



Silicon Valley Regional Interoperability Authority

BOARD MEETING AGENDA – REGULAR MEETING
FEBRUARY 2, 2023, 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 Regular Meeting

Time: Feb 2, 2023 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83225279120?pwd=eGdqVHRvTmNDSmhZbGtFV2VEM1FkQT09>

Meeting ID: 832 2527 9120

Passcode: 838354

One tap mobile

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Dial by your location

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+1 253 205 0468 US

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+1 507 473 4847 US

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 +1 309 205 3325 US
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Find your local number: <https://us02web.zoom.us/j/83225279120>

1. Call to Order

2. Roll Call

SVRIA Board of Directors

Chair Russ Melton City of Sunnyvale Council Member	Santa Clara Cities Association Selection	P / A
Vice Chair Karen Hardy City of Santa Clara Council Member	Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P / A
Otto Lee Santa Clara County Supervisor	Representing the County of Santa Clara	P / A
Bob Jonsen Santa Clara County Sheriff	Representing the County of Santa Clara	P / A
Sylvia Arenas Santa Clara County Supervisor	Alternate – Representing the County of Santa Clara	P / A
Greer Stone City of Palo Alto Vice Mayor	Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	P / A
Lisa Matichak City of Mountain View Council Member	Alternate – Representing the Northwest Cities of Palo Alto, Mountain View and Los Altos	P / A
Dan Furtado City of Campbell Council Member	Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	P / A
Yan Zhao City of Saratoga Vice Mayor	Alternate - Representing SW Cities of Campbell, Cupertino, Monte Sereno, Saratoga, and Los Gatos	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
Omar Torres City of San Jose Council Member	Representing the City of San Jose	P / A
TBD City of San Jose Council Member	Alternate - Representing the City of San Jose	P / A
TBD City of San Jose Council Member	Alternate - Representing the City of San Jose	P / A
Tom Cline City of Gilroy Council Member	Representing the South County Cities of Gilroy and Morgan Hill	P / A
TBD City of Morgan Hill Council Member	Alternate - Representing the South County Cities of Gilroy and Morgan Hill	P / A
TBD	Representing VTA	P / A
Richard Bertalan VTA, Chief Information Technology Officer	Representing VTA	P / A
TBD City of Milpitas Council Member	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 2023-01 to Continue to Extend Authorization for Meetings of the Board of Directors and the Working Committee via Zoom Meeting until the Governor's State of Emergency Declaration ends on February 28, 2023
- b. Review and Approve Meeting Minutes from the Board Meeting of November 17, 2022

6. Executive Director Updates (Verbal unless otherwise noted)
 - a. New Board Member and Alternate Orientation
 - i. Form 700 Filing
 - ii. Board policy on Alternate Member participation and voting dated March 24, 2022 (Policy attached)
 - b. New Telephonic Meeting Requirements After End of Covid-19 State of Emergency (Memorandum from SVRIA General Counsel attached)
 - c. Motorola System Upgrade – Project Closeout
 - i. Completed upgrade with no downtime
 - d. Subscriber Unit True-Up Update
 - e. Cybersecurity Update – Partnership with Department of Homeland Security (DHS) for Critical Infrastructure Assessment
 - f. Fiscal Year 2023/2024 Budget and Proposed Fee for March 23, 2023 Board Meeting
 - g. Recent Regional and Interoperable Communications Success Stories
 - i. December and January storms
 - ii. Recent multi-city and multi-county law enforcement case
7. Closed Session Pursuant to Government Code Section 54957(a), THREAT TO PUBLIC SERVICES OR FACILITIES (Conference with Executive Director and General Counsel)
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 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

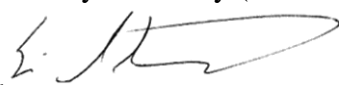
The Board or Working Committee is unable to take action on or engage in detailed discussion of issues presented during the Public Comment item. Comments by the public should be limited to three (3) minutes.

