



Silicon Valley Regional Interoperability Authority

**REGULAR BOARD MEETING AGENDA**  
**SEPTEMBER 23, 2021, 4:00 PM**

**Consistent with Governor Newsom's Executive Orders N-25-20 and N29-20 temporarily suspends certain Brown Act provisions to allow special districts to make meetings accessible electronically, this meeting will only be available to the public via Teleconferencing**

**Silicon Valley Regional Interoperability Authority  
Board of Directors Meeting**

**Topic: SVRIA Board of Directors Meeting**

**Time: Sep 23, 2021 04:00 PM Pacific Time (US and Canada)**

Join Zoom Meeting

<https://us02web.zoom.us/j/84527312112?pwd=VDRwN1VrbC9aZmRaRGszM3BrWTJoZz09>

Meeting ID: 845 2731 2112

Passcode: 317830

One tap mobile

+16699009128,,84527312112#,,,,\*317830# US (San Jose)

+12532158782,,84527312112#,,,,\*317830# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 845 2731 2112

Passcode: 317830

Find your local number: <https://us02web.zoom.us/u/kcaINFgB8N>

1. Call to Order

2. Roll Call

SVRIA Board of Directors

Chair Mike Wasserman Santa Clara County Supervisor	Representing the County of Santa Clara	P / A
Vice Chair Laurie Smith Santa Clara County Sheriff	Representing the County of Santa Clara	P / A
Otto Lee Santa Clara County Supervisor	Alternate – Representing the County of Santa Clara	P / A
Jonathan Weinberg City of Los Altos Council Member	Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	P / A
Lydia Kou City of Palo Alto Council Member	Alternate – Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	P / A
Jon Willey City of Cupertino Council Member	Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	P / A
Kitty Moore City of Cupertino Council Member	Alternate - Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	P / A
Lisa Matchak City of Mountain View Council Member	Santa Clara City's Association Selection	P / A
Matthew Hudes Town of Los Gatos Council Member	Alternate - Santa Clara City's Association Selection	P / A
Pam Foley City of San Jose Council Member	Representing the City of San Jose	P / A
Chappie Jones City of San Jose Vice Mayor	Representing the City of San Jose	P / A
Sylvia Arenas City of San Jose Council Member	Alternate - Representing the City of San Jose	P / A

Raul Peralez City of San Jose Council Member	Alternate - Representing the City of San Jose	P /A
Peter Leroe-Munoz City of Gilroy Council Member	Representing the South County Cities of Gilroy and Morgan Hill	P /A
Rich Constantine City of Morgan Hill Mayor	Representing VTA	P /A
Richard Bertalan VTA, Chief Information Technology Officer	Representing VTA	P /A
Russ Melton City of Sunnyvale Council Member	Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P /A
Karen Hardy City of Santa Clara Vice Mayor	Alternate - Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P /A

3. Public Comment

At this time, the public is permitted to address the Committee on items within the Committee’s subject matter jurisdiction that do not appear on the agenda. Please limit comments to a maximum of three (3) minutes. If you wish to comment on an item that is on the agenda, please wait until the item is read for consideration.

4. Action on Consent Calendar

- a. Review and Approve Meeting Minutes from the Regular Board Meeting of July 22, 2021.

5. Executive Director Updates

- a. Update on radio interference in Morgan Hill from illegal jamming device – Eric Nickel (Verbal Report and Attachment)
- b. Update on SVRIA System Security and Programming Policy Amendment – Eric Nickel (Verbal Report and Attachment)
  - i. Working Committee Staff Report and Letter Agreement between SVRIA and Agencies requesting Programming Security Key – Approved by Working Committee September 13, 2021.
- c. California Department of Justice Encryption Mandate Update – Eric Nickel (Verbal Report)
- d. Routine and budget communications back to member and participant agencies – Eric Nickel (Verbal Report)

6. Study Session with Staff Presentation
  - a. Emergency Responder Radio Coverage Systems (ERRCS) and Bi-Directional Amplifiers (BDAs) in large buildings – Background, Challenges, Fiscal Impacts and Public Policy Implications
7. Action Items
  - a. Procedure for Zoom Meetings for SVRIA after Governor’s Order Expires on September 30, 2021
8. Future Items for Discussion
9. Adjournment

**ACCOMMODATION:** If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please call (408) 277-3394 at least 72 hours in advance of the meeting.

