



**MINUTES**  
**Regular Meeting of**  
**Bay Area UASI Program**  
**Approval Authority**

Wednesday, April 22, 2011 - 10:00 a.m.  
Newton Center Auditorium  
70 West Hedding Street  
San Jose, CA

**ROLL CALL**

Anne Kronenberg, Approval Authority Chair, called the meeting to order at 10:07 a.m.

**APPROVAL OF THE MINUTES**

Renee Domingo made a motion to approve the minutes of the regular meeting on March 16, 2011; Teresa Reed seconded the motion. The motion passed unanimously.

**SECOND EXTENSION OF CURRENT MOU**

Anne Kronenberg stated that the extension for the current MOU (which expired in December 2010) is good through June 30<sup>th</sup>. Since it has been difficult getting things approved through the various Boards the Approval Authority thought it would be good to get a second extension. Ms. Kronenberg stated that she had already asked the San Francisco City Attorney to draft the additional extension and it is ready to be introduced. She recommended that the Approval Authority members ask for the extension through December 31, 2011. She stated that she would share San Francisco's language with the other members and that the goal is for this to be completed by mid June.

Kirstin Hofmann made a motion to extend the current extension of the MOU through December 31, 2011. Monica Fields seconded the motion. The motion passed unanimously.

Teresa Reed made a motion to move the following items to the beginning of the agenda for the sake of time:

- #5 UASI 2011 Allocations
- #9 FY2010 UASI – Change in Allocation for South Bay Hub - CBRNE Projects
- #10 BayRICS JPA and BTOP BOOM Negotiations
- #19 Update on Hiring of UASI General Manager

Anne Kronenberg stated that item #19 was a closed session item and would be a lengthy discussion; she would prefer to do it at the end of the agenda as it wouldn't be fair to the public to go into closed session during the beginning of the meeting.

Kirstin Hofmann recommended that item #13 Report Out from Advisory Group be moved to the beginning of the agenda as they have feedback on several agenda items. She stated that she was advised that item #19 can't be heard in closed session as it is regarding a process and is



not discussing specific names of people and that conversation has to be done in this public forum. She recommended separating the discussions of process and people.

Ms. Kronenberg stated that under the advice of the San Francisco City Attorney the item was placed on the agenda as possibly going into closed session and that the topic of “process” is an open discussion, however some members had stated that they wanted to discuss the General Manager and candidates, which would need to be done in closed session. Additionally, she would like to discuss a specific person in relation to the interim General Manager; she could talk in general context but it would be difficult to do.

Renee Domingo stated that she concurred with the Chair in going into closed session as she wanted to discuss the existing management positions as was done in the last closed session.

Ms. Kronenberg pointed out that she was advised by the San Francisco City Attorney that the Approval Authority is not allowed to discuss other staff based on the way the MOU was written; the Approval Authority has the authority for on the hiring and firing of the General Manager but it is the General Manager’s job to manage the day-to day operations. The Approval Authority can make recommendations but can’t discuss specific individuals.

Kirstin Hofmann seconded the motion with an amendment to include item #13.  
Anne Kronenberg and Monica Fields voted against the motion; the motion passed with four “yes” votes.

### **UASI 2011 ALLOCATIONS**

Teresa Serata gave an update on the following:

- The Federal government budgets were recently approved; DHS will have 25 days to distribute the grant guidelines, which is between May 10 - May20.
- The UASI moved forth with the hub process and all four hubs identified their projects; the UASI has to make sure that the lists submitted are the prioritized lists.
- The UASI had been planning with a lower dollar figure from the 2010 allocation, however at the federal level there were negotiations in which the federal government reduced even lower the FY2011 allocation of the UASI grant than what the UASI was assuming.
- Until the UASI grant guidelines are received, the UASI doesn’t know what the actual target allocation will be. There is sufficient information that a recommendation can be made to start proceeding with the application process.
- The UASI was originally working with a budget figure of \$29,724,000 if there is a proportional allocation, the need would be to meet an allocation of \$27,868,817, which is an 18.7% reduction.
- In regards to budget impact there is a slight modification and revision for FY2010 which was originally approved by the Approval Authority. The UASI reallocated from project planning (included a Training Manager) to Regional Exercise/Training, if those dollars were carried forward to regional initiatives for 2011:  
Project Planning - \$1,951,397  
Fusion Center - \$4,000,000  
Regional Exercise/Training - \$5,092,555.



The total for regional initiatives would be \$11,043,952. The 5% Management & Administration would be \$1,486,200. The total for off the top regional initiatives is \$12,530,152.

- The UASI has used the target allocations based on the Digital Sandbox allocations formula as follows:  
North Bay - \$1,137,028  
South Bay - \$4,819,485  
East Bay - \$3,637,741  
West Bay - \$7,599,594  
The subtotal for target allocations is \$17,193,848.
- In light of the fact that the federal government has reduced budget allocations from UASI's original planning assumptions, staff recommends the following alternatives if further reductions are required:  
(Alternative #1) use the risk allocation formula to reduce the target allocations across the hubs and fund the projects from the priority lists starting at #1 until the new target allocation is reached, and leave the regional initiatives intact as they are regional priorities.  
(Alternative #2) use the risk allocation formula to reduce the target allocations across the hubs and fund the projects from the priority lists starting at #1 going down the list until the new target allocation is reached, and make selective reductions in the regional initiatives.

Ken Kehmna reported that the Advisory Group met yesterday and discussed this item; the Advisory Group recommends Alternative #1 with an amendment. The Advisory Group recommends using the risk allocation formula to reduce the target allocations across the hubs but would like to add the inclusion of the set aside of the three core cities as well so that they are included in the reduction for each of the hubs to share equally.

Anne Kronenberg asked if Ms. Serata knew the impact if the three core cities were included in alternative #1.

Ms. Serata stated that the reduction would be another 5.7% to the \$1 million which would be equivalent to approximately \$57,000.

