



Silicon Valley Regional Interoperability Authority

**BOARD MEETING AGENDA – REGULAR MEETING**  
**JULY 28, 2022, 4:00 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.**

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

**Topic: SVRIA Board of Directors**

**Time: Jul 28, 2022 04:00 PM Pacific Time (US and Canada)**

Join Zoom Meeting

<https://us02web.zoom.us/j/87887642774?pwd=cjNETUUva29DaENvcEpRUklnZVhaUT09>

Meeting ID: 878 8764 2774

Passcode: 879431

One tap mobile

+16694449171,,87887642774#,,,,\*879431# US

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Dial by your location

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Meeting ID: 878 8764 2774

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Find your local number: <https://us02web.zoom.us/u/keyue3Ryde>

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
Lydia Kou City of Palo Alto Vice Mayor	Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	P / A
Lisa Matchak City of Mountain View Council Member	Alternate – Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	P / A
Hung Wei City of Cupertino Council Member	Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	P / A
Jon Willey City of Cupertino Council Member	Alternate - Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	P / A
Russ Melton City of Sunnyvale Council Member	Santa Clara Cities Association Selection	P / A
Matthew Hudes Town of Los Gatos Council Member	Alternate - Santa Clara Cities 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 Mayor Pro Tempore	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
Karen Hardy City of Santa Clara Council Member	Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P /A
Vacant	Alternate - Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P /A

3. Swearing-in of new Board Members

Board Secretary will administer the Oath of Office to new Board Members

4. 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.

5. Action on Consent Calendar

- a. Adoption of Resolution 2022-05 to Continue to Extend Authorization for Meetings of the Board of Directors and the Working Committee via Zoom Meeting for a Period of 30 Days
- b. Review and Approve Meeting Minutes from the Board Meeting of May 26, 2022
- c. Action by the Board of Directors to set a \$5000 bond requirement for the Executive Director Pursuant to Joint Powers Agreement section 5.7

6. Executive Director Updates

- a. Senate Bill 1000 Legislation – Law Enforcement Agencies: Encryption and Radio Communications Update (Verbal Report)
- b. Cybersecurity Update – Partnership with Department of Homeland Security (DHS) for Critical Infrastructure Assessment (Verbal Report)
- c. CalOES Grant-Funded Site on Wheels Update (Verbal Report)
- d. Training Update –Dispatchers and Field Users Tabletop (Verbal Report)
- e. Two-year Subscriber Unit True-Up Starting (Verbal Report)
  - i. Connection to Capital buy-in costs, adding new agencies

- ii. Board request from May 26 Meeting to research SVRIA buy-in history
- f. Board discussion regarding capital buy-in policies, processes and precedents in September
- g. Interoperability Report requested by Vice Chair Smith at the May 26, 2022 Board Meeting (Attached Usage Chart and Verbal Report)

7. Action Items

- a. Election of Chair and Vice Chair of the Board of Directors for Fiscal Year 2022/2023

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 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](mailto: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 5a**



**Silicon Valley Regional Interoperability Authority  
Board of Directors  
July 28, 2022**

**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: Adoption of Resolution to Continue to Extend Authorization for Meetings of the Board of Directors and the Working Committee via Zoom Meeting for a Period of 30 Days**

**RECOMMENDATIONS:**

Approve the attached resolution permitting the Board of Directors and Working Committee of SVRIA to continue to hold their meetings via Zoom with full public access, electronically to the meetings.

**BACKGROUND**

The Board of Directors previously approved continuing to hold future meetings via Zoom after the Governor's Executive Order expired. At our last meeting on May 26, 2022, the Board of Directors approved an extension of the authorization. This resolution satisfies the legal requirements necessary in order to continue to hold meetings of the Board of Directors and the Working Committee utilizing Zoom for a period of thirty days. The Board will be required to pass a similar resolution every thirty days after passage of this resolution or at its next subsequent meeting, whichever is later, in order to comply with statutory requirements.

**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. The Resolution and Staff Report have been revised to reflect the latest CDC and County Public Health Director Recommendations.

