



Silicon Valley Regional Interoperability Authority

WORKING COMMITTEE REGULAR MEETING AGENDA
MAY 9, 2022, 2:00 PM

Consistent with the requirements of AB 361 and the resolution of the Board of Directors of SVRIA this meeting will only be accessible to the public electronically and available to the public via Teleconferencing. We encourage public participation.

Topic: SVRIA Working Committee Meeting

Time: May 9, 2022 02:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 876 7782 1227

Passcode: 544901

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1. Call to Order

2. Roll Call

Chair Andy Smith SJPD/Interoperability Communications Manager	City Manager's Office Representative, San Jose	P / A
Vice Chair Brian Glass Acting Fire Chief Santa Clara County Fire	County Executive's Office Representative, Santa Clara County	P / A
Vacant	Director, Santa Clara County Communications	P / A
Brian Loventhal City Manager City of Campbell	Santa Clara County, City Managers Association	P / A
Ed Shikada City Manager City of Palo Alto	Santa Clara County, City Managers Association	P / A
Nicole Frazier Palo Alto PD Senior Technologist	At Large Member	P / A
Joey McDonald Communications Operations Manager Santa Clara Police Department	At Large Member	P / A
Ruben Torres Fire Chief City of Santa Clara	Santa Clara County Fire Chiefs Assoc. Rep	P / A
Pedro Espinoza Police Chief City of Gilroy	County Police Chiefs Association Representative	P / A
Steve Forman Battalion Chief San Jose Fire	City Manager's Office Representative, San Jose	P / A
Judy Maloney Communications Manager City of Los Altos	PSCMA Representative	P / A
Kenneth Blackwell Technology Manager VTA	VTA Representative	P / A
Abrar Ahmad, Superintendent Service Management VTA	VTA Representative	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 Meeting of March 14, 2022.

5. Executive Director Updates and Presentations

- a. Cybersecurity Update – Partnership with Department of Homeland Security (DHS) for Critical Infrastructure Assessment (Verbal Report)
- b. CalOES Grant-Funded Site on Wheels Update (Verbal Report)
- c. Training Update – Programmers, Dispatchers and Field Users (Verbal Report)
- d. Working Committee vacancy representing Santa Clara County Communications Director (Verbal Report)
- e. New Working Committee Member Orientation (Verbal Report)
- f. SVRIA Mutual Aid MOU update – Menlo Park Fire District and the United States Marshals (Verbal Report)
- g. Two-year Subscriber Unit True-Up in July 2022 (Verbal Report)

6. Action Items

- a. Senate Bill 1000 Legislation – Law Enforcement Agencies: Encryption and Radio Communications
 - i. Legislative Analysis and Options for Board of Directors
- b. Annual Audit – Receive and Recommend Approval to Board of Directors

7. Member/Participant Agency Announcements and any Future Items for Discussion

8. 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 or Board of Directors and are not exempt from disclosure pursuant to the California Public Records Act and will be available for public inspection on the SVRIA website <https://svria.org/> at the same time that the public records are distributed or made available to the Board of Directors or Working Committee Members..

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.

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. Members of the public wishing to comment on an item on the agenda may do so in the following ways: Email comments to the SVRIA Executive Director via email at enickel@svria.org or mailed to SVRIA, Executive Director, 601 El Camino Real, Santa Clara, CA 95050.

Emails will be forwarded to the Board of Directors or Working Committee as appropriate. **IMPORTANT:** identify the Agenda Item number in the subject line of your email. All emails received will be entered into the public record for the meeting.

In order to provide oral public comments during the meeting, please do the following:
When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified shortly before they are called to speak.
When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair). Phone participants: *6 - Toggle mute/unmute *9 - Raise hand

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.

AGENDA ITEM 4a



Silicon Valley Regional Interoperability Authority

DRAFT REGULAR MEETING MINUTES

**Silicon Valley Regional Interoperability Authority
Working Committee**

**Monday, March 14, 2022
Teleconference/Zoom Online Meeting**

1. Call to Order

- Chair Smith called the meeting to order at 2:04 pm

2. Roll Call

Chair Andy Smith SJPD/Interoperability Communications Manager	San Jose Representative	P / A
Vice Chair Brian Glass Acting Fire Chief Santa Clara County Fire	Santa Clara County Representative	P / A
Heather Plamondon Santa Clara County Communication Director	Santa Clara County Representative	P / A
Brian Loventhal City Manager City of Campbell	County/City Managers Association Representative	P / A
Ed Shikada City Manager City of Palo Alto	County/City Managers Association Representative	P / A
Nicole Frazier Palo Alto PD Senior Technologist	At Large Member	P / A
Joey McDonald Communications Operations Manager Santa Clara Police Department	At Large Member	P / A
Ruben Torres Fire Chief City of Santa Clara	Santa Clara County Fire Chiefs Assoc. Rep	P / A