**AGENDAS AND OTHER DOCUMENTS:** Public Records Pursuant to Government Code Section 54957.5, all public records produced by the Authority relating to an open session item on this agenda that are distributed to a majority of the Working Committee Members and are not exempt from disclosure pursuant to the California Public Records Act and will be available for public inspection at the SVRIA Office, 601 El Camino Real, Santa Clara CA 95050 at the same time that the public records are distributed or made available to the Board of Directors or Working Committee Members and at the meeting location at the time of the Board Working Committee meeting.

**PUBLIC COMMENT:** Anyone who desires to address the Board or Working Committee on an item appearing on the agenda may do so when public comment is called for on that item. Anyone who desires to address the Board or Working Committee on items not appearing on the agenda but within the subject matter jurisdiction of the Board or Working Committee may do so during the Public Comment item on the Agenda. The Board or Working Committee is unable to take action on or engage in detailed discussion of issues presented during the Public Comment item. Comments by the public should be limited to three (3) minutes.

Written Public Comments may be submitted to the SVRIA Executive Director via email at [enickel@svria.org](mailto:enickel@svria.org) or mailed to SVRIA, Executive Director, 601 El Camino Real, Santa Clara, CA 95050.

**CONSENT CALENDAR:** Consent Calendar items are typically non-controversial in nature and are considered for approval by the Board or Working Committee with one single action. Members of the audience, Staff or the Board or Working Committee Members who would like an item removed from the Consent Calendar for purposes of discussion may request the Chairperson to remove the item to the regular agenda.

### **AGENDA ITEM 3**

#### **Public Comment**

At this time, the public is permitted to address the Committee on items within the Committee's subject matter jurisdiction that do not appear on the agenda. Please limit comments to a maximum of three (3) minutes. If you wish to comment on an item that is on the agenda, please wait until the item is read for consideration.

**AGENDA ITEM 4a**



Silicon Valley Regional Interoperability Authority

**DRAFT REGULAR MEETING MINUTES**

**Silicon Valley Regional Interoperability Authority  
Board of Directors**

**Thursday, July 22, 2021  
Teleconference/Zoom Online Meeting**

1. Call to Order

- Chair Wasserman called the meeting to order at 4:03 pm

2. Roll Call

Chair Mike Wasserman Santa Clara County Supervisor	Representing the County of Santa Clara	<b>P / A</b>
Vice Chair Laurie Smith Santa Clara County Sheriff	Representing the County of Santa Clara	<b>P / A</b>
Otto Lee Santa Clara County Supervisor	Alternate – Representing the County of Santa Clara	<b>P / A</b>
Jonathan Weinberg City of Los Altos Council Member	Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	<b>P / A</b>
Lydia Kou City of Palo Alto Council Member	Alternate – Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	<b>P / A</b>
Jon Willey City of Cupertino Council Member	Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	<b>P / A</b>
Kitty Moore City of Cupertino Council Member	Alternate - Representing SW Cities of Campbell, Cupertino, Monte	<b>P / A</b>

