Chief Executive Officers Board Meeting

Thursday | November 17, 2022 | 1:30 pm

Agenda

A. **Call to Order**

B. **Roll Call**

C. **Public Comment**

D. **Written Communication**

E. **Approval of Meeting Minutes**
1. October 20, 2022 minutes*……..……3

F. **Finance Report**
1. October 2022 financials delayed to December

G. **New Business**
1. FY23 COLA and Inflation review……..……10
2. Vesta 9-1-1 Phone System Maintenance*……..……11
3. New Facility Punch List
4. New Facility Lease
5. BOLI Claim

H. **Project Reports**
1. Emergency Communications System Update (Polluconi)
2. New Facility Update (Polluconi)

I. **Director's Report**

J. **Adjournment**

Next meeting December 15, 2022 at 1:30 p.m.

* **Requires Action**

Washington County
Consolidated Communications Agency

Minutes

Washington County Consolidated Communications Agency

Chief Executive Officers Board
Meeting Minutes

October 20, 2022

TEAMS VIDEO MEETING

Present	Keith Mays, Board Chair, Mayor, City of Sherwood Deric Weiss, Fire Chief, Tualatin Valley Fire & Rescue Kathy McAlpine, Police Chief, City of Tigard Ernie Happala, Police Chief, City of King City
Guests	John Koch, Undersheriff, WCSO
Staff Present	Mark Buchholz, Executive Director Ron Polluconi, Technical Services Manager Michael Stout, Chief Financial Officer Jennifer Kilcoin, Human Resources Manager Kim Foster, Operations Manager Laurie Taylor, Performance Supervisor Dyneen Polluconi, Administrative Coordinator Barbi Denman, Administrative Specialist

A. Call to Order
Chair Mays called the meeting to order at 1:31 pm

B. Roll Call
Introduction of Attendees

C. Public Comment - None

D. Written Communication - None

E. Approval of Meeting Minutes
Weiss moved to approve the September 15, 2022 minutes as distributed. Second by Happala. All were in favor and the Motion carried.

F. Finance Report (Stout)
Stout presented the September 2022 financials. September was a typical month. We've received 25% of our expected annual revenue so far at one quarter of the way through the year. Expenditures were roughly the same as the previous month, running under budget a bit. Preliminary numbers for FY22 have changed due to the auditors requesting changes. They requested we move a significant amount of funds from FY23 to FY22 in

the Capital Projects Fund. McAlpine moved to approve the September 2022 financials. Second by Weiss. All were in favor and the Motion carried.

G. New Business

1. BOLI Claim (Buchholz)

WCCCA received a letter from Motorola regarding prevailing wage reimbursement. The letter states, "as a result of BOLIs decision, Motorola has incurred unforeseen additional costs to deliver the project of $397,709.33".

A claim was sent to BOLI by two Day Wireless subcontractors. BOLI found $40,000 was paid between the two employees. Motorola is requesting that C800, Newberg and WCCCA reimburse Motorola for the additional costs.

WCCCA reached out to the attorney. The attorney's recommendation is not to pay anything; the caveat is that we have a long-term relationship with Motorola which should be considered.

WCCCA believes that no one in the State of Oregon has ever paid prevailing wages for this work before. WCCCA further believes this is the first determination by BOLI, that installation work on a radio tower, was in fact, subject to prevailing wage. WCCCA did know that a determination was issued to the sub-contractor, Day Wireless. WCCCA was never contacted by Day Wireless or forwarded the opportunity to challenge the findings or go through an appeal process. Motorola did not contact WCCCA until after the BOLI decision was made and they had reimbursed Day Wireless the $397,000.

Mays asked if Motorola has formally asked us to reimburse them. Buchholz replied not yet, but is forth coming. McAlpine confirmed that WCCCA has a long-standing relationship with them that needs to be acknowledged. It was asked if this a sole-source bid or was this a competitive bid? If Day Wireless would have done prevailing wages, would they have been awarded the bid? Polluconi responded that with the structure and bid process, we asked our attorney if anything in the scope of work or the work itself, was BOLI related and the answer from our attorney was "No". BOLI had to do a lot of research to justify their decision. Our attorney had verbiage in the contract that said, "must apply with all local, state, and federal laws", which is an umbrella language put on the contract. This is the language our attorney is leveraging. It would have affected both Harris (who also bid) and Motorola equally and the scope would have been the same for both. It would not have changed the outcome, both had the same premise and understanding.