Pedro Espinoza Police Chief City of Gilroy	County Police Chiefs Association Representative	P / A
Steve Forman Battalion Chief San Jose Fire	San Jose Fire Department Representative	P / A Arrived at 2:11 pm
Judy Maloney Communications Manager City of Los Altos	PSCMA Representative	P / A
Kenneth Blackwell Technology Manager VTA	VTA Representative	P / A
Abrar Ahmad, Superintendent Service Management VTA	VTA Representative	P / A

There are nine members present, there is a quorum.

3. Public Comment

- No members of the public present. No members of the public have commented through the Working Committee Members. No public comment.

4. Action on Consent Calendar

- a. Review and Approve Meeting Minutes from the Regular Meeting of January 10, 2022
 - Motion to approve P. Espinosa, B. Glass second. No comments. Roll call vote taken, Aye: 8, No: 0. Motion Carries.

5. Executive Director Updates and Presentations

- a. Training Update: Programmers, Dispatchers and Field Users

May 11 is the training date for radio shop and programmers. Training will be in-person and likely held at Santa Clara Police Department’s Community Room. Staff monitoring COVID safety recommendations for training sessions.

Dispatcher and Field User Training also planned. Multiple session planned for CY2022 including routine, day-to-day operations, multi-county incidents (law enforcement pursuits), and larger incidents.
- b. CalOES Grant-Funded Site on Wheels

On the CalOES grant funded Site on Wheels project, as you recall, we received the \$300,000 grant. The completion deadline was first extended to March 31, 2022. CalOES did another extension on the grant deadline to December 31, 2022. Motorola is close to completing the project by March 31, 2022. The project is in construction this week and next.

After construction, the next steps are to get the trailer ready for operations including testing and optimization. Once that is done, SVRIA will accept the project and then make payment. As you recall, last meeting, we approved the budget amendments for the project.

c. New webpage

The new SVRIA webpage is up and running. Please visit it at svria.org. Those of you who have login credentials for the files and updates, please check out the new interface. The webpage is more secure than the last, with updates software and other cyber features. The user experience is enhanced with better layouts and visuals. Please report any glitches or issues to me.

d. Audit Update

Audit is complete and we received the final copy last Thursday (March 10), after the Working Committee Agenda was posted. Will present the audit at the May meeting. Audit is clean.

e. California Department of Justice Encryption Mandate Update.

Nearly all encryption has been completed. There are less than 50 radios still needing encryption on law enforcement primary talkgroups. There are some radios with SVRIA's larger members that still need programming on the SB Law Interoperability talkgroups.

SVRIA is supporting the Palo Alto Police Department in a policy discussion with their council. The support includes background on encryption, how SVRIA members and the JPA implemented encryption, and a technical background on encryption.

f. New Working Committee Member Orientation

SVRIA staff has offered new board member orientation training before. Staff would like to offer a similar training to any of the members of the working committee, particularly our new members. The training lasts about one hour, and the topics include the history of the JPA is about, guiding documents, the technology, and key staff contacts. Will host a session in April.

g. SVRIA Mutual Aid interest from Menlo Park Fire District and the United States

Marshal's Office. There is complexity with both requests. Menlo Park Fire has to also set up interoperability with the East Bay Regional Communications System (EBRCS) for communication with Fremont Fire on calls on the Dumbarton Bridge. The US Marshals will be joining EBRCS as a paying participant. They need to complete that before joining SVRIA as a mutual aid partner.

h. Reminder that is time to file annual Form 700 disclosures with the California Fair

Political Practices. All Working Committee Member are required to file annual disclosures. Form 700 disclosures are due by April 1, 2022. Staff has only received two completed disclosures. The disclosures are done online, staff is unable to accept paper filings.

6. Action Items

- a. Review and Approve Fiscal Year 2022/23 (FY22/23) Budget Recommendations for the Board of Directors

Executive Director presented a high-level overview of the proposed FY22/23 Budget including a PowerPoint presentation.