	Sereno, Saratoga, and Los Gatos	
Lisa Matichak City of Mountain View Council Member	Santa Clara City's Association Selection	<b>P / A</b>
Matthew Hudes Town of Los Gatos Council Member	Alternate - Santa Clara City's Association Selection	<b>P / A</b>
Pam Foley City of San Jose Council Member	Representing the City of San Jose	<b>P / A</b> Excused – Council Break
Chappie Jones City of San Jose Vice Mayor	Representing the City of San Jose	<b>P / A</b> Excused – Council Break
Sylvia Arenas City of San Jose Council Member	Alternate - Representing the City of San Jose	<b>P / A</b>
Raul Peralez City of San Jose Council Member	Alternate - Representing the City of San Jose	<b>P / A</b>
Peter Leroe-Munoz City of Gilroy Council Member	Representing the South County Cities of Gilroy and Morgan Hill	<b>P / A</b> Arrived at 4:10 pm
Rich Constantine City of Morgan Hill Mayor	Representing VTA	<b>P / A</b>
Richard Bertalan VTA, Chief Information Technology Officer	Representing VTA	<b>P / A</b>
Russ Melton City of Sunnyvale Council Member	Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	<b>P / A</b>
Karen Hardy City of Santa Clara Vice Mayor	Alternate - Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	<b>P / A</b>

- **9 Directors Present. There is a quorum.**

3. Public Comment and Closed Session

- Public Comment from Doug Muirhead who is interested in the encryption item and the radio tour.

4. Action on Consent Calendar

- **Chair Wasserman motion, Director Willey second to move Action Items 7a, 7b, 7c to Consent. 9 AYE, 0 NO to approve motion.**

- Approve minutes of Regular Board Meeting of May 27.

➤ No Public Comment

➤ Chair Wasserman motion to approve Consent Calendar items 4a, 7a, 7b, and 7c, Director Wiley second. 9 AYE, 0 NO. Motion Carries.

5. Closed Session Pursuant to Government Code Section 54957(a), THREAT TO PUBLIC SERVICES OR FACILITIES (Conference with Executive Director and General Counsel). One Item.

- General Counsel Gary Baum with a statement. “Closed session pursuant to Government Code Section 54957(a), threat to public services or facilities. Conference with the executive director and general counsel, there will be one closed sessions item.”

➤ Entered Closed Session at 4:11 pm

➤ Re-entered Open Session at 4:40 pm

- Chair Wasserman announced there is No Reportable Action.

6. Executive Director’s Report

a. Encryption Update

SVRIA Law Interoperability Talkgroups that were turned off on May 10, 2021, are almost completed. The SVRIA is responsible for the Law Enforcement Interoperability Talkgroups. The goal is to have the work completed in time for 49er football games at Levi Stadium, the first one is on August 14.

Milpitas completed their encryption transition. All City Law Enforcement Agencies and the County Sheriff have transitioned to encryption on their primary talkgroups. There are a few small community college district police departments who are finishing encryption transition.

SVRIA, our member and participant law enforcement agencies will meet the December 31, 2021 deadline to comply with the State Department of Justice mandate.

b. SVRIA Mutual Aid Interest

The Executive Director met with NASA Ames. They are interested in becoming a mutual aid member of the SVRIA. The Executive Director has also exchanged emails and had a phone call with the State of California Department of Corrections. SVRIA is exchanging the standard Mutual Aid use agreement with Department of Corrections.

The mutual aid agreement allows access to the regional interoperability talkgroups:

- When working with SVRIA Members or Participants units on or during joint operations.
- During Priority 1 circumstances as defined in the CLEMARS system priority guidelines – disaster and extreme emergency operations for mutual aid and interagency communications.