Weiss asked if Harris can come back and make a claim? Is the long-term relationship worth $188,000? Weiss thinks all three parties should do the same thing. Mays said the sub-contractor should have paid the claims and challenged it.

It was asked if the County was going to find the money to shore up the contract or will the users have to pay? Mark said that we are expecting a letter in the next few weeks from Motorola. At that point, we will need to revisit and decide. Polluconi said there is a risk

contingency built in to a contract of this size. We've dipped into that risk contingency, Motorola mitigated a lot of that by eliminating some staff. When Mark pressed them about what they're thinking, they said they can absorb some of that within their risk contingency. We both want to maintain a good long-term relationship. Mark summarized by saying the preferred thought would be to coordinate a response from all three entities, plus get Calvert's input.

The Board does not have to decide today. WCCCA is bringing this here today just to make everyone aware of where we stand, including the dollar amount of what Motorola is asking for. If Motorola does ask us to change the contract, at that point, WCCCA will revisit this item and decide if we want to tell them yes or no.

When WCCCA gets a response from Motorola on what they are expecting, it would be WCCCA' s desire to try to coordinate representatives from Newberg, Clackamas, and WCCCA to get together and talk about what we should do to do the same thing in response to Motorola. Board agrees this would be the preferred method. WCCCA will also wait to get Washington County's perspective when Calvert returns from vacation.

2. Lile Storage Overbilling Update (Buchholz)

Over the last several years, WCCCA has paid $300,000 in storage fees to Lile. Lile had a change in employees and a breakdown in tracking. We were billed for far more services than they provided. This was discovered back in May 2022. WCCCA worked with their supervisors and thought we would receive $121,000 in reimbursement, not a credit, as we do not anticipate storage needs that large, in the near future. At that point, communication went dark. Bucholz has been trying to connect with them and has given them a deadline, that if we didn't hear back we would escalate to legal counsel.

WCCCA has contacted both TVF&R and Washington County regarding space. We still have equipment at Lile, but would like to move it all out as soon as possible. WCCCA will be looking at a space owned by Washington County for our storage needs. The County will provide this storage at no charge, for one year.

WCCCA wants to make the Board aware of the situation and we will be reaching out to legal to make a written request to Lile. If they don't respond, we will have legal get involved for support and we will sue. WCCCA is aware that this happened due to an error in their tracking system. WCCCA believes we are not the only customer of Lile that has been impacted. This could be a law suit that turns into a class action against Lile. WCCCA is looking for the Boards approval to get legal action. No objections were heard.

3. Radio Project Financial Status (Buchholz)

The Radio Project looks to be $350,000 over budget at the moment. This does not include the BOLI or Lile claims. One of the largest payments, will be the final Motorola payment. Mays said we don't know if the County will solve the problem for us, or if we will collectively, as members, solve the problem.

4. New Facility IGA – Building Acceptance (Buchholz)

The project is at least $4.5 million over budget. The County has taken possession of the building, for over a month. Washington County does not have a budget for this, nor were they prepared to pay the monthly expenses incurred so far. They also have a plan for the existing Tanasbourne facility, the CAT program in the County. It will take an agreement for the WCCCA facility and its value, to transfer to CAT/Washington County.

The $3.7 Million purchase of our current building will transfer into the project fund to help handle the $4.5 million deficit. A five-year, public safety levy of $175,000 is being held by the County to put towards the shortfall, as well. Chair Mays will need to sign the lease. There is a long list of incomplete items. Some items will be done by Corp. The key is knowing we will eventually have to do many of the items that will be paid by WCCCA and members. Calvert wanted us to discuss transferring the facility to WCCCA on or around November 1st. The biggest concern are the items on the punch list that are not done. Who will make sure these get done?