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. SVRIA will meet this requirement.
- 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 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 incurred by staff to continue to utilize Zoom and attempt to maintain its reliability during public meetings.

Attachment A: Resolution to continue to permit holding meetings utilizing Zoom due to the public emergency

**AGENDA ITEM 5a, Attachment A**

**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY RECOGNIZING A STATE OF EMERGENCY AND THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCED PUBLIC MEETINGS OF THE BOARD OF DIRECTORS AND WORKING COMMITTEE TO ALLOW THE BOARD OF DIRECTORS AND WORKING COMMITTEE CONTINUE TO HOLD PUBLIC MEETINGS SOLELY BY TELECONFERENCE OR OTHERWISE ELECTRONICALLY PURSUANT TO AB 361**

**WHEREAS**, the Silicon Valley Regional Interoperability Authority (the “Authority”), is a joint powers agency duly organized and existing under and by virtue of the laws of the State of California; and

**WHEREAS**, all public meetings of the Board of Directors and Working Committee of the Authority are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board of Directors or Working Committee conduct their business; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, as a result of Executive Order N-29-20, the Board of Directors and Working Committee held remote teleconferenced remote meetings for their meetings via Zoom, and for purposes of Brown Act teleconferenced meetings the term “legislative body” includes the Board of Directors and advisory bodies includes the Working Committee; and

**WHEREAS**, since the issuance of Executive Order N-92-20, the Delta variant has emerged followed by the Omicron variant, followed by the Omicron BA.2 subvariant, Omicron BA.3, BA.4 and BA.5 subvariants, causing a spike in COVID-19 cases throughout the state; and

**WHEREAS**, the Centers for Disease Control have determined that Santa Clara County is now a high community risk level signifying that there are now high levels of community transmission; and

**WHEREAS**, the nine-county Bay area are all in the high community risk level; and



**WHEREAS**, the CDC recommends that everyone wear a mask indoors when the high level of community transmission has been reached; and

**WHEREAS**, The Santa Clara County Health Department has collected wastewater sampling data showing an increase in SARS CoV-2 virus present in all wastewater treatment plants in the County; and

**WHEREAS**, the County Public Health Director has recommended avoiding indoor crowds; and

**WHEREAS**, while hospitalizations and severe illnesses have decreased in the last month, new COVID-19 variants continue to emerge, including a recent variant with increased transmissibility that may potentially impact the County's hospital capacity. Holding in-person meetings with all members of the legislative body, staff, and the public in attendance in a shared indoor meeting space could particularly impact persons who are at higher risk of severe illness; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions, including that the Board of Directors make specified findings; and

**WHEREAS**, on September 21, 2021, the Santa Clara County Public Health Director issued the "Recommendation Regarding Continued Remote Public Meetings of Governmental Entities," basing the recommendation on: 1) the continued threat of COVID-19 to the community, 2) the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and 3) the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission; and

**WHEREAS**, for the reasons set forth in the Santa Clara County Public Health Director's recommendation, the Authority is concerned about the health and safety of all individuals who attend open and public meetings of the Board of Directors and Working Committee; and

**WHEREAS**, the Board of Directors does hereby find that the existence of the March 4, 2020 Proclamation of a State Emergency, and the described conditions, including the spread of the Omicron variant, pose an imminent risk to health and safety of meeting attendees; and

**WHEREAS**, Government Code Section 54953(e)(3) requires that the Board of Directors review the need and make findings for continuing the teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and,

**WHEREAS**, for the reasons set forth herein, the Board of Directors does hereby find that the Board of Directors and Working Committee shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide

the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, the associated emergency conditions are ongoing and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency and this Resolution if approved, will be in effect for 30 days and will expire on August 27, 2022; and

**NOW THEREFORE**, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY AS FOLLOWS:

1. The Board of Directors hereby recognizes the Governor of the State of California’s March 4, 2020 Proclamation of a State of Emergency.
2. The Board of Directors authorizes and directs the Executive Director, to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act. In compliance with California Government Code section 54953(e), the Board makes the following findings:
  - a. The state of emergency continues to impact the ability of SVRIA’s legislative bodies, as well as staff and members of the public, to meet safely in person.
  - b. State or local officials continue to impose or recommend measures to promote social distancing.
  - c. The County Public Health Director has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of COVID-19 transmission.
3. This Resolution shall take effect immediately upon adoption and shall be effective until the earlier of thirty (30) days from the date of adoption of this Resolution, or such time as the Board of Directors votes, by majority vote in accordance with Government Code section 54953(e)(3), whether to extend the time during which the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

By a vote of \_\_\_Ayes and \_\_\_Nays

Dated this 28th day of July, 2022.