Highlights include:

- Balanced Budget of \$5,068,026
- Cost increase over FY21/22 Budget is \$356,150
- Cost increases attributed to:
 - \$300,000 cybersecurity project
 - Increase in long-term contract maintenance that account for 68% of the total budget
 - Ongoing battery replacement program
 - Insurance premium increases
 - Fully funding the operating and asset replacement reserves

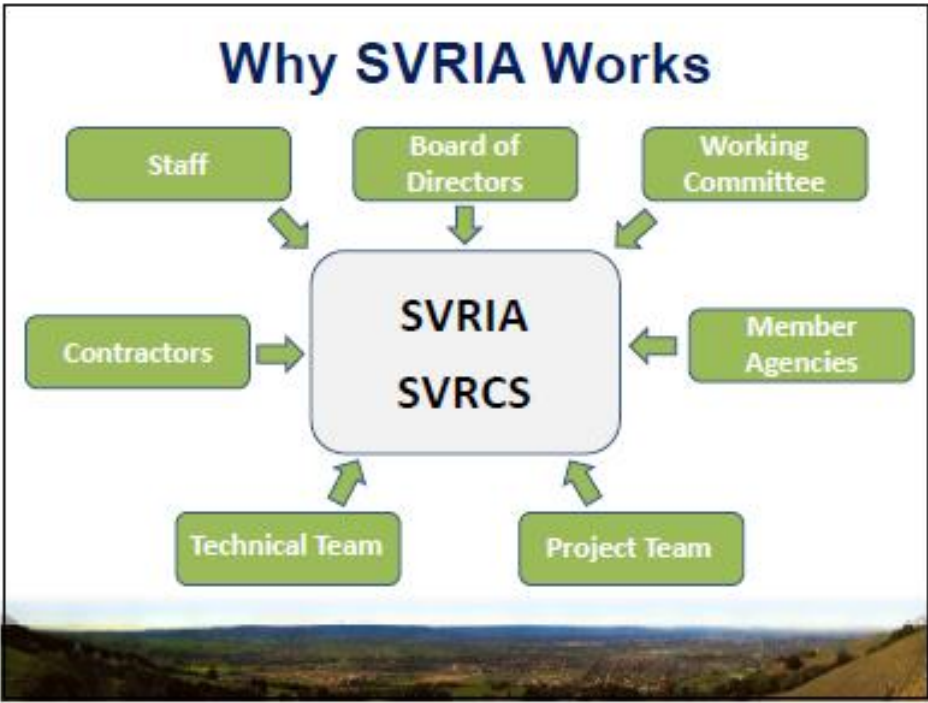
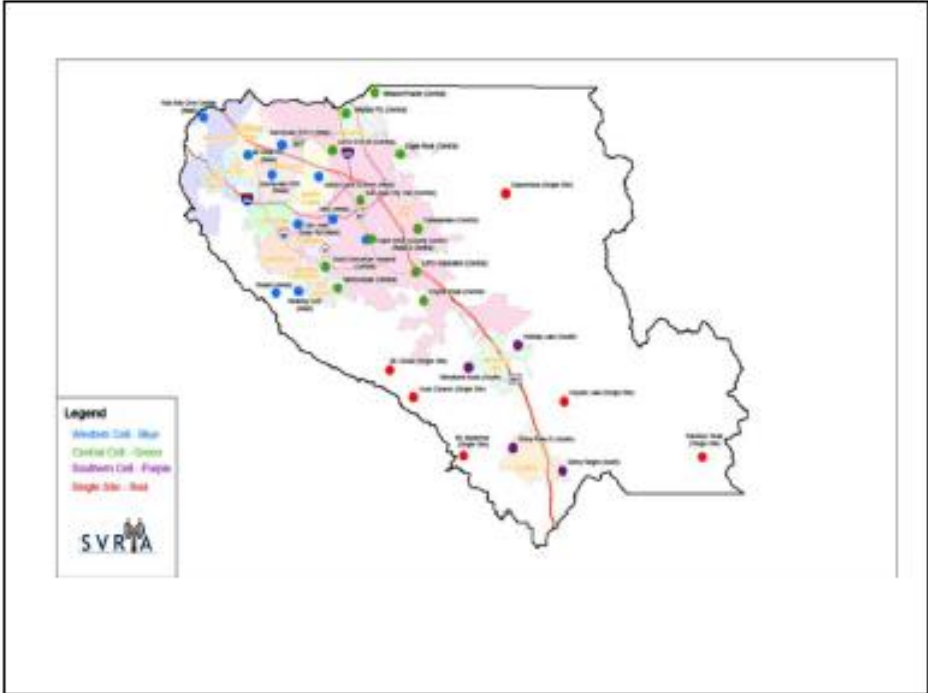
Budget PowerPoint Presentation Slides



Background

- SVRIA's mission is to facilitate interoperable public safety and public service communications for our JPA Members and Participants
- SVRIA supports the communication needs of public safety and public service agencies in Santa Clara County
- The project funded, designed and constructed a 3 Cell, 31 Site, P25 Phase 2 TDMA 700MHz Trunked Radio Simulcast Communications System.