Teresa Reed stated that some of the core cities are trying to finish up some major priority projects. She would like to see a proposal explaining the impact on regional initiatives if they are reduced proportionately across the board and what impact it would have on those programs.

Anne Kronenberg stated that a lot of the information that Ms. Serata is giving is based on best guesses as the total funding for 2011 is known but not how it would be allocated, as that will come from FEMA.

Teresa Serata stated that there are many rumors about reductions to the Tier 1's; however everyone is waiting for the grant guidelines to be released by FEMA in the next few weeks.

Rich Lucia asked for clarification about the reduction for total grant target allocations between the FY 2010 UASI Grant (\$34,265,131) and the Proposed FY 2011 UASI Grant (\$29,724,000).



Teresa Serata explained that when the UASI was planning for the grant application an allocation reflective of UASI FY2008 budget was used as a target allocation. Subsequent to these planning efforts, the federal budget was approved with unexpected significant reductions (about 13.5%) from 2010 dollars.

Teresa Reed stated that based on the reduction to the allocation and the recommendation from the Advisory Group for that reduction to be made to the hubs and the core cities, she would like to know the impact to the regional initiatives if they were reduced as well. She doesn't understand why there hasn't been any discussion on adding the reduction to the regional initiatives so that all areas are affected by the cut.

Teresa Serata discussed if the 6% reduction is applied to regional projects then the total would be a little less than a \$2 million reduction.

Ken Kehmna explained that for alternative #2 instead of the language "selective reductions in the regional initiatives" if the 6% reduction is shared equally with the regional initiatives and target allocations there would be a reduction of approximately \$759,403 to the regional initiatives and the reduction to target allocations shared across the board is \$1,031,630 million.

Teresa Reed stated that she would still like to see some verification regarding the timeline as she would like to see the impact to the regional initiatives; she wants to know what wouldn't get done if the money is taken away.

Heather Tannehill-Plamondon stated that the three primary regional initiatives being discussed are Management and Planning, the Fusion Center, and Training & Exercise Program most of the dollars are staff related with the exception of the Fusion Center, which is a blended staffed "department" with staff from throughout the 10 counties. Most of the Fusion Center's expenditures are personnel related and go back to the jurisdictions. Regional training and exercise is already taking a large hit at the local level. The Advisory Group felt that the regional initiatives should be left whole. Discussions have not been made yet to ask the group's how they would be impacted.

Renee Domingo stated that she would like to see more detailed information on the impact and a thought out strategy, so that the Approval Authority could make informed decisions based on what is in writing and not based on speculations. She is comfortable with what has been proposed so far and agrees with the Advisory Group with Alternative #2 across the board cuts to all programs including the core cities, but would like to see the cuts and impact to programs and regional initiatives in writing.

Kirstin Hofmann inquired as to how the reductions would be handled since the hub process had just been completed. She inquired as to how the projects would be taken off the list – individually or from the bottom up based on the reduction.

Teresa Serata stated that she had already gone back to the West Bay hub and asked them to review and prioritize their lists projects either from the bottom up or look at all of the projects to see if they are scalable.



Heather Tannehill-Plamondon stated that for the other Hubs (South Bay, North Bay, and East Bay) either could be done since there are prioritized lists in all three hubs. Projects could be funded until the new identified target allocation is reached or a review can be done to see where projects can be scalable.

Kirstin Hofmann stated that the South Bay was hopeful that they would get more money not a 6% reduction; there might be projects that will have to get cut off the list. She is thinking that there may be a need to reconvene the hubs for a meeting to discuss this further.

Anne Kronenberg stated that in the next couple of weeks different strategies would be created to see what the numbers may possibly look like and then later the hubs can reconvene to use those different scenarios.

Teresa Reed agreed with the idea of the hubs reconvening but would still like to see the information that had been requested.

Teresa Serata stated that at the next Approval Authority meeting on May 12 she would include an analysis on what the impact would be if there was a proportionate reduction to the regional initiatives.

Teresa Serata pointed out that FEMA gives the allocation by risk and then evaluates the effectiveness of the UASI application. She pointed out that the UASI will submit a target allocation but FEMA may give a different award amount. Ms. Serata stated that she will submit a report with sufficient information on May 12<sup>th</sup> to help facilitate the discussions of the Approval Authority

Teresa Reed made a motion for the Management Team to present at the May 12<sup>th</sup> meeting the alternative proposals that will identify the proposal submitted by various hubs showing the different cuts and the impact of those same cuts to the regional initiatives. Kirstin seconded the motion. The motion passed unanimously.

Teresa Serata confirmed that she will come back on May 12<sup>th</sup> with different alternatives applying the reductions to all regional initiatives in the hub.

### **FY2010 CHANGE IN ALLOCATION FOR SOUTH BAY HUB – CBRNE PROJECTS**

Heather Tannehill-Plamondon gave a report on the South Bay CBRNE projects:

- For 2010 there was a project identified through the hub process in the amount of \$305,803 for a Bearcat to be deployed in the Southern portion of Santa Clara. It is housed in Gilroy but provides tactical response to the southern portion of Santa Clara County and into Santa Cruz County and San Benito as was required.
- The Bearcat project was identified and prioritized in the 2010 hub process and also identified and prioritized on the lists of “to be funded” should any UASI projects come in under budget.
- The expenditure for this equipment was covered through a prior grant year which made funding available for additional projects in the 2010 grant.





- What was done for the 2010 and 2011 process, the CBRNE working group identified a prioritized list of projects of a CBRNE nature in the South Bay Hub for distribution of the \$305,803 FY2010 CBRNE dollars.

Renee Domingo made a motion to approve the proposed modification of the FY2010 South Bay Allocation for \$305,803, which was for a BearCat (already funded), towards multiple prioritized CBRNE Projects. Teresa Reed seconded the motion. The motion passed unanimously.