- During Priority 2 circumstances as defined in the CLEMARS system priority guidelines - emergency or urgent operations involving imminent safety of life or protection of property.
  - With the prior approval of SVRIA, the IRS-CI may also use the SVRCS talkgroups and channels for training purposes on joint trainings with SVRCS Members or Participants.
- c. Working Committee At Large Member Replacement  
There are two At Large seats on the Working Committee. Under the SVRIA JPA, the At Large positions are filled by a recommendation and vote of the Working Committee.
- Jeff Hunter, Battalion Chief with Sunnyvale DPS has submitted his resignation from the Working Committee. Jeff has been part of building SVRIA for over 10 years. He has been instrumental in the design and construction of the SVRCS.
- Joey McDonald, Communications Operations Manager for Santa Clara Police Department has submitted her request to become an At Large Member. Joey is a great addition due to her multi-decade experience in San Jose as a Communications Manager, and now in her role leading the City of Santa Clara's Emergency Communications Center.
- d. Setting up a radio equipment tour  
Executive Director suggested setting up a show-and-tell or the mobile and portable radios at a date likely in early 2022. There are several new Board members, and this has been done before. A tour of sensitive areas would not occur. Date and location to be determined.
- e. State of California Secretary of State, LAFCO and County Controller filing update of SVRIA Joint Powers Agreement Amendment  
General Counsel has updated the Joint Powers Agreement (JPA) Amendment with the State, LAFCO and the County Controller's Office. Staff was unsure if the revised JPA was filed when it was amended in November 2016.

## 7. Action Items

7a, 7b, 7c moved to Consent Calendar. Approved on Consent.

- a. Amend SVRIA System Programming Policy
- b. Acceptance of the Annual Audit and Financial Statements ending June 30, 2020
- c. Approval of a purchase order with Motorola Solutions, Inc. for Cirrus Central System Management in an annual amount not to exceed \$51,000 and a total seven year amount not to exceed \$357,000 to monitor, troubleshoot, and optimize radio communications in the Silicon Valley Regional Communications System.
- d. Analysis of and Procedure for Zoom Meetings for SVRIA after Governor's Order Expires on September 30, 2021.

- Executive Director and General Counsel with a short staff presentation to accompany the staff report. Still uncertainty on when the Governor's Executive Orders will be modified or rescinded. Likely to remain in place for months. COVID-Delta Variant is increasing numbers of cases and public health restrictions are being reinstated. Also, likely no changes from Governor's Office until the recall election results are known in September. Staff committed to either the Executive Director or General Counsel would be at the in-person meeting site at Santa Clara PD for future meetings depending on the Executive Order changes.
- Board discussion on meeting in-person versus remote meeting. Still many unknowns on the Brown Act Requirements going forward.
- No Public Comment
- Due to the unknowns, no action taken other than for staff to continue monitoring and to advise the Board.

8. Future Agenda Items

- None added

9. Adjournment

- Chair Wasserman adjourned the meeting at 5:09 pm

## **AGENDA ITEM 5a**

Executive Director Updates

Update on radio interference in Morgan Hill from illegal jamming device – Eric Nickel (Verbal Report and Attachment)

# **Signal jammer found at Morgan Hill residence**

Authorities say device was disrupting public safety communications throughout South Santa Clara County

By [JASON GREEN](#) | [jason.green@bayareanewsgroup.com](mailto:jason.green@bayareanewsgroup.com) | Bay Area News Group  
PUBLISHED: August 26, 2021 at 8:58 p.m. | UPDATED: August 27, 2021 at 1:50 p.m.

MORGAN HILL – Authorities have located and disabled an electronic jamming device that was disrupting public safety communications throughout Southern Santa Clara County.

On Wednesday, the Morgan Hill Police Department learned about the device from the Santa Clara County 9-1-1 Communications Department. It was “disrupting, impeding and interfering with the transmission of communications over the Santa Clara County public safety radio frequency,” the police department said in a news release.

Police said the device was affecting WiFi, satellite and cellular signals, as well as a county radio communications tower. Agencies impacted by the device included the Morgan Hill police and fire departments, the Gilroy police and fire departments, the Santa Clara County Sheriff’s Office and the California Department of Forestry and Fire Protection.

“The signal could be lost entirely without any warning or notice,” police said.

The Communications Department used radio frequency testing equipment and determined the device was located at a home at Llagas Road and Christeph Drive in Morgan Hill.

Officers obtained a warrant to search the residence and located two large jamming devices, police said. While inside the home, officers noted that their police radios and cellphones were inoperable. Technicians with the Communications Department immediately disabled the device.