FY2021/22 Highlights

- All Members and Participant Agencies are operating on the SVRCS
- Introduced system performance measurement & management
- Funded the Board-directed Asset Replacement Plan
- Implemented the CalOES Grant for the mobile Site-on-Wheels



FY2021/22 Highlights

- Completed encryption transition to comply with State DOJ privacy guidelines
- Added Mutual Aid partners to access Interoperability Talkgroups (SB LAW, SB FIRE) – there are 7,830 authorized MA units
- Stepped up cybersecurity planning
- The SVRCS performed on the busiest day experienced to date



FY2022/23 Challenges

- Fiscal constraints of Member and Participant Agencies
- Cybersecurity / Protecting the Integrity of the System
- Continued System enhancement
- Capital Replacement Program
- Strategic Planning for the future
- Key team members transitioning



FY2022/23 Budget Highlights

- Proposed budget is \$5,068,026
 - Base Agency Budget: \$4,930,027
 - Additional consoles billed to six agencies: \$137,999
- Increase to member agency assessments compared to FY21/22: \$353,457



FY2022/23 Budget Highlights

- What is driving the increase?
 - Long-term service and maintenance contracts with annual increases (\$3.35M)
 - Fully funding the Board-approved Asset Replacement Reserve (\$500K)
 - Initial funding for a cybersecurity assessment & protection (\$300K)
 - Insurance costs associated with asset values, new site on wheels and cybersecurity protection (\$194K)
 - Ongoing Battery Replacement Program (\$100K)



Proposed FY 22/23 Budget

Account	2020	2021	2022	2023	2024	2025
Administrative Services	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Information Services	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Professional Services	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Travel	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Utilities	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Insurance	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Asset Replacement Reserve	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Total	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000

*This budget is for informational purposes only. It is not intended to be used for budgetary control or as a basis for program funding.



Participants

	As of July 1, 2020	User Count	
San Jose		3,250	28.60%
Santa Clara County		2,550	22.44%
VTA		1,500	13.20%
Santa Clara		911	8.02%
Palo Alto		735	6.47%
Sunnyvale		509	4.46%
Mountain View		325	2.85%
Gilroy		310	2.73%
Milpitas		292	2.57%
Campbell		125	1.10%
Valley Water		200	1.76%
Los Gatos		142	1.25%
Morgan Hill		165	1.45%
Los Altos		90	0.79%
San Jose State		101	0.89%
EVC/SJCC		31	0.27%
Foothill/DAC		34	0.30%
West Valley/Mission		30	0.26%
South County Fire		45	0.40%
		11,365	100.00%

Proposed Agency Assessments

Agency	User Count	Operative and Maintenance (FY19/20)	Operative and Maintenance (FY20/21)	Operative and Maintenance (FY20/21)	Operative and Maintenance (FY20/21)	Operative and Maintenance (FY20/21)
New Line	3,250	28,600	\$ 1,246,743	\$ 1,498,819	\$ 1,442,710	\$ 1,589,137
Santa Clara County	2,550	22,440	1,029,452	1,126,147	1,102,730	1,184,260
VTA	1,500	13,200	456,051	476,489	459,244	496,101
Santa Clara	911	8,074	169,470	177,142	172,407	177,114
Palo Alto	735	6,473	201,077	193,824	176,580	171,290
Sunnyvale	509	4,456	206,999	193,799	179,113	176,149
Mountain View	325	2,845	110,874	140,982	146,275	150,611
Gilroy	310	2,724	116,854	116,470	117,211	140,184
Milpitas	292	2,574	117,581	116,497	119,213	110,188
Campbell	125	1,100	59,536	59,744	59,492	59,368
Valley Water	200	1,758	86,124	86,738	86,444	81,949
Los Gatos	142	1,254	57,142	48,968	45,281	44,019
Morgan Hill	165	1,455	74,448	66,433	65,181	61,903
Los Altos	90	0,792	36,242	28,044	30,081	41,791
San Jose State	101	0,891	45,471	45,817	46,817	46,898
EVC/SJCC	31	0,270	13,481	13,467	13,274	14,108
Foothill/DAC	34	0,300	15,491	14,749	15,141	14,981
West Valley/Mission	30	0,260	12,081	11,614	11,527	11,670
South County Fire	45	0,400	36,111	19,871	19,000	30,801
Sub-Total for Billable Agency Percentage	11,365	100.00%	\$ 4,276,270	\$ 4,696,617	\$ 4,684,698	\$ 5,277,213
Agency Percentage			\$ 4,576,578	\$ 4,936,821	\$ 5,049,066	\$ 5,277,213
Agency Add Credits						
New Line			\$ 1,400	\$ 1,470	\$ 1,710	\$ 1,845
VTA			2,187	24,088	26,314	29,077
NSR			11,408	11,408	11,408	11,410
New Line Cr. Corrections			36,242	35,817	36,280	36,680
VTA			36,381	33,481	36,114	36,007
Programs College			11,416	11,416	11,713	11,629
Total Add/Credits			127,064	127,064	127,538	130,671
Budget Total			\$4,703,642	\$4,823,885	\$4,812,236	\$5,407,884

*When budget allocations are provided for reference only and may increase due to unanticipated or unplanned for expenses or programs.