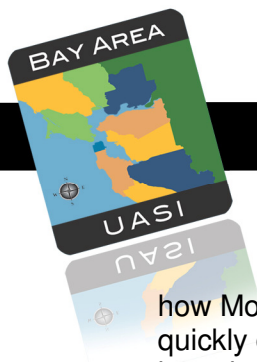
### **BAYRICS JPA AND BTOP BOOM NEGOTIATIONS**

Anne Kronenberg stated that the revised draft JPA (4/19/11) was included in today's packet, she feels that they are getting much closer to a final product. There has been a lot of discussion at the region on the appropriate process for approving the JPA. The 10 Bay Area counties and cities have been working collaboratively on the JPA and moving it forward. Now that the UASI is a Co-Executive Sponsor of the BTOP project, it was thought that it would be appropriate to bring this item to the Approval Authority. The three Mayor's (core cities) met last Friday and were trying to figure out the strategy at the same time that BOOM negotiations were going on. Due to the tight timelines of this particular NTIA grant, efforts have been made to try and figure out an interim alternative to continue discussions until a JPA is in place; once a JPA is in place then discussions would be moved to the JPA.

Rich Lucia stated that the area of concern has been if it's possible for any particular body to legally negotiate with Motorola on the BOOM agreement. Originally the City of Oakland's City Attorney stated that no legal entity could conduct BOOM negotiations, in which Motorola's Attorney agreed. There have been discussions about the BOOM but there have not been negotiations about the BOOM; negotiations imply a give and take with some ultimate decision that will have financial implications for both sides in the negotiations; the question is who is the "both sides". The Attorneys have pointed out that both sides have to have the legal ability to enter into an agreement. It has been assumed that the JPA would be that legal entity. There have been suggestions that possibly the three cities could be that legal entity. Mr. Lucia pointed out that with regards to the JPA things have been moving under the notion that there is not currently a legal entity that could represent the Bay Area cities.

Ms. Kronenberg concurred with Mr. Lucia that it is the way things have been proceeding. She stated that the three Mayors and three City Attorney's met on behalf of the three cities that obtained the waiver to try to determine if there is a Plan B for getting the JPA up and running. In the meantime, there are deadlines for ordering equipment, would Motorola be open to talk to the three cities about how to move forward until the JPA is in place. The three attorneys felt there was a way to do that by including the people who have been involved up to this point with the three cities taking the lead. San Francisco will introduce the draft JPA on May 3<sup>rd</sup>; it has to sit for 30 days so the hope is for the JPA to be approved by June. Ms. Kronenberg stated that in talking to Ken Gordon he was hoping that things would move faster as well in Oakland, but she isn't sure of their status. She stated that Motorola stated that in good faith they would move forward and order equipment etc. with those timelines if the three cities were taking the lead.

Renee Domingo stated that was her understanding as well. She pointed out that the meetings that occurred with the three Mayors and Motorola were good faith efforts and out of good faith. These talks put the three core cities in the position to discuss things about the BOOM such as



how Motorola would use the spectrum etc. Oakland is going to try to move the JPA forward quickly once there is a final draft. They are hoping to continue working with the people who have been working with the BOOM negotiations so that no one is excluded so that when the JPA is formed they will have something plausible to work with.

Teresa Reed stated that it is important to continue to receive these updates and would like these updates to be a standing agenda item for regular meetings.

Mr. Lucia stated that he has been spending a lot of money on staff to help make this process work he supports this idea whole heartedly. However it doesn't make sense for his staff to do all the work anymore. He will help as much as possible, but with budget cuts he can use his fulltime staff for other things. He wanted to make sure that it was understood that his staff wouldn't be able to work on this full time until an agreement is in place. Mr. Lucia pointed out that \$15,000 was spent on a lease and that funding needs to be identified.

Anne Kronenberg stated that she requested Teresa Serata research whether those expenses (staff and initial expenses that Alameda County put in) could be UASI expenses; she doesn't know if the Approval Authority would prioritize spending UASI money on this.

Renee Domingo stated that the Approval Authority hasn't really received much visibility on the BTOP grant and how the money was supposed to be spent. She knows that the grant was awarded to Motorola as the grantee but there are many questions such as what is the role of the Executive Sponsor for the BTOP grant, how much of the grant funding could possibly be used for M&A, and how would the JPA be set up; she would like to know what the options are and how the UASI can work with Motorola for a cohesive program and cohesive management. She would like to do better planning for these projects than was done in the past so that there is full visibility on what can be done.

Anne Kronenberg stated that the UASI could go back and ask Motorola what kind of flexibility there is in the BTOP grant so that the Approval Authority has all of the options. In terms of the JPA the money that people will pay to join the JPA will go towards the start up money and it will be up to the members of the JPA to hire staff; the Approval Authority won't have anything to do with this.

Rich Lucia stated that the challenge now is that Motorola hasn't even drawn any money from this grant yet and they won't unless and until there is a BOOM agreement signed; once the BOOM Agreement is signed than the grant can start. He pointed out that this is something that may have to be done retroactively since there may not be any Motorola money.

Ms. Kronenberg thanked Mr. Lucia for bringing up this point and stated that the UASI would look into this further.

#### **REPORT OUT FROM THE ADVISORY GROUP**

Ken Kehmna stated that the Advisory Group met to discuss a number of items on the Approval Authority agenda. He recommended giving his feedback as the items come up and he will answer any questions that the Approval Authority had.



### **UPDATE ON HIRING OF UASI GENERAL MANAGER**

Anne Kronenberg announced that Laura Phillips retired last Friday and although she will be working a few hours in May she is no longer in the office and is basically on vacation (on the payroll) until June 11<sup>th</sup>.