AGENDA ITEM 5a



**Silicon Valley Regional Interoperability Authority
Board of Directors
February 2, 2023**

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 2023-01 to Continue to Extend Authorization for Meetings of the Board of Directors and the Working Committee via Zoom Meeting until the Governor’s State of Emergency Declaration ends on February 28, 2023

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 November 17, 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 comply with statutory requirements.

As the Covid-19 situation nationally and internationally as well as State and County regulations have continued to change the Resolution has been revised to reflect current Covid-19 circumstances and State and local restrictions. Even if the Board were to decide to allow the public to participate remotely the Board of Directors themselves would have to be physically present at the meeting unless the strict telephonic meeting requirements were met. A “hybrid” meeting will still require the passage of this resolution. Governor Newsom has announced that the State of Emergency will be lifted on February 28, 2023.

At that time the option to meet virtually will no longer be available. The provisions of the new law AB 2449 will need to be considered after January 1, 2023 (Assuming SVRIA is meeting virtually in February 2023 AB 2449 will be superseded by AB 361 only for the February 2023 meeting, but not for any subsequent meetings). Board Members may participate telephonically using the strict requirements for telephonic meetings as explained below.

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)).

Should any Board member wish to participate telephonically starting at our March 23, 2023 meeting they will need to comply with the following:

- The agenda must be posted at a private home, business, hotel or wherever the Board Member.
- The individual Board Members home, work or current location address must be listed on the agenda. The Board Member will need to inform the Executive Director at least a week before the meeting of their address to ensure that it is included in the posted agenda.
- The location of the Board Member must be ADA accessible. For example, if the Board Member is at home, they must either be on the first floor (unless the home has an elevator). Of course, there are existing laws that require a public building to be ADA accessible.
- The location of the Board Member must be accessible to the public and the public must be able to participate from their physical location.
- A majority of a quorum must be located within our jurisdiction, which would be Santa Clara County.

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. The additional posting and agenda requirements for future telephonic participation will require a small amount of additional work.

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

AGENDA ITEM 5a, Attachment A

RESOLUTION NO. 2023-01

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 BA.5 subvariants and the XBB 1.5 aka “Kraken” variant, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, two new sublineages of BA.5 known as BQ.1 and BQ 1.1 have been discovered and Dr. Anthony Fauci recently stated that these sublineages have qualities or characteristics that could evade some of the interventions we have; and

WHEREAS, the Center for Disease Control has determined that Santa Clara County is currently¹ at a low community risk level signifying that there are now low levels of transmission; and

WHEREAS, the CDC statistics show an increase in death rates from Covid-19 to over 500 deaths per day²; and

WHEREAS, nonetheless, the Santa Clara County Health Department has collected wastewater sampling data³ showing a medium level of SARS CoV-2 virus present in all four Sewersheds in the County including the San Jose Sewershed, Palo Alto Sewershed, Sunnyvale Sewershed and the Gilroy Sewershed covering all wastewater treatment plants in the County; and

WHEREAS, the 7-day rolling average of new Covid cases in Santa Clara County is currently 238 cases a significant increase from November 2022; and

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

WHEREAS, in mid-October, 2022, according to the LA County Public Health Director European Coronavirus cases have been spiking and that can be predictor for trending cases in the United States; and

WHEREAS, Governor Newsom has announced that the State of Emergency will be lifted effective February 28, 2023, but continues at the present time; and

WHEREAS, while hospitalizations and severe illnesses have increased in the last few weeks, 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

¹ As of 1/18/23

² As of 1/18/23

³ All County data is as of 1/18/23.

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

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 2nd day of February, 2023.

