum of \$74,827,548, if exercised by your Board. Therefore, the Total Maximum Contract Sum for the LMR System including the various Unilateral Options, Option Terms and Additive Alternate options, if all exercised by your Board, is \$280,354,954. Delegate authority to the Executive Director, or his designee, to execute an Amendment to the Agreement exercising only the Unilateral Option for all Work in Phase 1 and for the purchase and use of selected equipment during Phase 1, for the Contract Sum of \$24,135,501, and to issue one or more Notices to Proceed to Motorola for this Work.

- c. Delegate authority to the Executive Director, or his designee, as follows: (a) to approve and execute Amendments that do not affect the scope of work, term or any terms or conditions of the Agreement; (b) to execute Amendments for changes in Work, to adjust Tasks, Subtasks, Deliverables, Milestones, Project Schedule, and respective payments, as necessary, but that do not affect the scope of work, term, or any terms and conditions of the Agreement; (c) to issue Notices to Proceed only after your Board has authorized approval of a Phase and Work in that particular Phase to proceed forward; and (d) to authorize payments of invoices; all in accordance with the Agreement, all subject to the availability of funding, and all up to the amounts authorized in the most current version of the LA-RICS Fiscal Manual.
- d. Delegate authority to the Executive Director to approve and process Amendments for changes in Work, up to the maximum amount of \$210,000 per Amendment for changes in Work without further Board action, but only after your Board has authorized approval of a Phase and Work in that particular Phase to proceed forward. The Executive Director will report back to the Board monthly regarding what Amendments were approved and executed by the Executive Director in the prior month.
- e. Delegate authority to the Executive Director, or his designee, to increase the Contract Sum for each Phase that has been authorized by your Board up to an additional 15 percent by Phase, for unforeseen, additional Work within the scope of the Agreement, if required, and to adjust the Contract Sum, annually if required, for the term of the Agreement to allow for an annual Cost of Living Adjustment (COLA) in accordance with adopted County of Los Angeles policy and the provisions of the Agreement. The limitation of the 15 percent contingency will be proportionately applied by Phase, as outlined below, and the Executive Director will report back to the Board monthly regarding how much of this contingency has been spent for each Phase.

Executive Director Pat Mallon stated, Item Number 9 is consideration of the approval of the contract for Motorola Solutions for the implementation for Land Mobile Radio System. It is recommended that your Board first meet the findings regarding CEQA. He further read items A through F, as noted above. In closing he stated the Executive Director will report back to the Board monthly regarding how much of this contingency has been spent for each Phase.

Chair Bill Fujioka stated, any questions please? Board Member LeRoy Jackson motioned, and asked that this item be carried over for a continued meeting for further review and discussion. The motioned was seconded by another Board Member. Chair Bill Fujioka acknowledged the Board's recommendation to carry this item to the next meeting. He further mentioned that a special meeting would be coordinated.



VIII. CLOSED SESSION REPORT – (10)

10. Conference with Legal Counsel – Anticipated Litigation (subdivision (d)(2) of Government Code Section 54956.9) Significant exposure to litigation (one case)

The Board convened to Closed Session at 9:48 AM and came out of Closed Session at 10:35 AM. Chair Bill Fujioka stated that there was nothing to report out for the Closed Session item.

IX. MISCELLANEOUS – (None)

X. PUBLIC COMMENTS – (None)

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

11. Project Funding
12. Project Risk Controls

XII. ADJOURNMENT

Chair Bill Fujioka adjourned the meeting.