Ms. Kronenberg stated that she intends to put forth some proposals for discussion in a public setting, but some will have to be discussed in closed session. She discussed the following:

- In hiring the new General Manager it has been voiced by members of the public and the Approval Authority that a nationwide search be done. Ms. Kronenberg stated that she personally hasn't had good luck with this type of search but isn't opposed to it if that's the desire of the Approval Authority.
- A committee could be put together to review and make recommendations on the resumes of the candidates for the General Manager position. She stated that this position is a City and County of San Francisco employee, so city's hiring processes would be followed.
- A job notice for General Manager could be posted as early as the beginning of May; Ms. Kronenberg has been working on a job announcement and will share this beforehand to receive input. She welcomed suggestions of where the job announcement could be posted in addition to the San Francisco website.
- Santa Clara and San Jose have volunteered to participate on the selection committee along with San Francisco; she is open to any other members who would like to be on this committee.
- Ms. Kronenberg expressed her concern that there is a void now since the General Manager retired and there is an empty seat. She pointed out that this position is a San Francisco position and since San Francisco is the fiscal agent they are at fiscal risk for this grant. She stated that she had been sitting at the UASI office to provide continuity so that the day-to-day tasks are continuing to happen without a General Manager; she is not making policy decisions. She can't do this full-time as she already has a full-time, job and she has received feedback from Approval Authority members that it is not their desire to have her sitting at the UASI full-time.
- Ms. Kronenberg would like to propose that until a newly selected General Manager is in place, there be an interim General Manager put in the position. She has stated before publicly her opinion that the permanent General Manager shouldn't be anyone in the Bay Area involved with the UASI. She stated that things have been so tainted, with bad feelings and a lack of trust; she feels it is in the best interest that "fresh blood" comes in.
- Ms. Kronenberg spoke with Mayor Lee (San Francisco) and Steve Kawa, Chief of Staff to Mayor Lee, at length in regards to a San Francisco City and County employee, who had the skills to come in as interim General Manager. This person's name can't be shared today as Ms. Kronenberg still needs to speak with the individual's boss, who is an elected official. This potential candidate is low-key, an attorney, and is good on the federal and state regulations; he doesn't know the UASI grants but could get caught up on this. This individual has an undergraduate degree in accounting and manages 25 people. She feels that this person has the skill set for what is needed for continuing to get all the requirements of the grants completed and to keep the processes moving. Ms. Kronenberg pointed out that if the Approval Authority would like to discuss more specifics that could be done in closed session.





Teresa Reed inquired about the MQ's for the position and reminded that it would take a vote from the Approval Authority to establish the new General Manager.

Anne Kronenberg stated that she has been working on the MQ's and hasn't shared this with anyone yet, but will share this document with the Approval Authority when it is finished as she understands that the position will be approved by the members.

Kirstin Hofmann stated she was unclear as to why the employee had to be an employee of San Francisco as her understanding was that the employee could be a contractor or employee of any of the jurisdictions that sit on the Approval Authority.

Ms. Kronenberg stated that she believed the reason that the interim General Manager had to be an employee of San Francisco was because to get someone else hired would take at the earliest two months. She pointed out that the San Francisco employee that she mentioned as a potential interim already knows how the contracting process works, works with the Controller's Office and the City Attorney's Office. She feels that this would be the easiest way to make this happen as this person is already in the system and is not connected with the UASI and is not an expert in Homeland Security but knows how the processes in San Francisco work. The person who fills the Permanent General Manager position does not need to be a San Francisco person before they are hired, however as discussed in the new MOU discussions her opinion is that the person should be an employee of whoever is the fiscal agent.

Ms. Hofmann stated that she understood the timeline and is also concerned about not having a General Manager in the position; she understands Ms. Kronenberg's challenge with already having a full-time job and sitting at the UASI. She feels that in terms of having an open process it is helpful for others to contribute to the discussions; she feels that there can be an interim General Manager on contract from another jurisdiction of the Approval Authority. In the interest of time, she felt that additional conversations were needed and proposed a motion (which she later withdrew).

There was much discussion about how to proceed in an expedited manner with a process for an interim General Manager. Anne Kronenberg suggested that the San Francisco employee (she recommended) be interviewed by the Approval Authority members. It was recommended that the Approval Authority go into Closed Session to discuss names and alternatives. The members agreed that the Chair acting in dual roles was an unreasonable burden and would like to act on getting an interim General Manager in place sooner rather than later. Ms. Kronenberg assured the Approval Authority that there will be a transparent process in place by which the Approval Authority will select the permanent General Manager.

### **PUBLIC COMMENT**

Chris Godley, representing the City of San Jose, pointed out that the General Manager position became the focal point of discussions during the current negotiations for the MOU as well as the negotiations of the SUASI MOU in 2006. He stated that the current MOU states that the General Manager could be employed by any government entity within the UASI region. This was changed since the General Manager is not just responsible for just the UASI grant programs but other grant programs for other agencies.



Anne Kronenberg stated that although the MOU states that, there are negotiations for a new MOU and she feels very strongly that the General Manager should be an employee of whomever is the fiscal agent and as of right now, San Francisco is the fiscal agent.

*(The Approval Authority Members took a break from 11:37 a.m. – 11:49 a.m.)*

Kirstin Hofmann withdrew her previous motion. Ms. Hofmann made a motion for the Approval Authority to appoint an interim General Manager on an interim basis. Rich Lucia made an amendment to include a date for the interim General Manager to be appointed by. The Approval Authority agreed that this date should be May 9<sup>th</sup>. Teresa Reed seconded the motion. The motion passed unanimously.

Kirstin Hofmann made a motion that the Approval Authority meet in closed session on April 26<sup>th</sup> to select an interim General Manager from a pool of candidates brought forth by the Approval Authority members. Teresa Reed seconded the motion. The motion passed unanimously. This closed session meeting will be held at 10 Lombard Street in San Francisco; transportation from BART will be provided for Approval Authority members. Renee Domingo recommended that the discussion begin in a closed session meeting at the end of today's meeting and to finish the discussion on April 26<sup>th</sup>. Santa Clara County and San Jose both expressed interest in bringing a potential candidate forward (in addition to the candidate being brought forth by San Francisco) for the interim General Manager position.