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Mike Wasserman  
Chair Board of Directors of SVRIA

**AGENDA ITEM 5b**



Silicon Valley Regional Interoperability Authority

**DRAFT MEETING MINUTES**

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

**Thursday, May 26, 2022  
Teleconference/Zoom Online Meeting**

1. Call to Order

➤ Vice Chair Smith called the meeting to order at 4:01 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>
Lydia Kou City of Palo Alto Vice Mayor	Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	<b>P / A</b>
Hung Wei City of Cupertino Council Member	Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	<b>P / A</b>
Jon Willey City of Cupertino Council Member	Alternate - Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	<b>P / A</b>
Russ Melton City of Sunnyvale Council Member	Santa Clara Cities Association Selection	<b>P / A</b>
Pam Foley City of San Jose Council Member	Representing the City of San Jose	<b>P / A</b> Arrived at 4:06 pm

Chappie Jones City of San Jose Vice Mayor	Representing the City of San Jose	<b>P /A</b>
Peter Leroe-Munoz City of Gilroy Mayor Pro Tempore	Representing the South County Cities of Gilroy and Morgan Hill	<b>P /A</b> Arrived at 4:13 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>
Karen Hardy City of Santa Clara Council Member	Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	<b>P /A</b>

➤ **Ten Directors Present. There is a quorum.**

3. Swearing-in of new Alternate Member

- Vice Chair Smith administered the Oath of Office for Alternate Lisa Matichak (City of Mountain View Council Member representing Northwest Cities of Palo Alto, Mountain View and Los Altos)

4. Public Comment and Closed Session

- No Public Comment.
- No public comments made to individual Board members to bring to meeting

5. Action on Consent Calendar

- Executive Director made one minor correction on item 5b: Remove the word “Special” for the minute approval for the March 24, 2022 Board meeting. The March 24 meeting was a Regular Board meeting.

- No Public Comment

➤ **Director Foley motions to approve consent calendar. Director Melton second. Rollcall Vote: 8 AYE, 0 NO. Motion Carries.**

6. Executive Director’s Report

a. Silicon Valley Regional Communications System (SVRCS) System Administrator Transition

- The System Administrator is the top technical and engineering position serving the SVRCS. The position is held by a County Communications radio system engineer and the position is 80% dedicated to serve the SVRCS under a service contract. The System Administrator tendered his resignation in order to work closer to family in Southern California. He accepted an engineering position with Motorola.

The Executive Director is working with the Technical Director from County Communications on an interim position as well as the long-term appointment of a replacement. The interim is in place and the Executive Director has reinforced the service-level expectations and service agreement.