Questions?

Recommendations to the SVRIA Board of Directors

1. Adoption of the proposed Fiscal Year 2022/2023 (FY22/23) Budget.
2. Adoption of the roll-over of Reserves and unspent budgeted funds from FY21/22 into the Asset Replacement Reserve Funds.
3. Encumbrance authorization for the Executive Director to have Delegated Authority for FY22/23 as needed and access Reserves for previously budgeted and approved project and contract payments authorized in FY21/22, but not yet billed.

Questions and comments from Working Committee:

- Could SVRIA staff complete the budget adoption earlier than the end of March?
The JPA document only states the budget be adopted by the Board by March 31 of each year. Staff will consult with the Board and other internal stakeholders to see if it is possible to produce a budget earlier in the fiscal year.
- Request for the PowerPoint to be distributed to the Working Committee after the meeting.

➤ No public comments

➤ E. Shikada motion to approve staff recommendations to Board of Directors. J. Maloney second. Staff Recommendations:

1. Adoption of the proposed Fiscal Year 2022/2023 (FY22/23) Budget.
2. Adoption of the roll-over of Reserves and unspent budgeted funds from FY21/22 into the Asset Replacement Reserve Funds.
3. Encumbrance authorization for the Executive Director to have Delegated Authority for FY22/23 as needed and access Reserves for previously budgeted and approved project and contract payments authorized in FY21/22, but not yet billed.

Roll call vote taken, Aye: 9, No: 0. Motion Carries.

7. Future Items for Discussion

- No Working Committee member announcements

8. Adjournment

- Chair Smith adjourned the meeting at 2:42 pm

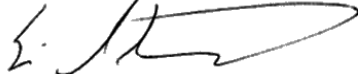
AGENDA ITEM 6a



Silicon Valley Regional Interoperability Authority

**Silicon Valley Regional Interoperability Authority
Working Committee
May 9, 2022**

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

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

SUBJECT: Senate Bill 1000 Legislation – Law Enforcement Agencies: Encryption and Radio Communications – Legislative Analysis and Options for Board of Directors

RECOMMENDATIONS

1. Recommend to the Board of Directors that SVRIA not take a position on Senate Bill 1000 (SB 1000) Legislation
2. Direct the Executive Director to send a letter to Senator Becker’s office supporting the inclusion of cost recovery language in order to comply with any new State mandate if SB 1000 becomes law
3. Direct the Executive Director to continue monitoring and communicating updates on the legislative progress of SB 1000 to the Working Committee and Board of Directors
4. Continue to support SVRIA members with technical encryption assistance and documentation on interoperability and the function of the radio system design

BACKGROUND

Encryption was always planned for and specifically requested in the SVRIA system design and Request for Proposal (RFP) issued in November 2011. System encryption was designed in accordance with the Association of Public Safety Communications Officials (APCO) Project 25 (P25) Statement of Requirements. APCO P25 Statement of Requirements requires encryption as a feature, but it does not mandate all talkgroups to be encrypted.

APCO sets standards for public safety telecommunications and functions similar to California Commission on Peace Officer Standards and Training (POST) for law

enforcement and the National Fire Protection Association (NFPA) in the fire service. APCO is followed by local, state, and federal public safety communications agencies.

From a fiscal perspective, FEMA, and Federal and State Homeland Security Grants paid for a substantial portion of the capital construction costs of the Silicon Valley Regional Communications System (SVRCS). As a condition of accepting the millions in grant funds, federal and state funding authorities required APCO P25 compliance.

Since September 2019, all law enforcement agencies using the SVRCS except for San Jose Evergreen College have transitioned their primary dispatch talkgroups to encryption. San Jose Evergreen College is expected to complete their encryption transition soon.

Six agencies representing the majority of the law enforcement radios on the SVRCS, began encryption before the California Department of Justice (DOJ) memo was issued on October 12, 2020. Morgan Hill and Gilroy began operating on the SVRCS with encryption on their law primary talkgroup. The other agencies began with unencrypted law enforcement primary talkgroups, then transitioned to encrypted. It was up to the individual agencies to decide when to begin encryption and how to use it.