### **DRAFT MOU AND BY-LAWS**

Anne Kronenberg stated that she was surprised by Kirstin Hofmann's e-mail sent out yesterday requesting that this item be pulled and scheduled for a special meeting. Ms. Kronenberg pointed out that there were many discussions regarding this item and Ms. Hofmann had requested it to be on the agenda; she feels that the Approval Authority could get through most of this item as there are very few outstanding items.

Kirstin Hofmann stated that given the present agenda there are several items for discussion, her intent was to defer to a special meeting dedicated solely to this topic. Ms. Hofmann made a motion to defer item #4 UASI Draft MOU, Bylaws, and Membership as the only item on the agenda for discussion at a special Approval Authority meeting to be held on May 18<sup>th</sup> at 1:00 p.m. in Dublin. Teresa Reed seconded the motion. The motion passed unanimously.

### **RCPGP 2010 BUDGET**

Guy Bernardo, Program Manager, stated that for the FY2010 RCPGP grant allocations, there are three project plans with sub-plans and budgets associated with them in which he is requesting the Approval Authority's adoption of the budget allocations.

Kirstin Hofmann inquired about the large dollar amounts under the RCPGP Executive Sponsors/Management Team section, she wanted to know about the process that the Executive Sponsors will use. She stated that she knew that there were allocated dollars to these projects but wanted to know for example since San Francisco would be serving as the Executive Sponsor, would they be responsible for the release of RFP's on behalf of the jurisdictions served by this.



Guy Bernardo stated that this was correct about the costs associated with the sponsorships projects. For example, where San Francisco is the Executive Sponsor it means that the Management Team or staff of the Department of Emergency Management will be responsible for releasing RFP's and working on the contract payments for getting the contract in place on behalf of the region.

Ms. Hofmann inquired as to if those contracts come back to the Approval Authority for final approval or does the request that he is making include the ability for final approval.

Guy Bernardo explained that in years past the process has been to advise the Approval Authority of the contracting that they are going into but it has never been a formal vote of the Approval Authority.

Anne Kronenberg asked for clarification. She stated that in looking back through past contracts that went back to Santa Clara, San Francisco, San Jose and the other 10 counties, contracts never came back to the Approval Authority before for approval after the allocation was made. Each city and county has gone through their own RFP process, which is an open process for public participation. This would be a change in the way that the Approval Authority does business if they start having things come back. She is not saying that this is wrong; it would be a change because it has never been done before.

Renee Domingo stated that she can provide some insight on this issue since she has been a member of the Approval Authority the longest. She stated that for regional projects, the process has been that the Management Team would take the item to the Advisory Group and then to the Approval Authority for approval. What has happened over the last 1 ½ years that process has deteriorated and been inconsistent on individually allocated funds that went to cities and counties there was no process for them to come back on any contracts. This was another thing that the UASI Management Team and Finance Team didn't ensure that the proper procedures were followed for contracts. Based on Mr. Bernardo's report, the three projects (Regional Transportation, Regional Logistics Plan, and Regional Restoration of Lifelines Plan) should come back to the Approval Authority for recommendation on the contract.

Teresa Serata pointed out that the Logistics Plan and the Lifelines Plan are not being handled by the Management Team they are being sponsored by the San Francisco Department of Emergency Management – Division of Emergency Services so San Francisco's contracting process would be used and this would not necessarily come back to the Approval Authority for approval of those two projects. She pointed out that these are regional projects but

Rob Dudgeon will take the regional lead on this project and with putting out the RFP and will engage representatives on the Steering Committee and will go through San Francisco's contracting process. She pointed out that most jurisdictions with regional contracts have to follow their proper state guidelines and federal guidelines. She stated that the Regional Public Outreach and Community Preparedness Plan and the Regional Catastrophic Incident Training/Exercise Plan would come back to the Approval Authority.

Anne Kronenberg understood that if the Management Team is the sponsor of the regional project it comes back to the Approval Authority however if it's another jurisdiction it will not come back. The new MOU will clear this up as it is confusing. She asked Ms. Serata for an example



of a former regional project that wasn't controversial and that didn't come back to the Approval Authority for approval.

Teresa Serata gave the example of a major regional project for microwave that the Management Team took the lead on. This project was over \$3 million in which San Francisco's procurement process was used; equipment was installed in various jurisdictions.

Renee Domingo stated that she was unclear of the difference between the regional projects that do and don't come to the Approval Authority. She stated that if a project is regional in nature and has a large dollar amount it is her understanding that it is supposed to come back to the Approval Authority.

Kirstin Hofmann asked about the process for identifying an Executive Sponsor for a regional project.

Teresa Serata stated that the process has been discussions at the Regional Catastrophic Planning Team (RCPT) Working Group (RCPGP Advisory Group), which is required by the RCPGP grant per FEMA and meets every other month after the Advisory Group meetings. The purpose of this group is to review all of the processes relating to allocations funding and who will take the lead.

Guy Bernardo pointed out that executive sponsors volunteered to address some of the needs in project planning for projects. FEMA was requiring for the UASI to address certain subject matter areas in 2010 such as recovery, training and exercise, public outreach and community preparedness.

Renee Domingo stated that she as an Approval Authority member would like to see all this information on one document what projects are being performed, what are the deliverables (strategy, guidelines, SOP). She doesn't know what the expectations are and how the money will be spent.

Teresa Serata stated that a summary of specific details about the project were provided to the RCPT Team. She stated that the actual allocation can be sent out again. Oakland's representative Kathleen Crawford had originally requested this information; Ms. Serata stated that she could send it out again.

