

BayRICS Authority
STAFF REPORT

DATE: Tuesday, August 13, 2019
TO: BayRICS Board of Directors
FROM: Corey Reynolds, General Manager
SUBJECT: Item 9a – Amending BayRICS Authority Agreement

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 funds. 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. Many options required amending the BayRICS Authority’s Joint Powers Agreement.

At the January 10, 2019, meeting, the Board directed staff to outline, at a high level, necessary changes to the Agreement as well as a potential process and considerations for amending the Authority’s agreement. These high-level changes were discussed in the April 11, 2019, meeting, and the Board asked staff to present a draft revised Agreement at the June meeting.

II. Necessary Amendments to JPA Agreement

At the April 11, 2019, meeting, the Board agreed that the changes required to the Agreement at this time fell into three areas: Mission, Administrative Requirements, and Membership Eligibility. The proposed amended JPA Agreement reflects the following changes in these three areas.

Mission

Since the execution of the original agreement in 2011, the public safety communications landscape—and therefore BayRICS’ mission—has evolved, which is reflected by:

- (Page 1: A, B, C) Removing reference to developing and establishing our own public safety broadband communications system and BayLOOP, and instead adding “The Members wish to promote regional public safety communications interoperability by engaging in regional, cooperative planning and coordination of existing and future public safety communications systems.”
- (Section 5.02) Remove reference to developing and maintaining Systems Funding Plan.
- (Section 5.06) Remove reference to BayRICS’ use of spectrum.

- (Section 5.08) Remove reference to specific system components included in the defunct BayRICS broadband system.
- (Section 5.09) Remove reference to non-member use of BayRICS systems.

Administrative Requirements

With a goal of easing the burden of making future amendments to the agreement:

- (Section 7.02) Changing the requirement for amendments from a unanimous vote of the Board requirement to a two-thirds supermajority of the Board.
- (Section 7.02) Noting that two-thirds of the Members must execute the revised agreement for it to take effect.

To accurately reflect BayRICS operations:

- (Section 3.07) Change “Executive Director” to “General Manager”.

Membership

With the goal of increasing the number of paying members in the Authority:

- (Section 2.01) Changing the Composition of the Board to include potential future members: County of Monterey and County of San Benito, which aligns with the Bay Area UASI definition of the “Bay Area”. This change allows new members to join the Authority, and also ensures these new members have representation on the BayRICS Board of Directors. Also note that the following jurisdictions are eligible to join BayRICS under the current agreement, but have not to date:
 - Napa County
 - Santa Cruz County
 - Solano County
 - “West Bay Cities”
 - “North Bay Cities”
 - Seat at Large
- (Section 5.01(b)) The original agreement calls for the Board to set a membership fee of no less than \$24,500 in order to join the Authority. Recommend removing this provision and instead set the joining fee to equal the first year’s member fee.

Note all section numbers in the attached agreement will be changed depending on final revisions.