Police did not disclose whether any arrests were made. The investigation is continuing, police said, and anyone with information related to the case can

contact Morgan Hill police Sgt. Scott Purvis at 669-253-4912 or  
scott.purvis@morganhill.ca.gov.

**AGENDA ITEM 5b**

Executive Director Updates

Update on SVRIA System Security and Programming Policy Amendment – Eric Nickel (Verbal Report and Attachment)

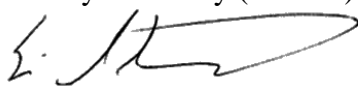
Working Committee Staff Report and Letter Agreement between SVRIA and Agencies requesting Programming Security Key – **Approved by Working Committee September 13, 2021.**



Silicon Valley Regional Interoperability Authority

**Silicon Valley Regional Interoperability Authority  
Working Committee  
September 13, 2021**

**TO:** Working Committee  
Silicon Valley Regional Interoperability Authority (SVRIA)

**FROM:** Eric Nickel, Executive Director   
Silicon Valley Regional Interoperability Authority (SVRIA)

**SUBJECT:** Silicon Valley Regional Communications System (SVRCS) Programming Key User Letter Agreement between the Member and Participant agencies and SVRIA

**Recommendations**

1. Adopt SVRCS Programming Key User Letter Agreement between Member and Participant agencies and SVRIA

**Summary/Discussion**

Following the theft of a Key Variable Loader (KVL) from a Member agency earlier this year, SVRIA undertook an analysis of the process to issue and monitor security compliance with system encryption keys, also known as encryption key management. Encryption key management is the administration of policies and procedures for protecting, storing, organizing, and distributing encryption keys.

Encryption keys are the strings of bits generated to encode and decode data and voice transmissions. Effective encryption key management is crucial to the security of the

SVRCS and the sensitive information those communications contain. Member and Participant agencies own the loading and testing equipment and SVRIA owns the encryption keys.

The secrecy and security of encryption keys are the foundation of effective encryption. Key management maintains secrecy and security by controlling the distribution of keys and reacting immediately if an encrypted radio or other piece of sensitive equipment is lost or stolen. A lost or stolen radio or other sensitive equipment that falls into the hands of an unauthorized user can compromise the security of the entire SVRCS.

An existing SVRCS Programming Policy described key management and the process to become an approved programmer. The review of the KVL theft led to the conclusion that SVRIA should create a signed agreement to issue SVRIA encryption keys to member or participant agencies. The process to create the agreement started with the Executive Director and System Administrator identifying the technical components to include in an agreement. Next, the Executive Director and SVRIA General Counsel created a legal framework for an agreement between SVRIA and its member and participant agencies seeking encryption keys.

The Letter Agreement establishes security expectations and identifies consequences for failing to comply with the agreement. The Member or Participant agency head (City Manager, County Executive, General Manager) will sign the agreement on behalf of their organization.

**AGENDA ITEM 5b: Attachment**



Silicon Valley Regional Interoperability Authority  
601 El Camino Real  
Santa Clara, CA 95050

Sent via email to:

September \_\_, 2021

City Manager  
City of \_\_\_\_\_  
Address  
Address

**Subject: SVRCS Programming Key User Letter Agreement between the City of \_\_\_\_\_ and Silicon Valley Regional Interoperability Authority**

Dear City Manager:

This letter constitutes a Letter Agreement between the City of \_\_\_\_\_, a municipal corporation (“City”) and Silicon Valley Regional Interoperability Authority, a California Joint Powers Authority (“SVRIA”) permitting the City to utilize the Silicon Valley Regional Communication System’s (“SVRCS”) Programming Key (“Key”) under the following terms and conditions. This Letter Agreement was approved by the Working Committee of SVRIA on Date.