Kirstin Hofmann stated that she is still unclear as to the role of Executive Sponsors even when it's the Management Team in the role. She stated that the Approval Authority had approved the original six RCPGP Plans for URS, the Management Team had come back to the Approval Authority and asked for approval of the allocations. One of the outstanding items for the next meeting is to retroactively approve the award for the Donations Management project. She felt that there are still problems with a lack of clarity on what should be done with these allocations in terms of process for coming. There is a fair amount of confusion on what it means to be an Executive sponsor and what the duties and processes entail. Due to current staffing shortages it is difficult to attend all of the various meetings of the working groups and steering committees.

Ms. Serata pointed out that the RCPT Working Group has various steering committees that meet independently of the RCPT Working Group. This group reviews various regional plans,



discusses Executive Sponsorship and allows for participation for representatives of the Bay Area jurisdictions. There are various discussions as well as plans and template development in these meetings.

Renee Domingo stated that she is concerned that all of the information is not within one report; this will help provide transparency and accountability. She requested that more information be given regarding the processes around executive sponsorship such as how a person is selected / elected, how the RCPT Working Group is involved, and what does Executive Sponsorship mean to various grants; she would like to see this information in writing.

Anne Kronenberg asked the Management Team if a delay would have any impact.

Teresa Serata stated that information will be provided at the meeting on May 12<sup>th</sup>.

### **PUBLIC COMMENT**

Michelle McGurk, representing the City of San Jose, stated that she was dumbfounded by the discussion that was going on. The Approval Authority has been asked to approve \$3 million with no information on what they are being asked to approve and to be told that past practice should be the reason that it is continued this way, when the last several months (since September) trying to solve past practice. Member Reed has for all Approval Authority members copies of an Inspector General Report on UASI Agencies in the State of California, which to her knowledge the Management Team has never given a copy of this report out. In the report it cites an incredible plethora of bad practices across the State of California by UASI agencies around procurement and sole source practices and many of those have been confirmed by the research her office has conducted along with the public records turned over by various agencies. She wanted to alert and encourage everyone to read the Inspector's report that was released in February and to ask staff to keep these recommendations in mind for when they are bringing back future recommendations for allocation. There is a lot of potential for problems when things don't come back to the Approval Authority on contracts that are a half a million dollars. In most major cities and probably similar in the county structure signing authority is generally limited and when it is not it can be problematic.

Teresa Reed made a motion to defer this item until the May 12<sup>th</sup> meeting and for the Management Team to come back with the information that has been requested by the Approval Authority members. Kirstin Hofmann seconded the motion. The motion passed unanimously.

### **IECGP 2010 BUDGET**

Heather Tannehill-Plamondon gave a report on Interoperable Emergency Communications Grant (IECGP) Program:

- The UASI receives a portion of IECGP funding for the Capital Bay Planning Area. The UASI makes up 10 of the 22 counties of the Capital Bay Planning Area.
- The UASI sits as the Co-Chair of the Capital Bay Planning Area, which was identified within the California State Interoperability Emergency Communications (CALSIIEC).
- Received an allocation from the State of California in the amount of \$1,227,632.00 for the IECGP FY 2010 budget.
- The Capital Bay Planning Area meets regularly to identify projects and priorities for the 22 planning counties.





- This group selects Executive Sponsors as the one who is willing to take responsibilities for the project. All projects are built into a larger regional interoperability strategy and plan.
- The grant performance period is 18 months, if this item was deferred than the impact would be less planning time and there are some time sensitive projects.
- Money has been divided based on lengthy dialogues that take place at the meetings.

Ms. Tannehill-Plamondon gave a brief overview of the various projects that were reviewed and approved by the Capital Bay Planning Committee.

Teresa Reed asked for clarification on the Bay Area UASI acting as Co-Chair of the Capital Bay Planning Area as well as clarity on funding and the budget.

Ms. Tannehill-Plamondon explained that as the State of California identified the four planning areas, they tried to identify groups that were regional in nature. When the Capital Bay Planning Area was constructed Sacramento and the Bay Area UASI volunteered to chair this group. She pointed out that the IECGP Grant is a separate grant program in which an identified amount of money is given to the State which is divided by the State equally for the four planning areas. The Planning Areas are tasked with finding projects which all are required to support the strategic planning efforts of interoperable efforts within the State.

Ms. Reed inquired as to how the Bay Area UASI's has the responsibility for approving the budget for the Capital Bay Planning Area allocations and if this duty rotates between Chairs. She also asked who the Co-Chairs were.

Ms. Tannehill-Plamondon stated that the City and County of San Francisco as the fiscal agent maintains the responsibility and the UASI governance structure is used as the approval panel for these projects. These projects are vetted within the Capital Bay Planning Area in which both Co-Chairs participate in this process. The Co-Chairs are Chuck Parker from Sacramento and Ms. Tannehill-Plamondon is taking over for Terry Betts, who is transitioning out after retiring.

Renee Domingo requested that more detail is needed in writing on such things as how the money would be spent and also information that the Co-chairs and the committee has approved the projects.

Teresa Reed recommended that to be consistent, she recommended that this item be deferred until the May 12<sup>th</sup> meeting until proper information is received.

Anne Kronenberg asked what the impact would be if there is a 2 ½ week delay.

Heather Tannehill-Plamondon confirmed that in the interest of making sure everyone on the Approval Authority is comfortable, this delay would not make a big difference.

Anne Kronenberg asked about the governance structure used by the regional planning areas.

Ms. Tannehill-Plamondon stated that each planning area has their own governance structure however the Capital Bay Area Planning area is in the process of developing their own governance structure for Capital Bay Area funding. The issue is if the IECGP grant goes away



or if the funding sources the Cap Bay Area Planning will not be an entity that will be able to act as a Fiscal Agent. The question is what level of involvement the Approval Authority will want to continue to have in moving forward.