Russ Melton,
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, November 17, 2022
Teleconference/Zoom Online Meeting**

1. Call to Order

- Chair Melton called the meeting to order at 4:02 pm

2. Roll Call

Chair Russ Melton City of Sunnyvale Council Member	Santa Clara Cities Association Selection	P / A
Vice Chair Karen Hardy City of Santa Clara Council Member	Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P / A
Otto Lee Santa Clara County Supervisor	Alternate – Representing the County of Santa Clara	P / A
Mike Wasserman Santa Clara County Supervisor	Representing the County of Santa Clara	P / A
Vacant	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 Matichak 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
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 Arrived at 4:05 pm
Rich Constantine City of Morgan Hill Mayor	Representing VTA	P / A
Richard Bertalan VTA, Chief Information Technology Officer	Representing VTA	P / A
Karina R. Dominguez City of Milpitas Council Member	Alternate - Representing the Central Cities of Milpitas, Santa Clara, and Sunnyvale	P / A

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

3. Swearing-in of new Board Members
 - No new Board Members to swear-in
4. Public Comment
 - Members of the Public and Working Committee in attendance
 - No Public Comment.
 - No public comments made to individual Board Members to bring to meeting
5. Action on Consent Calendar
 - No Public Comment

- Director Wasserman motions to approve consent calendar. Vice Chair Hardy with the second.

Rollcall Vote: 8 AYE, 0 NO. Motion Carries.

6. Executive Director's Report

a. Motorola System Upgrade

- i. *System Upgrade Agreement (SUA), Biennial System Upgrade October 17 to November 17, 2022:* The work is nearly complete. Excited to announce that all system-critical work has been completed without any radio downtime or without activating one of the safety features of the radio system (Failsoft or Site Trunking). Very proud of all of the field users, dispatchers, managers, radio and systems engineers. The entire team contributed. Issues from two years ago when the system went into Failsoft and field staff were unsure what to do was not repeated.

SVRIA's single biggest contract is with Motorola. The contract provides for a system upgrade every two years. As technology is improved, as cyber security features and other software are improved, and as hardware (computers, firewalls, switches) are getting smaller, SVRIA receives the upgraded features. Motorola is upgrading 175 pieces of hardware in 35 locations. The hardware upgrades are primarily switches, routers, and computer terminals. Extensive work behind the scenes, most of it in the middle of the night, is nearly completed. None of the emergency contingencies had to be used. Success is due to the extensive communication to stakeholders and engineering solutions that would constantly maintain radio integrity.

- ii. *Training for potential interruptions during the system upgrade – Failsoft and Site Trunking for Dispatchers and Field Users:* In preparation for the system upgrade, SVRIA hosted an in-person and Zoom training class on October 26 to cover the procedures if the radio system goes into one of its safety modes (Failsoft and Site Trunking). The just-in-time train-the-trainer training supported dispatch center staff and field personnel. The long term goal is to conduct ongoing Failsoft and Site Trunking tests on the system so staff gets comfortable with the procedures.

b. Two-year Subscriber Unit True-Up

- The True-Up is almost complete and will serve as the basis for the 2023/2024 Budget.
- True-Up was previously conducted every other year. Agencies add or remove radios as their operational needs change. We count every mobile and portable radio on the SVRCS. New software allows SVRIA to conduct the count annually, which we will begin doing.
- Executive Director noted the FCC license is 13,500 radios. Currently, the radio total is 11,365. The preliminary new count will be around 12,000 radios as agencies fully understand their needs now that the system is completed and operational.

- c. Cybersecurity Update – Partnership with Department of Homeland Security (DHS) for Critical Infrastructure Assessment
 - No significant update from DHS. Reports are being reviewed in Washington DC and being compared to other regional radio systems. Once they are reviewed and validated, they will be shared with SVRIA. Expect a closed session to review sensitive critical infrastructure details once staff has the reports.
 - d. Fee Study Completed for Bi-Directional Amplifier (BDA) and Emergency Responder Radio Communications Systems (ERRCS)
 - Report is completed. Will bring the fee study and proposed new fee in March 2023 as part of the budget process.
 - SVRIA is subsidizing the BDA program approximately \$115,000 per year including staff time and direct billed costs from County Communications.
 - e. Fiscal Year 2021/2022 Audit Kickoff
 - Staff has initiated the annual SVRIA Audit with staff from Moss, Levy & Hartzheim, LLP. This is the same firm and CPA from last year’s audit.
 - Audit should take approximately 60-90 days.
 - f. Webpage update – New Transparency Page
 - Staff and website hosting firm are adding a new page to SVRIA’s website. The new page is designed to increase transparency and accountability.
 - New items and links include data from the California Secretary of State and State Controller’s Office.
 - g. COVID State of Emergency Declaration ending February 28, 2023
 - Governor is ending the COVIS State of Emergency for public meetings. After the January meeting, future meeting will likely be held in person with remote opportunities directed by the Brown Act. SVRIA General Counsel is reviewing and will advise.
 - No public comment
 - Chair Melton complimented staff on the System Upgrade and the leadership demonstrated in learning from the past and implanting solutions to maintain constant functionality of the radio system.
7. Action Items
- a. Adoption of Resolution for SVRIA Board of Directors Meeting Schedule for Calendar Year 2023
 - Proposed meeting calendar presented for discussion and approval. A few variations to the 4th Thursday meeting dates.
 - No public comment