- b. San Jose International Airport – Airport Operations potentially joining SVRCS
  - San Jose International Airport has expressed an interest in joining the SVRCS. They have an old legacy UHF radio system. They approached SVRIA seven, eight years ago, and at the time, the system wasn't built out, and they were told at the time that the focus was on getting public safety deployed. San Jose Airport is at a key decision point. They've already made investments in consoles and microwave installations that work on the SVRCS.  
As a reminder, they're much like the Santa Clara Stadium Authority. The airport is an enterprise agency under the City of San Jose. They are a San Jose department. We would treat them as a San Jose member. And obviously, that changes the radio count and costs for San Jose. There are operational pluses if they come onto the SVRCS. Right now, we have no interoperability capability with the airport operations, except law enforcement and crash fire rescue with San Jose Fire.
- c. Cybersecurity Update – Partnership with Department of Homeland Security (DHS) for Critical Infrastructure Assessment
  - DHS will be here in early August. Staff will accompany them on multiple site visits to get a firsthand understanding of what they're looking at. Likely, when we are completed, staff will come back and brief the board in closed session given the sensitivity of the information of the vulnerability assessment.
- d. CalOES Grant-Funded Site on Wheels Update
  - Construction is complete and the radios are programmed. Last item to complete is radio testing and optimization. We have met the CalOES completion deadline. It is set up as a regional asset, and it will support SVRCS in the event a site goes down or there are large events that need additional radio infrastructure to support communications.
- e. Training Update – Programmers, Dispatchers and Field Users
  - Programmer Training for Radio Shop staff – completed on May 11 (in-person)
  - Staff, the Working Committee and the Technical and Project Teams are planning a tabletop training on June 21, 2022. The hope is that the training can be conducted in-person if COVID protocols and safety allow.
    - Routine and small incident operations
    - Large incidents
    - Pursuits entering and exiting the County including coordination with adjoining counties dispatch centers and CHP
- f. New Board Member Orientation
  - We will be scheduling some time with our new board members. Staff has a 30 to 45 minute PowerPoint, and then there is time for questions. The orientation is a primer to get up to speed as our new directors have noted that SVRIA is very technical.
- g. Mutual Aid Partner interest from the Menlo Park Fire District and United States Marshal's Service

- Staff continues to work with Menlo Park Fire to support mutual aid on the SB Interoperability Talkgroups. No update from the US Marshals.
- h. Two-year Subscriber Unit True-Up to start in July.
  - The True-Up is completed every other year and serves as the basis for the annual maintenance and operations budget for SVRIA. Agencies add and remove radios as their operational needs change. We will count every mobile and portable radio on the SVRCS.
- No Public Comment.
- Director Melton commented his appreciation on the critical infrastructure assessment focus and a closed session to identify and protect vulnerabilities. Director Melton also inquired about a policy to become a member or participant of the SVRCS, and any buy-in costs associated with becoming part of SVRCS. Executive Director responded that there is a policy after the IRS-Criminal Investigation unit sought to join SVRIA.
- General Counsel provided historical background and context on buy-in to reflect the capital costs. It was analyzed previously when Heather Plamondon was the Executive Director, and it was adopted by the working committee and board. The reason for that is exactly what Director Melton is saying, and that is we do need to reflect the capital costs that all of our entities spent, some in the millions to get into this system, and there needs to be a buy-in.
- A what if scenario was raised if an existing member added 2000 new radios to the SVRCS. Would that agency only pay the annual added maintenance and operations costs or would there need to be some consideration for added capital due to the high number of new radios and load on the system.
- It does not seem appropriate that there would be a buy-in cost with San Jose Airport (City of San Jose), unless it was an independent entity, and it probably wouldn't come under the policy, although this policy certainly gives the Board guidance on whether it's appropriate.
- Board and the Working Committee would need to analyze if a member or participating agency sought to add a significant number of radios, for example 1000 or more, to the SVRCS.
- Vice Chair Smith inquired if an enterprise district like the San Jose Airport would be different? Supports the exploration of the process and buy-in costs.
- Staff will continue to research and come back to the Working Committee and Board at a later date.

## 7. Action Items

- a. Annual Audit – Receive and Accept Annual Audit
  - Executive Director joined by SVRIA Auditor, Alex Hom from Moss, Levy & Hartzheim.
  - Presented highlights and noted the SVRIA is clean and without exceptions.
  - The FY20/21 Audit is much more of a typical SVRIA audit compared to last year's audit that accounted for previously built capital infrastructure, but the equipment had not been capitalized or depreciated.

➤ The Auditor spoke and noted they gave the Authority an unmodified clean opinion. Auditor looked at making sure all the processes that SVRIA did, like purchasing transactions, receipts, and made sure the balance sheet items were correct. Auditor found no significant findings. The controls seemed good for a special district your size. This year, no issues and clean audit.

➤ No public comment.