Agency	Date of Encryption on Law Primary Talkgroup
Morgan Hill Police	September 2019
San Jose Police	March 2020
Gilroy Police	May 2020
Campbell Police	May 2020
Los Gatos Police	June 2020
County Sheriff's Office	August 2020
<i>California DOJ Encryption Memo</i>	<i>October 12, 2020</i>
Sunnyvale Police	November 2020
Palo Alto Police	January 2021
Los Altos Police	March 2021
Mountain View Police	March 2021
Foothill/DeAnza College Police	March 2021
San Jose State University Police	March 2021
Santa Clara City Police	April 2021
Milpitas Police	July 2021
SVRIA Law Interoperability Talkgroups	August 2021
West Valley/Mission College Police	August 2021
San Jose Evergreen College	May 2022 (expected)

The October 12, 2020 DOJ memo prohibited sharing of personally identifiable information (PII) over unsecured radio networks to access information in the California Law Enforcement Telecommunications System (CLETS). The DOJ identified two methods to comply with the mandate, encrypt radio communications or establish policies to not communicate PII over unencrypted radio talkgroups.

State statutes created CLETS and the State DOJ controls and manages the database. Local law enforcement agencies must sign a user agreement requiring compliance with CLETS policies and procedures. CLETS provides the universal connection to databases of federal and state computerized information files. This allows law enforcement officers and justice officials to quickly determine if a person is wanted for a law enforcement matter, if they have any arrest warrants, and provides verification of the person's identity. There are no other systems available to law enforcement or justice officials. SVRIA does not have a CLETS agreement with DOJ, only our law enforcement members have their own agreements with DOJ.

The October 12, 2020 DOJ memo served as a catalyst for the law enforcement agencies in the SVRIA that had not transitioned to encryption on their primary dispatch talkgroups. The unencrypted agencies proceeded at their pace and not under any policy directive from SVRIA.

SVRIA does manage and operate the South Bay Law Interoperable Talkgroups (SB Law). In the original system design, some talkgroups were encrypted, some were not. Based upon all law enforcement agencies transitioning to encryption, the decision was made to encrypt all SB Law talkgroups. That project was completed in August 2021.

On February 14, 2022, State Senator Becker (Senate District 13, Santa Clara and San Mateo Counties) introduced SB 1000. The proposed legislation that would ensure public access to law enforcement radio communications and require law enforcement agencies to prevent or substantially minimize criminal justice information or personally identifiable information from being broadcast in a manner that is accessible to the public.

On April 9, 2022, the Senate Committee on Public Safety heard the bill and voted 4-1 to pass the bill and refer it to the Senate Committee on Appropriations. The bill will be heard by the Committee on Appropriations on May 9, 2022.

PUBLIC POLICY DISCUSSION

SVRIA does not set public policy for its members and participating agencies. SVRIA's paramount objective is to maintain functionality of the interoperable talkgroups; to keep the system working the way it was designed and intended, and within the technical constraints of unencrypted and encrypted radios operating together. SVRIA is a technical Joint Powers Authority designed to facilitate interagency radio communications and data transfer.

Important public policy issues are at the center of law enforcement encryption and SB 1000 legislation. These include government and law enforcement transparency, media and community awareness of emerging incidents, privacy rights of individuals interacting with law enforcement, law enforcement personnel safety, and added workload to dispatchers and law enforcement staff.

Elected officials and the media have expressed concerns over encryption as it reduces government transparency, especially with law enforcement activities. Some Councils

representing SVRIA's members have already taken a position to support SB 1000. SVRIA does not want to be in conflict with its member's councils by potentially opposing SB 1000. Most importantly, SVRIA does not set public policy for its members. SB 1000 is a governance issue to be decided by elected bodies that reflect their local community.

As law enforcement agencies encrypted dispatch radio communications, media outlets raised concerns about the inability to listen to calls for service over a scanner or internet feed. Often, local media are posting breaking news and information about emergencies occurring in the community on social media or their websites. Local media news and production staff, freelance journalists and interested individuals constantly monitor public safety radio communications and post to newsfeeds and social media accounts in real-time.

There is a reasonable expectation of privacy when a law enforcement official is interacting with a member of the public and needs to access CLETS. In addition, when calls for service are dispatched, PII is often relayed in the dispatch. The CLETS procedure manual specifically notes there is not a right or need to know PII by the media or members of the public. Law enforcement officials relay a variety of PII on the radio including name, date of birth, physical description, driver's license numbers, and home address.