Teresa Reed made a motion to defer item #7 IECGP 2010 Budget to the meeting on May 12<sup>th</sup>. Kirstin Hofmann seconded the motion. The motion passed unanimously.

### **UASI TRAINING AND EXERCISE FOR 2010**

John Justice, Program Manager, gave a report on the UASI Regional Training and Exercise proposal for the Alameda County Sheriff's Office to take over as the provider of the UASI Regional Training and Exercise program:

- In March 2010, the UASI released a Request For Proposal (RFP) for the Bay Area training program. Proposals were sought from a governmental agency or from a collaboration of governmental agencies from within the Bay Area Region to provide many specific tasks.
- The Alameda County Sheriff's Office was the only entity to respond to the Bay Area UASI's RFP; they are required to complete 12 required tasks and 6 deliverables.
- There are six staff positions at an amount of \$1,692,555 for 18 months. The budget is \$2 million for 2010, which is approximately \$1.7 million for training and \$1.7 million for regional exercise.
- This is a regional project it is not only for Alameda County Sheriff's Office. One of the regional training and exercise positions is expected to come out of the Oakland Fire Department.
- One of the biggest deliverable is a three year strategic plan in compliance with the UASI grant requirement guidelines.
- In the past, about \$1.7 million was spent in contractor fees and contractors couldn't run the training and exercise programs; it is cheaper to use the Alameda County Sheriff's Office and resources as well as the staff from public agencies.

Ken Kehmna stated that the Advisory Group is in support of Alternative #1.

Anne Kronenberg supports the concept; should be a priority in moving forward and discussed whether this program could be sustained.

Teresa Reed asked which jurisdictions participated at the pre-proposal conference in 2010.

Mr. Justice stated that representatives attended from various agencies such as Oakland Fire OES, Richmond Fire, Santa Clara Fire, Alameda Sheriff's Office and San Francisco.

Ms. Reed stated that she understood that the priority is the three year strategic plan; she inquired whether training would be conducted in this 18 month period.

John Justice stated that even though the strategic plan is a priority, training will still be conducted as identified from the 2010 RFP process brought out in the 2010 hub process. The Training & Exercise Working Group will vet the training needs for the operational areas and the region.



Ken Kehmna clarified that there were no additional recommendations from the Advisory Group regarding this item.

Renee Domingo made a motion to approve alternative #1 to have the Alameda County Sheriff's Office be the UASI Regional Training and Exercise service provider for FY2010 and 2011, while adhering to the twelve required tasks and six deliverables stipulated in the UASI Regional Training and Exercises RFP dated March 19, 2010. Provided the ACSO be given the flexibility necessary to modify the program to meet budget constraints, while still maintaining the objectives of providing a regional training and exercise program for the UASI stakeholders. Monica Fields seconded the motion. The motion passed unanimously.

*(The Approval Authority members took a lunch break from 1:20 p.m. – 2:04 p.m.)*

### **SCOPE OF LEGAL SERVICES FOR THE UASI**

Heather Tannehill-Plamondon stated that at the last regular meeting, the Approval Authority requested that additional information be provided such as a Scope of Work and the estimated cost of a budget for a contract for legal services. She provided the following report:

- The UASI Management Team researched the hourly rates of private sector and local government legal counsel and found that the Approval Authority would be able to procure legal counsel for an average hourly rate between \$200 – \$425 per hour depending on the level of experience and specialty that is needed as well as if a public or a private attorney is used.
- Based on a past report from the San Francisco City Attorney, the Approval Authority would need no less than 10 hours per month in support of meetings and in preparation for the meetings. As long as San Francisco is the Fiscal Agent, the San Francisco City Attorney will continue to provide all oversight on fiscal matters pertaining to the UASI Grant.
- Onsite legal counsel at Approval Authority meetings using the rate of \$200 per hour, the contract could be \$24,000 or at the higher end, \$51,000.

Kirstin Hofmann recommended adding language to the project delivery requirements section regarding support to staff, providing clarity on regional contracts as well as if legal counsel will be provided to subcommittees of the Approval Authority for assistance around personnel issues and closed session items.

Anne Kronenberg stated that she appreciated the work that the staff has put together. She pointed out that as issues are raised at the Approval Authority meetings it would be helpful to have an attorney sitting there to answer questions as this is invaluable. She also stated that it would be a good idea, as the need arises, to have legal counsel for subcommittees as the MOU Subcommittee on an as-needed basis.

There was much discussion about the need for the Attorney to be flexible as there may be more than 10 hours of work in a month and also discussion on the need for an attorney to support the various Subcommittees.



Heather Tannehill-Plamondon pointed out that the billable hours are paid from money that comes out of the UASI bottom line and will add up quickly; the Approval Authority should take that into consideration.

Kirstin Hofmann discussed her concerns about the RFP and the need for all potential work to be described in the RFP so that it wouldn't be limiting and could be negotiated.

Anne Kronenberg stated that she would think that the person who fills this role would be flexible as needed in terms of additional hours. She pointed out that "possible's" could be included in the RFP but it is something that could be changed as needed and negotiated with the attorney.

Heather Tannehill-Plamondon asked for clarification on "who" issues the RFP and the selection process and how the Approval Authority desires to participate in the selection process.

Teresa Reed made a motion to move forward with an RFP for an attorney to provide advice to the Approval Authority with the deliverables that are noted with the understanding that there may be additional hours of work needed (more than 10 a month). She stated that after working through the process if in the future the Approval Authority decides to expand the items outside of the deliverables, this can be discussed later.

Ms. Reed stated that the vote was whether or not to put out the RFP and that the rest of the process could be discussed at a later date.

Kirstin Hofmann made an amendment to the motion to list an agency as the procurement agency. Since Santa Clara County is the procurement agency for Cornerstone BTOP, she asked if San Francisco would be interested. It was agreed that San Francisco would facilitate the RFP process.