➤ Director Constantine motions to receive and accept the FY 2020/2021 Annual Audit. Director Leroe-Munoz second.  
Rollcall Vote: 10 AYE, 0 NO. Motion Carries.

b. Senate Bill 1000 (SB 1000) Legislation – Law Enforcement Agencies: Encryption and Radio Communications

i. Legislative Analysis and Options for Board of Directors consideration of SVRIA position if any

- Executive Director presented staff report and analysis of proposed State legislation including current status as SB 1000 moves through the Senate and Assembly.
- Operationally: Encryption is mostly complete with SVRIA Law Enforcement members and the County Sheriff who have transitioned to encryption on their primary dispatch talkgroups. There is one small community college district police department who is finishing encryption transition, less than 50 radios.
- SVRIA does not have a signed agreement with State DOJ as SVRIA is not a law enforcement agency and has no need to access the state records and identification database (CLETS).
- State DOJ has no regulatory authority over SVRIA. In the event personally identifiable information (PII) is transmitted over one of the South Bay Interoperability Talkgroups, there is no action the State could take against SVRIA.
- No matter the encryption status of SVRIA’s law enforcement agencies, the Interoperability Talkgroups will always be available for shared, multi-agency regional communications.
- Public Policy: State legislative effort with legislation introduced by Senator Becker (Santa Clara/San Mateo) that would require unencrypting communication on police primary talkgroups. Personally identifiable information is the reason for encryption after an October 2020 memo from the State Department of Justice. This legislation would unwind a lot of the work SVRIA, and its members have done in the last three years. There is a cost to unencrypt radios, mostly staff time. There is a provision for reimbursement for unfunded State mandates. Staff is keeping a close eye on the reimbursement process and language.
- Executive Director noted that SVRIA was established as a technical joint powers authority (JPA). There has not been legislative advocacy action and SVRIA does not have the staff or resources to effectively analyze proposed legislation.

- General Counsel noted the Cities Association of Santa Clara County does take positions on state bills and has an internal process to evaluate and recommend positions.
- Executive Director outlined SVRIA's role to support member agencies elected officials and staff with technical analysis of the legislation so the agencies could make their own public policy position.
- Executive Director noted that one member's City Council had taken a support position and another member's City Council had taken an oppose position on the legislation. There is a desire to keep all members united in the delivery of services to their public safety and public service agencies within SVRIA.
- Executive Director noted there would be added workload on dispatchers and officers.
  
- Vice Chair Smith expressed concerns that the proposed legislation adds a real burden to law enforcement as well as a fiscal issue. It makes it difficult for the law enforcement agencies and that should be considered when anyone makes a decision on supporting or not supporting.
  
- Director Constantine asked about the implementation date. Executive Director noted it would be January 2024. Also asked if one talkgroup could be unencrypted and once encrypted. Executive Director answered that is the proposed plan with the legislation. The main dispatch talkgroup would be unencrypted and when PII needed to be researched then the encrypted talkgroup would be used. Any command or tactical talkgroups could still remain encrypted. Does SVRIA have the capacity for all talkgroups? Executive Director noted there is certainly capacity with all of the talkgroups built into the system.
  
- Director Melton said he reached out to the Executive Director after the March meeting to understand SVRIA's procedure for taking positions on legislation. He noted that Sunnyvale took an oppose position and Palo Alto took a support position. Director Melton supports the direction of the Executive Director and SVRIA's technical focus. Appreciates the efforts with Senator Becker's office and especially supporting the members of SVRIA, police chiefs and elected officials. 100 percent onboard with the proposed direction.
  
- No public comment.
  
- Director Melton motions to approve the staff recommendation. Director Constantine seconded the motion.
- No other Board questions or discussion
- Rollcall Vote: 10 AYE, 0 NO. Motion Carries.

#### 8. Future Agenda Items

- Vice-Chair Smith requested a report on the usage of the interoperability talkgroups. SVRIA has accomplished so much, and interoperability makes a big difference for radio



communications on significant, multi-agency incidents, planned events, and training. This group has made tremendous progress and it would be great to capture the data.

- Vice-Chair Smith requested the Executive Director bring back a review of the “buy-in” process and any policies related to agencies joining the system. The presentation request was for a later date.
- Director Constantine also expressed appreciation for the growth of SVRIA and providing radios for all public safety personnel. He noted that in his 25-year fire service career the firefighters went from one radio per fire apparatus to every member having their own radio. That improved firefighter safety and personnel accountability. SVRIA has come a long way and he looks forward to future success.