Law enforcement officials and dispatch center staff have expressed concerns over officer safety. When a law enforcement official is accessing CLETS, they usually do so in close proximity to the individual they are obtaining information about. Officer safety is enhanced when the officer can keep their situational focus on the individual. Other recommended actions to comply with the DOJ memo include calling on a mobile phone, returning to the patrol vehicle to relay the information via the computer-aided-dispatch (CAD) terminal, and switching to an encrypted talkgroup. All of these actions reduce the officer's focus on the individual they are interacting with and could result in an escalation or pursuit. Encryption on the primary law enforcement dispatch talkgroup is safer than suggested alternates. Encryption is also more efficient as more officers may be needed on a typical interaction, one to maintain focus on the individual and a second officer to access the CLETS data via alternative methods.

The final public policy issue is the added workload to dispatch centers to both access CLETS and minimize the transmission of PII. In order to comply with the DOJ memo, additional dispatch staff are likely needed. This would include a dedicated dispatcher on the unencrypted law enforcement primary talkgroups and a second dispatcher dedicated to the encrypted talkgroup who would access CLETS and relay that information to the officers. The concern besides added staff costs is that dispatch centers are chronically understaffed and additional budget resources would need to be allocated to support supplementary staff. The current procedures using radio encryption on the primary law enforcement dispatch talkgroup is a more efficient process than suggested alternates.

OPERATIONAL DISCUSSION

There is a need for law enforcement encryption. This includes undercover, sensitive or hazardous law enforcement operations, instances where suspects may be listening to law enforcement activity, officer safety details including injuries to officers, and when PII needs to be protected. Encryption was always a part of SVRCS, and a requirement in an APCO P25 compliant radio system.

Operationally, there are impacts to SVRIA and its members if SB 1000 becomes law. Law enforcement agencies may need to reprogram their radios and SVRIA would need to reprogram the network to support unencrypted communications on the primary law enforcement talkgroups. Agencies could also choose to continue encryption but provide a live or delayed feed of unencrypted communications via the internet.

It is important to note that when an encrypted radio and an unencrypted radio are operating on the same talkgroup, all communication is unencrypted, even when the talkgroup is programmed for encryption.

For day-to-day and routine public safety and public agency radio operations, agencies use their assigned talkgroups. Every agency in SVRIA operates on their own designated talkgroups. The designated talkgroups across Santa Clara County account for the majority of the radio system usage. For example, Mountain View Police and Mountain View Fire operate on dedicated primary dispatch, command and tactical talkgroups.

On larger incidents or a small incident when a specialized resource is needed, for example a police dog from an adjoining agency, the communications for all units assigned to the incident are joined, the technical term is patched, into an interoperability talkgroup. When the multiple agencies radios are patched, they are removed from their primary dispatch, command or tactical talkgroup and placed into the regional interoperability talkgroup. The dispatchers create the patch on their computer console and move the assigned radios into the interoperable talkgroup.

The patch allows responders from all agencies to seamlessly communicate with one another. The regional interoperability talkgroups are available to all SVRIA members as well as federal, state and local agencies authorized to use the interoperable talkgroups.

While interoperability accounts for a small percentage of the radio system's use, less than one percent, the regional talkgroups are specifically designed and used for significant, complex and dynamic incidents requiring multi-agency response and communications.

If the interoperability talkgroup is programmed to be encrypted, and unencrypted radios are patched into the talkgroup, communication is now unencrypted and can be heard by the public. This potentially exposes SVRIA to non-compliance if PII is transmitted on the interoperability talkgroups.

Presumably, if a law enforcement agency repeatedly broadcast PII over an unencrypted talkgroup, the State DOJ could exercise their regulatory authority and deny access to CLETS. The basis would be multiple breaches of the agreement to not broadcast PII. To date, State DOJ has not exercised this authority on any CLETS signatory. Regulatory

action against SVRIA is unlikely as the Authority does not access CLETS or have a signed agreement with the State DOJ.

Finally, new policies would need to be established to limit the transmission of PII over the South Bay Law interoperable talkgroups operated by SVRIA. These new steps would likely require additional workload on the dispatchers and potentially expose SVRIA to non-compliance if PII is inadvertently transmitted on a regional interoperable talkgroup. Training on the new law, procedures and operations would be needed for field users and dispatchers.

FISCAL IMPACT

Staff time costs to reprogram radios for SVRIA members would exceed \$500K. Staff costs for additional dispatch center staff to manage encrypted radio communications, access CLETS, and process PII are unknown. Currently the amended legislation would not allow SVRIA to claim reimbursement, only law enforcement agencies.

It is estimated that 4500 hours of staff time would be needed to reprogram all of the law enforcement radios and the network. It took 18 months to complete programming of radios to support encryption, and it will take at least as long to reprogram the radios to comply with SB 1000.

