

BayRICS Authority
STAFF REPORT

DATE: Thursday, April 11, 2019
TO: BayRICS Board of Directors
FROM: Corey Reynolds, General Manager
SUBJECT: Item 10 – Amending BayRICS Authority Agreement (Part 2)

I. Background

At the June 14, 2018, BayRICS Board meeting, the Board approved the FY 2018-2019 budget, which reflected a deficit of \$4,723, requiring a draw on the Authority’s reserve funds¹. As such, the Board directed staff to develop a three-year budget projection along with a set of options for increasing the Authority’s revenues while decreasing its reliance on grant funding for operational expenses.

At the October 11, 2018, meeting, staff presented budget projections under four different scenario options, and provided a brief analysis of impacts on the Authority’s annual surplus or deficit, its reserve fund, and any necessary changes to its agreement and bylaws.

At the January 10, 2019, meeting, the Board directed staff to outline necessary changes to the Agreement as well as a potential process and considerations for amending the Authority’s agreement.

II. Process for Amending the JPA Agreement

In order to increase the number of paying Authority members, changes to the Authority’s Joint Powers Agreement are required. As discussed in previous Board meetings, amending the Authority’s Joint Powers Agreement is complex and cumbersome.

Section 7.02 states that the agreement “may be amended upon a two-thirds supermajority vote of the Members and a unanimous vote of the Board and execution of such amendment by each of the Members approving such amendment and each of the Members seated on the Board.” Section 4.02 of the Authority’s bylaws outlines the process for conducting a vote of the general membership, stating that a ballot, approved by the Board, be sent to each Member. However, the Board may, by majority vote, revise this process for any General Membership vote.

Given the above, the following process may be considered:

- April 2019: Board discusses amendments to the Agreement and a path forward for General Membership and Board vote
- June 2019: Board reviews draft revised Agreement

¹ With this deficit, reserve fund balance at the start of FY 2019–2020 is projected to be \$265,102.

- June 2019: Board votes on process for General Membership vote²
- June 2019: Board approves General Membership ballot, ballot sent to General Membership
- July-September 2019: General Membership vote
- October 2019: If General Membership vote is successful, full Board votes on revised Agreement (Note: this meeting will require a unanimous vote of the full Board)
- October-December 2019: General Membership execution of amended agreement

III. Necessary Amendments to JPA Agreement

Administrative

The Board and General Membership may first consider amending the agreement to ease the burden of making amendments to the agreement, for example, removing the unanimous vote requirement and/or the two-thirds supermajority vote of General Membership.

Membership

A major driver of engaging in this process is gaining the ability to add additional members to the Authority. Per section 2.01 of the current agreement, the following jurisdictions are eligible to become BayRICS members, but have not to date:

- Napa County
- Santa Cruz County
- Solano County
- “West Bay Cities”
- “North Bay Cities”
- Seat at Large

Any of these jurisdictions can become members without a modification to the Agreement. However, section 5.01(b) of the agreement calls for the Board to set a membership fee of no less than \$24,500 in order to join the Authority. This provision would require amendment in order to entice new members.

Adding jurisdictions not listed above (e.g., Monterey County or Sacramento-area jurisdictions) may require amendment to section 1.02 noting geographic boundaries of the members and to 2.01 in order for those jurisdictions to hold a Board seat.

Mission

Since the execution of the original agreement in 2011, the public safety communications landscape—and therefore BayRICS’ mission—has evolved. The Board may consider, in an amended agreement:

² Per section 2.02(j) of the agreement: “Each Appointing Authority shall authorize its Director and Alternate Director to take all actions necessary to conduct the business required by the Authority in a timely manner.”

- Removing references to the development and establishment of a wireless broadband system for public access, and the associated systems funding plan
- Removing references to the establishment and management of BayLOOP
- Introducing language solidifying BayRICS' role in promoting interoperability and regional coordination of both land-mobile radio and public safety broadband networks