SVRIA owns one or more Programming Key(s). These Programming Keys contain encryption programming that City acknowledges and understands are a critical component of maintaining security within the SVRCS. Failure to protect and maintain the fidelity of the Programming Keys by one SVRIA Member or Participant could greatly reduce the encryption security of the entire system. The purpose of this Programming Key User Letter Agreement is to describe the necessary security precautions and training required by any Member or Participant who borrows the SVRCS Programming Key for a legitimate purpose. This Letter Agreement also describes the commitment that each Member or Participant in SVRIA (“Member or Participant”) is making to SVRIA to follow the security and training requirements described herein.

The requirements include, but are not limited to the following:

1. Every Programmer shall comply with the SVRIA System Programming Policy, as presently written or as subsequently amended. A current copy of the SVRCS Programming Policy is attached hereto and incorporated herein as Attachment 1.

2. A Programming Key will only be issued upon written request by the Member or Participant, Police or Fire Chief or their designee.

3. A Programming Key will not be provided to any Member or Participant that does not have a SVRCS qualified and certified Programmer on staff.

4. The Programming Key may not be provided to any other staff member by the SVRCS qualified and certified Programmer who is not a SVRCS qualified and Certified Programmer.

5. Any Member or Participant who borrows a Programming Key shall not share the Programming Key with any other Member or Participant.

6. Any Member or Participant who borrows a Programming Key is required to comply with the following security protocol:

- The Programming Key shall be secured in a locked room or locked cabinet in a secure facility when not in use.
- The Programming Key shall be checked out and returned daily. There shall be a written or electronic sign in and sign out sheet so the individual who has the Programming Key can be determined at any time.
- The Programming Key shall remain in the personal possession of the individual Programmer at all times when it is outside of the secure facility or locked storage location.

These are minimum security protocols and Members or Participants are encouraged to adopt additional security protocols at their individual jurisdiction.

7. If a Programming Key is or loading equipment is lost or stolen the SVRIA System Administration and SVRIA Executive Director shall be informed within 4 hours.

8. Any City who violates this Letter Agreement shall not be permitted to use the Programming Key for a minimum of 3 months and then only after a security review is conducted by the System Administrator and/or Executive Director.

9. The programmer shall refer to the SVRIA System Programming Policy for technical details and requirements.

Very truly yours,

Eric Nickel  
Executive Director SVRIA

Approved as to form:



\_\_\_\_\_  
Gary M. Baum, General Counsel SVRIA

The terms of this Letter Agreement are agreed to by the City of \_\_\_\_\_:

Approved by City of \_\_\_\_\_ City Manager

By: \_\_\_\_\_  
\_\_\_\_\_, City Manager

Approved as to form:

\_\_\_\_\_  
\_\_\_\_\_, City Attorney

SVRCS Programming Key User Letter Agreement SVRIA revised 9-3-21

**AGENDA ITEM 5c, 5d**

Executive Director Updates

5c. California Department of Justice Encryption Mandate Update – Eric Nickel (Verbal Report)

5d. Routine and budget communications back to member and participant agencies – Eric Nickel (Verbal Report)

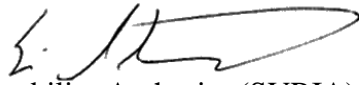
**AGENDA ITEM 6a**  
**STUDY SESSION WITH STAFF PRESENTATION**



Silicon Valley Regional Interoperability Authority

**Silicon Valley Regional Interoperability Authority**  
**Board of Directors**  
**September 23, 2021**

**TO:** Board of Directors  
Silicon Valley Regional Interoperability Authority (SVRIA)

**FROM:** Eric Nickel, Executive Director   
Silicon Valley Regional Interoperability Authority (SVRIA)

**SUBJECT:** Study Session on Emergency Responder Radio Coverage Systems (ERRCS) and Bi-Directional Amplifiers (BDAs) in large buildings – Background, Challenges, Fiscal Impacts and Public Policy Implications

**EXECUTIVE SUMMARY**

Staff will present an overview of Emergency Responder Radio Coverage Systems (ERRCS) and Bi-Directional Amplifiers (BDAs) which are used in large buildings within Santa Clara County. Staff seeks to inform the Board on this technical system. Future Board direction may be needed in the areas of land use, and fiscal resources for capital infrastructure and cost recovery.