#### 9. Adjournment

- Vice Chair Smith adjourned the meeting at 4:57 pm

AGENDA ITEM 5c



**Silicon Valley Regional Interoperability Authority  
Board of Directors  
July 28, 2022**

**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: Action by the Board of Directors to set a \$5000 bond requirement for the Executive Director Pursuant to Joint Powers Agreement section 5.7.**

**RECOMMENDATIONS:**

Set the required bond amount at \$5000 and authorize the Executive Director to obtain a Fidelity Bond in the amount of \$5000 to satisfy the requirement of Joint Power Agreement section 5.7.

**BACKGROUND**

In the course of the General Counsel's review of the Joint Powers Agreement section 5.7 it was noted that SVRIA is required to comply with the bond requirement for the Executive Director. The bond is commonly called a fidelity bond or public official bond and is designed to protect SVRIA from misappropriation by the Executive Director.

The Board of Directors is **required** to set the amount of the bond. As there are other adequate financial controls already in place including the annual audit by a C.P.A., the approval by the Board Chair of smaller expenditures and the Working Committee and/or Board of Directors of larger expenditures; the amount chosen is relatively low.

Payments to Regional Government Service (RGS), the Executive Director's employer are reviewed by the Chair, or his designee and the Chair of the Working Committee and RGS has additional internal controls including a bi-monthly timecard approved by the Executive Director's supervisor at RGS. Credit card statements are approved by the Chair or his designee. The County acts as SVRIA's Treasurer and requires documentation and invoices for every payment.

SVRIA has not purchased these bonds in the past, as the requirement was not brought to the Board's attention.

### **LEGAL ANALYSIS**

Section 5.7 of the Joint Powers Agreement states:

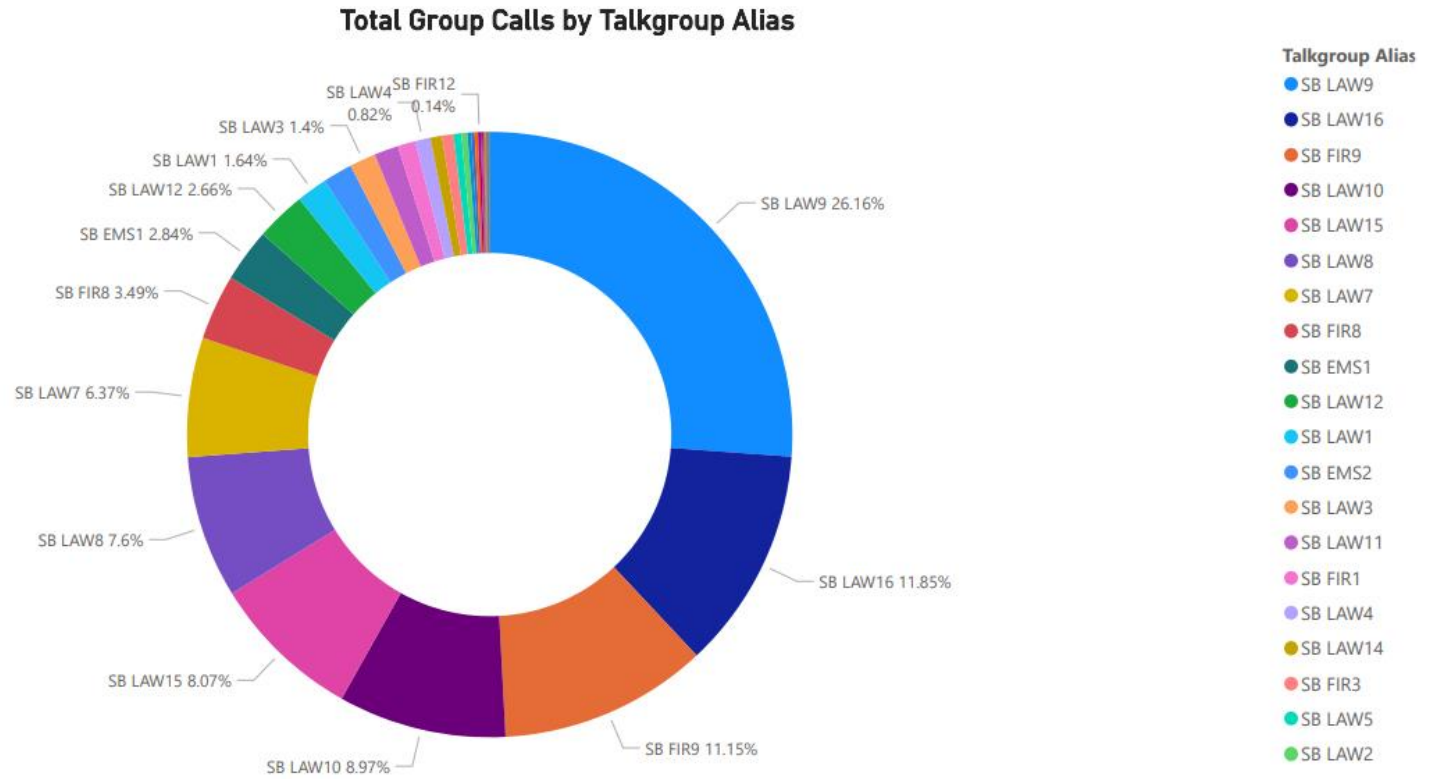
The Executive Director shall be designated as a Government Code Section 6501.1 officer who has charge of, handles, and has access to, the Authority's property and shall file with the Authority an official bond in the amount set by the Board. The premiums for such bond may be paid or reimbursed by the Authority.