Technology solution also have a financial cost. Currently, one member has created a public-facing map that displays recent calls for service, and other agencies have created live radio feed than can be access via the web. The live radio feeds are not currently available to the public. There certainly are technology solutions to comply with SB 1000, but there is a cost to create and maintain these solutions. It is estimated that technology solutions would cost \$100K or more. The cost to create a technology solution would likely be the responsibility of each agency and SVRIA.

While the current version of SB 1000 contemplates reimbursement for law enforcement agencies to comply with this State mandate, the history of local agency cost recovery is minimal at best. SVRIA is not a law enforcement agency and would not be eligible for reimbursement under the amended legislation.

ATTACHMENTS

A: SB 1000 Legislation, Amended March 16, 2022

B: Senate Committee on Public Safety – Legislative Analysis on SB 1000

AGENDA ITEM 6a: Attachment A

See separate file titled, SB 1000 Legislation, Amended March 16, 2022

AGENDA ITEM 6a: Attachment B

See separate file titled, Senate Committee on Public Safety – Legislative Analysis on SB 1000

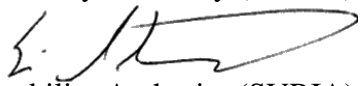
AGENDA ITEM 6b



Silicon Valley Regional Interoperability Authority

**Silicon Valley Regional Interoperability Authority
Working Committee
May 9, 2022**

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

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

SUBJECT: Review and Recommend Acceptance by the SVRIA Board of Directors of the Annual Audit and Financial Statements ending June 30, 2021

RECOMMENDATIONS

Review and recommend acceptance by the Board of Directors of the SVRIA Audit and Financial Statements ending June 30, 2021 for Fiscal Year 2020/2021 (FY20/21)

SUMMARY/DISCUSSION

In accordance with the SVRIA Joint Powers Agreement, Article 7.2, an annual audit of its financial affairs is required. A third party Certified Public Accountant firm must conduct the audit. SVRIA's annual audit is coordinated with the Santa Clara County Controller-Treasurer's Office. The County serves as SVRIA's fiscal agent for financial transactions and administration.

Moss, Levy & Hartzheim, LLP, a CPA firm with extensive local government and special district auditing experience conducted the FY20/21 Audit. The audit followed applicable Government Auditing Standards. Moss, Levy & Hartzheim prepared the attached Audit Report for the Working Committee review and recommendation to the Board to accept the findings(Attachment A).

The Auditor's scope of work was to audit SVRIA's financial statements of the governmental activities and the major funds of the SVRIA for the fiscal year ending June 30, 2021. The related notes to the financial statements, which collectively comprise the Authority's basic financial statements are listed in the table of contents.

The overview of the audit, responsibilities of management, the auditor, matters of emphasis, and other mandated Government Auditing Standards are located on pages one and two. The important item to note is the Auditor's Overall Opinion. It states:

In our opinion, the financial statements found that the financial statements referred to present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of the Silicon Valley Regional Interoperability Authority, as of June 30, 2021, and the respective changes in financial position thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

In accordance with Government Auditing Standards, The auditor has also issued the report on their consideration of the Silicon Valley Regional Interoperability Authority's internal control over financial reporting and on the auditor's tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters.

The purpose of the report is also to describe the scope of the auditor's testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. The report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Authority's internal control over financial reporting and compliance.

The annual audit is filed with the Santa Clara County Controller-Treasurer's Office and the State of California Controller's Office.

FINANCIAL HIGHLIGHTS

- The assets of the Authority exceeded liabilities by \$32,920,663 (net position) for the fiscal year reported, of this amount, \$28,236,688 is net investment in capital assets, \$300,000 of which is restricted for a capital project (the CalOES Grant for the Site-on-Wheels) and \$4,383,975 may be used to meet ongoing obligations to citizens and vendors.
- The Authority's total net position decreased by \$3,978,915 during the fiscal year. The reason for this decrease was due to the final payment on the construction of the SVRCS radio system and the continued depreciation of the Authority's capital assets. The assets doubled in the previous audit as the Authority accurately accounted for capital assets in the system. With the asset value increasing, so did the depreciation amount.
- As of June 30, 2021, the Authority's governmental fund reported an ending fund balance of \$4,683,975. This decreased by \$1,727,521 from the previous year due to final milestone payments due at the acceptance of the Silicon Valley Regional Communications System. Board policy directs that Operational Reserve Fund is set at \$100,000 and \$300,000 is restricted to the CalOES Grant project.

FISCAL IMPACT

The approved budget includes funding for this required professional service.

ATTACHMENTS

A. Audit Report and Financial Statements ending June 30, 2021.

AGENDA ITEM 6b: Attachment A

See separate file titled, Audit Report and Financial Statements ending June 30, 2021.