**BACKGROUND**

ERRCS and BDAs have created technical and administrative challenges for SVRIA. The technical challenges are interference to the SVRCS due to improperly tuned or old systems. Administrative challenges are registering, tracking, and cost-recovery from managing the program.

ERRCS and BDAs are needed due the size of the buildings and the signal strength limitations placed on the SVRCS by the Federal Communications Commission (FCC). When radio systems like the SVRCS are designed, they must meet FCC signal strength requirements as well as contractual coverage requirements from the vendor (Motorola). No regional system is able to provide perfect coverage into every building, or every corner and valley in the county. Motorola designed the SVRCS to provide 97% coverage reliability.

SVRCS frequencies are also used by other agencies in California and across the country. Due to the limited availability of frequencies on the radio spectrum for commercial and governmental uses, the FCC does not allow the SVRCS to increase the power of our coverage. Traditionally, radio systems would turn up the signal power to penetrate layers of steel, concrete, wood, and glass found in large buildings. If SVRCS were to increase the signal strength, radio transmissions from Santa Clara County would be heard, and cause interference, in other areas outside of the county. Another term for this is “bleed-over” or “radio skip”. SVRIA would be in violation of our FCC License and be subject to civil proceedings and fines.

To ensure that our radio transmissions are penetrating into and out of large commercial, office, high-density residential, and warehouse buildings, ERRCS and BDAs are used to repeat and amplify the transmission. Our member and participant agencies require the use of ERRCS and BDAs, and the installation are required under each agency’s adopted Fire Code. The building projects purchase and install these systems, typically through specialized contractors.

SVRIA’s role with ERRCS and BDAs are to approve the applications and to test the systems to ensure they are optimized for their unique location in Santa Clara County. If these systems are not properly installed or optimized, they can easily be overpowered and cause interference issues. Another way of explaining this is a person installs new speakers to listen to music; they set the volume at 10 when the volume only needs to be set at six.

SVRIA also plays a role as the bridge between the projects, technical testing, and the fire marshals from each agency. Attempts have been made to set a single standard across the county, and the fire marshals have achieved some success in creating a uniform standard.

SVRIA does not currently have a cost recovery process. There is no fee to register ERRCS and BDAs. SVRIA and contract staff time is used to process and review the registrations, and to travel to the project sites to test and approve installations. SVRIA has also lent testing equipment to project developers so they can tune their systems in advance of our approval testing.

The public policy implications for the SVRIA could include:

- Land use decisions if future towers are needed in areas with new construction of large commercial, office, high-density residential, and warehouse buildings.
- Providing resources to obtain a system audit identifying old legacy systems that need to be tuned and optimized.
- Undertaking a cost study to determine an effective strategy to recover costs from commercial projects.

## **CHALLENGES**

SVRIA was constructed in phases. This resulted in buildings primarily in the West and Central Cells that initially needed ERRCS and BDAs. As more towers were constructed,

several of these legacy ERRCS and BDAs were no longer needed. If they were still needed, the power could be turned down as additional SVRCS towers provided sufficient signal coverage into buildings. Many legacy ERRCS and BDAs continue to operate and create interference on the SVRCS.

Administrative recordkeeping is also outdated and in some cases incomplete. Since its inception, SVRIA tracked the ERRCS and BDAs, but it did not start an official registration program until 2018. A recent audit with the Sunnyvale Department of Public Safety identified over 100 ERRCS and BDA installations that SVRIA had record of in an Excel spreadsheet, but the Sunnyvale Fire Marshal's Office did not know about.

There are differing fire codes and requirements in each city and the county. The Fire Prevention Officers Association has attempted to adopt similar installation and monitoring standards with some success.

Finally, there is no cost recovery for SVRIA for staff time and testing equipment. As SVRIA's budget is derived from our member agencies, we are all financially supporting these commercial projects.