- Director Wasserman motions to approve consent calendar. Vice Chair Hardy with the second.
Rollcall Vote: 8 AYE, 0 NO. Motion Carries.

b. Resolution Honoring Mike Wasserman, SVRIA Board of Director and Past Chair on his Retirement

- Resolution honoring long-serving Director and past Board Chair Mike Wasserman presented and read by Chair Melton.
- All board members expressed deep appreciation to Director Wasserman's legacy and decade of service to SVRIA and the community.
- Public Comments from San Jose Fire Chief Robert Sapien and Santa Clara County Assistant Fire Chief Brian Glass expressing their appreciation to Director Wasserman on behalf of their organizations.
- Director Wasserman expressed his appreciation and thanks to all of the dedicated Directors, staff and community that supported SVRIA. The team has created one of the best regional and interoperable radio systems in the country. Director Wasserman shared stories of the early challenges and determination on having the radio system working in time for Super Bowl 50 in February 2016, as well as the LPGA Championship later that year.

- Chair Melton motions to approve consent calendar. Vice Chair Hardy with the second.
Rollcall Vote: 8 AYE, 0 NO. Motion Carries.

c. Resolution Honoring Laurie Smith, SVRIA Board of Director and Past Vice Chair on her Retirement

- Chair Melton read the resolution honoring Laurie Smith for her long and dedicated service to SVRIA.
- Past-Director Smith was unable to attend the meeting.
- No Public Comment

- Chair Melton motions to approve consent calendar. Vice Chair Hardy with the second.
Rollcall Vote: 8 AYE, 0 NO. Motion Carries.

- Chair Melton thanked the entire Board for their excellent work in 2022. Chair Melton extended appreciation to the all departing Board members including Directors Wei, Jones, Leroe-Munoz, and Constantine.

8. Future Agenda Items

- Vice Chair Hardy asked if a Board training could be provided on technical aspects of the radio system to include Trunking.

9. Adjournment

- Chair Melton adjourned the meeting at 4:36 pm

AGENDA ITEM 6.a.ii (ATTACHMENT)



Silicon Valley Regional Interoperability Authority

Alternate Board of Director Policy
Adopted March 24, 2022

1. Introduction

The Joint Powers Agreement (“JPA”) of the Silicon Valley Regional Interoperability Authority (“SVRIA”) requires, at Article 5, Section 5, that an Alternate Director be appointed by the appointing authority for each sitting Director. Neither the JPA nor the JPA Bylaws describe the role of the Alternate. The following policy outlines the proposed role of the Alternate.

2. Policy

The SVRIA Joint Powers Agreement at Article 5, Section 5 requires that the appointing authority for each Director also appoint an Alternate Director.

SVRIA’s operations and mission are critical parts of the public safety infrastructure in Santa Clara County. SVRIA built the Silicon Valley Regional Communication System (“SVRCS”) that is presently used by all public safety entities in every city in the County. SVRIA’s equipment is complex, highly technical and costly. Hence, SVRIA is best served by Directors or Alternates who have experience with SVRIA for a period of years and have a rudimentary familiarity with the technical portion of SVRIA and SVRCS. The term of a Director or Alternate is three years in order to help maintain continuity and understanding of SVRIA.