Teresa Reed made a motion that an RFP for an attorney to provide advice to the Approval Authority be put out by San Francisco as the procurement agency based on the deliverables that were noted with the understanding that there may be additional hours of work needed (more than 10 a month). Rich Lucia seconded the motion. The motion passed unanimously.

Teresa Serata pointed out that when the RFP is put out it would include criteria for evaluating the contract and proposals submitted however a mechanism would be needed to ensure that the proposals have been evaluated correctly as part of the procurement process. Kirstin Hofmann and Anne Kronenberg volunteered to assist with this process. Heather Tannehill-Plamondon stated that she would take the lead with Teresa Reed on putting the RFP together.

### **SPECIAL ADVISORY GROUP SUB-COMMITTEE**

Ken Kehmna, Advisory Group Co-Chair, discussed the Advisory Groups' three recommendations that were made at the Approval Authority meeting on March 16, 2011:

- Allow the Bay Area UASI Management Team to employ the same formula and utilize the same allocation process as was used in the distribution of funds for the FY 2010 allocation for the distribution of the 2011 Bay Area UASI grant funds.



- Create a subcommittee or subgroup of the UASI Advisory Group having security access necessary to view protective critical infrastructures so they can weigh in on determining funding allocation methodology.
- The Approval Authority should immediately direct the subcommittee to consider alternatives to the current strategy and if necessary, make recommendations for the 2012 allocation of UASI funds.

Since the last Approval Authority meeting a Subcommittee of the Advisory Group met on March 30<sup>th</sup> at the Alameda County Sheriff's Office. This meeting had several purposes:

- To provide an opportunity for previously identified UASI Advisory Group members to come together with staff from the Northern California Regional Intelligence Center (NCRIC) and Digital Sandbox to discuss the work with identifying and validating critical infrastructure.
- To provide an opportunity for representatives from Digital Sandbox to explain the Risk Analysis Center software and allow Advisory Group members a chance to ask questions and have meaningful dialogue.
- Provide a forum for open, honest dialogue about the Advisory Group Task Force concept and the role such a group would play in assisting the UASI Advisory Group in making recommendations to the UASI Approval Authority.

Mr. Kehmna pointed out that this group received a high level presentation of the Risk Analysis Center software which provided a lot meaningful dialogue in which everybody was fully engaged.

Mr. Kehmna stated the Advisory Group's revised recommendations:

1. Authorize the UASI Advisory Group to create a Task Force comprised of Bay Area UASI Advisory Group members having the security access level necessary to view infrastructure deemed classified.
2. Authorize the UASI Advisory Group Task Force to work with the Digital Sandbox to develop a concept of operations clearly articulating the goals and objectives for the Task Force identifying user roles and the process for sharing asset information from the Risk Analysis Center software platform.
3. Authorize the UASI Advisory Group Task Force to begin development of a strategy to assist the UASI Advisory Group and the UASI Approval Authority manages risk throughout the region by sharing asset information and prioritizing risk reduction methodologies.

Kirstin Hofmann made a motion to accept the three recommendations from the Advisory Group. Rich Lucia seconded the motion. The motion passed unanimously.

Anne Kronenberg thanked Chief Kehmna for his report and stated that the new configuration would help the Approval Authority in making decisions in moving forward.

### **TRACKING TOOL FOR UASI MANAGEMENT TEAM AND APPROVAL AUTHORITY TO FOLLOW UP ON ITEMS AND REQUESTS OF STAFF**

Anne Kronenberg stated that at the last meeting the Approval Authority requested that the format be changed of the tracking tool; this document was sent out in advance for feedback in which she didn't receive any. She pointed out that the last minutes were reviewed to make sure





that everything was captured correctly and created two categories: special requests and ongoing items. She finds this tool very useful as it is like a cheat sheet.

Kirstin Hofmann thanked staff for their work on the tracking tool she inquired if there was a format for quarterly reports.

Heather Tannehill-Plamondon stated that this information was included in item #6 on the tracking tool as Ms. Domingo discussed it during the Interoperable Communications report and a revised report with the changes requested would be brought back to the May 12<sup>th</sup> meeting. She pointed out that this style would be incorporated into the staff reports.

Teresa Reed inquired about when the quarterly reports will be given.

Teresa Serata confirmed that the quarterly reports were deferred from this meeting but an Annual Report will be given at the meeting on May 12<sup>th</sup>.

### **ANNOUNCEMENTS – GOOD OF THE ORDER**

There were no announcements.

### **FUTURE AGENDA ITEMS**

Kirstin Hofmann reminded that the agenda items that were dropped off the present agenda be included on the agenda for the next meeting as well as the Review of Project Cornerstone/BTOP.

Teresa Reed reminded that the following items were deferred to the meeting on May 12<sup>th</sup>:

- Item #5 UASI 2011 Allocation
- Item #6 RCPGP 2010 Budget
- Item #7 IECGP 2010 Budget

#### *(Upcoming Meetings)*

Special Closed Session meeting on April 26<sup>th</sup> at 9:00 a.m. at 10 Lombard Street.

Regular Meeting on May 12<sup>th</sup> @ 10:00 a.m., location to be announced in Oakland

Special Meeting to discuss the MOU, Bylaws, and Membership only on May 18<sup>th</sup> at 1 p.m. at 4985 Broder Blvd. in Dublin.

### **GENERAL PUBLIC COMMENT**

Emily Harrison, representing Santa Clara County, appreciated the Chair's comments about BTOP/Cornerstone item. One of the biggest struggles that the Approval Authority dealt with was having UASI staff work on a non-UASI project. So in looking at best practices this would be good to look at how the staff is managed.

### **ADJOURNMENT**

Renee Domingo made a motion to move the meeting into *Closed Session*; Teresa Reed seconded the motion. The motion passed unanimously.

The regular meeting was adjourned at 2:45 p.m.