**FISCAL IMPACTS**

There may be a future fiscal impact due to cost recovery or capital expenditures for new towers.

**AGENDA ITEM 7a**



Silicon Valley Regional Interoperability Authority

**Silicon Valley Regional Interoperability Authority  
Board of Directors  
September 23, 2021**

**TO:** Board of Directors  
Silicon Valley Regional Interoperability Authority (SVRIA)

**FROM:** Eric Nickel, Executive Director  
Gary M. Baum, General Counsel  
Silicon Valley Regional Interoperability Authority (SVRIA)

**SUBJECT: Procedure for Zoom Meetings for SVRIA after Governor’s Order Expires on September 30, 2021**

**RECOMMENDATIONS:**

Direct the Executive Director and General Counsel to:

1. Continue holding future Board of Directors Meetings utilizing Zoom following the procedure in recently passed AB 361 starting at the November 2021 meeting.

**EXECUTIVE SUMMARY:**

As the Board is aware, SVRIA Board of Directors and most if not all other public bodies in the County have been meeting remotely, typically via Zoom or Microsoft Teams based upon the Brown Act waiver granted in the Governor’s Executive Order N-29-20 in about March of 2020 at the start of the pandemic and lockdown. On June 11, 2021, the Governor issued Executive Order N-08-21<sup>1</sup> lifting the waiver of the Brown Act effective September 30, 2021.

The Board has previously expressed an interest in continuing to meet via Zoom or telephonically after the pandemic. The Board considered this issue at their July 22, 2021 meeting and staff was directed to return the Board at the September meeting with options

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<sup>1</sup> See pages 9 – 10, Section 42

based upon either additional orders of the Governor or action by the State Legislature. The Legislature passed AB 361 on September 10, 2021. The bill has been sent to the Governor and it is likely the Governor has signed the bill so a potential new approach is available for Board consideration starting on the November, 2021 meeting.<sup>2</sup> If instead the the Governor vetoed the bill, then the Board will need to direct staff whether to continue to hold meetings using Zoom and follow the cumbersome procedures under Government Code Section 54953(b)(1)-(4) or start holding meetings in person starting in November. AB 361 removed many of the more difficult provisions from 54953, while adding additional requirements for local governmental entities to comply with.

### **LEGAL ANALYSIS:**

AB361 modified Government Code Section 54953 by adding provisions that allow local governmental entities to not comply with certain provisions of the telephonic meeting requirements if there was a declared emergency or an order or recommendation for social distancing.

Specifically, AB 361 **removes** the following requirements:

- The requirement to post an agenda at a private home, business, hotel or wherever the Board Member is located has been lifted.
- The requirement that individual Board Members home, work or current location address be listed on the agenda has been removed.
- The requirement that the location of the Board Member be ADA accessible has been removed. Of course, there are existing laws that require a public building to be ADA accessible.
- A majority of a quorum is no longer required to be within our jurisdiction, which would be Santa Clara County.

AB 361 **added** the following requirements:

- The meeting must allow a call-in option **or** an internet-based option for public participation. My interpretation is that it is not necessary to have both options available.
- Should either the call-in option or internet-based option stop working, the Board can take no further action until the access to the public is restored.
- Starting 30 days after the first meeting held under this new approach the Board must pass findings every 30 days, or at a subsequent meeting that an emergency

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<sup>2</sup> As of the date of writing this staff report the Governor appears to have signed the bill, but there has been no official announcement of the signing.

continues to exist or there are requirement or recommendations for social distancing.

- Staff must list the access and method for public participation on the agenda.

Two of the former requirements from 54953 continue:

- All votes taken must be roll call votes. (54953(b)(2))
- The agenda must also be posted at the usual location at SCPD. (54953(b)(3))

**BUDGET IMPACT:**

There will be a small amount of additional work and possible minor costs required by staff to continue to utilize Zoom and attempt to maintain its reliability during public meetings.