Government Code Section 6501.1. describes a governmental position that includes the handling of an entity's funds. It was difficult to obtain quotes for the bond, due to the unusual nature of the bond and the broker's lack of interest in a low dollar amount transaction. Quotes were requested by the Executive Director and the General Counsel from at least 3 firms and only the Surety Authority provided a quote. The quote from Surety Authority for the \$5000 bond will be approximately \$375.00 for two years. Travelers Insurance Company, the largest insurer in the United States is the insurance company issuing the bond. The General Counsel has reviewed and approved the bond form.

### **BUDGET IMPACT**

Satisfying this requirement from the Joint Powers Agreement will have a minor impact upon the SVRIA's budget.

**AGENDA ITEM 6g: Interoperability Report requested by Vice-Chair Smith at the May 26, 2022 Board Meeting**



75355

**Total Push To Talk**

55173

**Total Active Calls**

0

**Busy Group Calls**

0

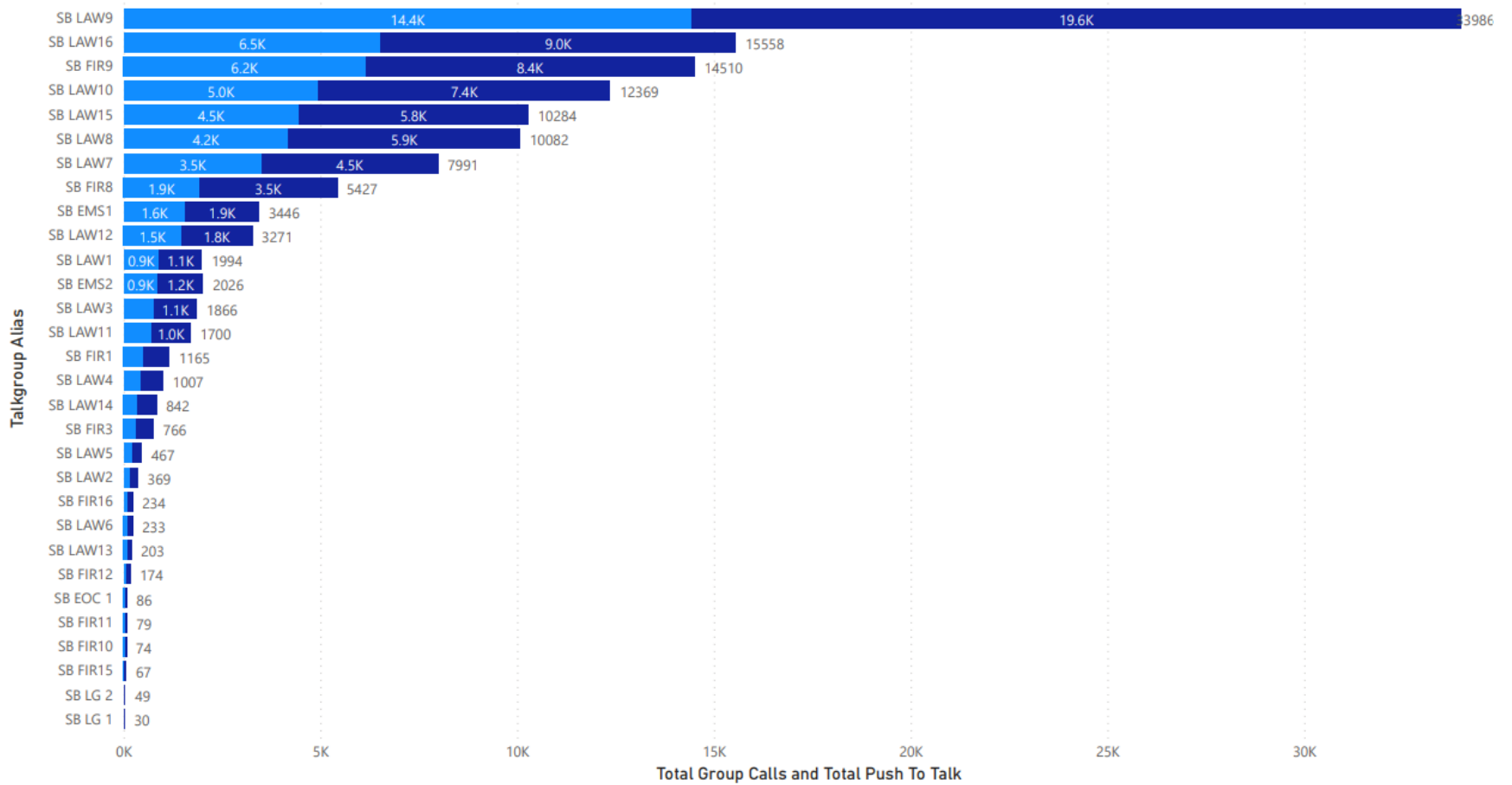
**Emergency Calls**

**55K**

Total Active Calls

### Total Group Calls and Total Push To Talk by Talkgroup Alias

● Total Group Calls ● Total Push To Talk



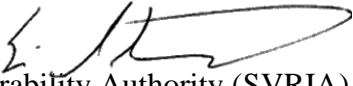
**AGENDA ITEM 7a**



Silicon Valley Regional Interoperability Authority

**Silicon Valley Regional Interoperability Authority  
Board of Directors  
July 28, 2022**

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

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

**SUBJECT:** Election of Chair and Vice Chair of the Board of Directors for Fiscal Year 2022/2023

**Recommendations**

1. Elect a Chair and Vice Chair for Fiscal Year 2022/2023

**Options**

1. Elect a Chair and Vice Chair for Fiscal Year 2022/2023
2. Defer election, keep current Chair, and Vice Chair for Fiscal Year 2022/2023

**Summary/Discussion**

Voting for Chair of the Board of Directors is noted in Article 5.3 of the Silicon Valley Regional Interoperability Authority Joint Powers Agreement. Article 5.3 states:

- 5.3 The Board shall elect annually a Chair from among its membership to preside at meetings and shall appoint a Secretary who may, but need not, be a Director. The Board may, from time to time, elect such other officers as the Board shall deem necessary or convenient to conduct the affairs of the Authority.

The Executive Director currently serves as the Board Secretary and was appointed to this position by the Board of Directors in November 2020.

The positions are open to Directors of the SVRIA Board. Directors may nominate themselves or any other member of the Board. The Executive Director will accept nominations and tally the results.