SVRIA encourages Alternates to review each SVRIA meeting agenda and to attend meetings as required in the absence of their designated Director. Should the Alternate wish to attend a Board of Directors meeting at the same time as their Director is present, they will assume a role similar to that of a member of the public, except, at the discretion of the chair, they may make comments or questions after being called on by the Chair, at the same time as Directors. In the event an Alternate attends a meeting where their corresponding Director is present, the Alternate will not be counted towards the quorum, will not have voting privileges, and will not be entitled to attend closed sessions, due to the Attorney General’s opinion in 82 Ops. Cal. Atty. Gen’l 29 (1999) concluding that an alternate could not attend a Board meeting’s closed session if the primary member was present.

AGENDA ITEM 6.b. (ATTACHMENT)

MEMORANDUM

FROM: Gary M. Baum, SVRIA General Counsel
TO: Eric Nickel, Executive Director
SUBJECT: New Telephonic Meeting Requirements After End of Covid-19 State of Emergency
DATE: January 18, 2023

1. Introduction

In September of 2022 the State legislature passed AB 2449 which changed some of the existing requirements for telephonic meetings of legislative bodies. These provisions only come into effect upon the conclusion of a state of emergency. Governor Newsom's Covid-19 State of Emergency will end on February 28, 2023. At that time three different approaches to telephonic participation in public meetings will come into effect. The first is essentially the old system of posting the address where the Board Member is located on the agenda and ensuring that the location is open to the public. The other alternatives are new procedures requiring either that the Board Member demonstrate just cause before being allowed to participate remotely or require a vote of the Board to approve the remote participation. The three approaches are outlined below.

2. Legal Analysis

AB 2449 has three possible methods to enable telephonic meetings. The first is utilizing the former system that is relatively well known. That requires the following:

Should any Board member wish to participate telephonically starting at our March 23, 2023 meeting they will need to comply with the following:

- The agenda must be posted at a private home, business, hotel or wherever the Board Member is located.
- The individual Board Member's home, work or current location address must be listed on the agenda. The Board Member will need to inform the Executive Director at least a week before the meeting of their address to ensure that it is included in the posted agenda.
- The location of the Board Member must be ADA accessible. For example, if the Board Member is at home, they must either be on the first floor (unless the home has an elevator). Of course, there are existing laws that require a public building to be ADA accessible.

- The location of the Board Member must be accessible to the public and the public must be able to participate in the meeting from the Board Member's physical location.
- A majority of a quorum of the Board of Directors must be located within our jurisdiction, which would be Santa Clara County.

AB 2449 added two additional procedures to Government Code Section 54953 that requires the following approaches instead of posting the addresses and having physical access provided to the public for the duration of the meeting. The first is:

- A Board Member would need to notify the Executive Director as soon as possible, including at the start of a regular meeting that they would not be able to be physically present and they could still participate remotely as long as "just cause was demonstrated." This option would only be available for two meetings per calendar year.
- Just cause is defined as: 1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse or domestic partner that requires them to participate remotely; 2. A contagious illness; 3. A need related to a physical or mental disability. 4. Travel while on official business of the legislative body or another state or local agency.
- The remote location would not need to be accessible to the public.

The second new procedure under AB 2449 would require the following:

- The Board Member requests that the Board of Directors permit them to appear remotely due to emergency circumstances and the Board of Directors approves the request via a vote, which does not need to be agendaized if the request comes up at the time of the meeting. The Board Member must supply a general description of the circumstances which need not exceed 20 words nor disclose medical or other confidential information.
- The Board Member must disclose whether anyone 18 years of age or older are present and the relationship between the Board Member and the individual who is present.
- The Board Member may not use this method for more than two meetings per calendar year.

The new law is complicated and convoluted and there have been no reported cases on it. I will be checking with my colleagues to see if there are other interpretations or approaches. Please tell me if you have any questions.