Buchholz and Mays met earlier this week, regarding the items that have not been done, that are in the contract. We want to be assured that the County will hold the contractor accountable to get these done. There is a list of items that are not detailed out in the contract, that are significant, things like reasonable landscaping. WCCCA' s point of view is to have all of the agreed upon items completed before the lease is signed. Once we have the signed contract, Buchholz will sign the IGA.

Buchholz stated that the County will take the yearly $175,000, until the deficit is paid-off. Washington County is betting on the current 5-year levy being renewed. Polluconi said perhaps we could incorporate it into the IGA, the items the County needs to complete and memorialize it with a timeline. Buchholz said there is a list, that he received last night at 9:00 pm from the Project Manager, David Johnson. Only two items had a completion date.

Weiss mentioned that the County has already taken occupancy, causing a loss of leverage. One issue is still concerning, the flooring. Mays said the County has used Corp a lot, and that the County has leverage over Corp, but WCCCA does not. Buchholz would like to work towards an agreement with a list of items and timeline. Mays said that if the County doesn't get it done, there has to be a counter-measure. The timeline has always been a challenge. Mays suggests we don't move out of our current building until the hyper-critical items have been completed. Polluconi said for us to move in to take 24/7/365 possession, we need to address a number of items that remain in a disputed state. We could potentially have to hire new contractors. The County value-engineered a number of items to cut costs and we are now stuck with the problems.

H. Project Updates

1. ECSU - Project Summary Schedule Update (Polluconi)

- Continuing with final true up of all construction projects underway. Just one site that is not fully completed, Skyline (Portland city property and has some land use issues to be resolved).
- Beaverton PD is continuing to report some audio level and quality issues. We have developed tools for analysis and are working with BPD for 1:1 investigation.
- Continuing with post cut over radio programming – This is taking longer than expected. Tracking down all of the radios at some agencies is, at times, challenging.
    - Restoration of the "home button" for users to go to primary zone/channel.
    - Revised roaming parameters for improved overall system performance/experience.
    - Added one audio profile to increase and normalize audio levels for all microphone accessories that are currently used by law enforcement.
- Deploying the conventional systems controllers. Waiting for network configuration to kick off effort. Having to create custom cable for deployment, which was unexpected.
- Pinefarm Emergency Communications Center
    - Continue installation of ECSU and radio/CAD/phone equipment and processes.
    - WCCCA technical services continuing to finalize install/support building, security, access control and general IT systems and dispatch equipment while punch list items are being worked.
    - Working to close out punch list items to make the Pinefarm building "dispatch center ready".

Mays asked if the Beaverton PD fix covers Sherwood? Polluconi responded that all fixes will be applicable to everyone.

Several officers have figured out that they have encryption keys that they can change in their radios and they have been changing them. This has been creating some inoperable coms between our law enforcement and Portland law enforcement. They need to be able to change keys.

The project is looking about $350,000 over budget, but until we completely close the project, we will carry a few permits, storage, etc. Some contracts will remain open until complete, as well.

2. New Facility Update (Polluconi)

- WCCCA team continues working with the County and the general contractor on final punch lists.
- Raised floor in dispatch still has outstanding issues with alignment and shifting.
- WCCCA tech services implemented a permanent solution for the cooling and noise issues in the front IT cabinets.
- Breakroom lighting issues have been resolved.
- Parking lots were resealed and re-striped.

- Move in date remains unknown at this time.

H. Director's Report

Staffing Update (Kilcoin)

Dispatchers:

- 58 of 67 dispatchers.
- 2 starting on Monday, October 24th.
- 10 in training (out of the 58).
- 4 conditional job offers pending.
- Reviewing the HR process.
- Working on recalibrating our testing scores.

Non-OPS

- Facilities Tech started October 10th
- Records position is finishing background

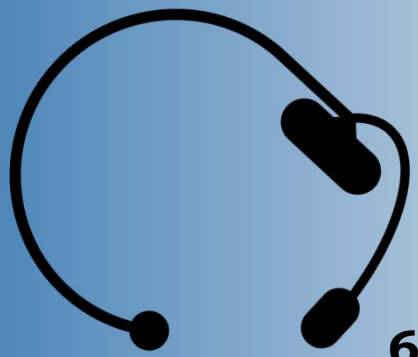
I. Adjournment

The meeting was adjourned by Chair Mays at 2:40 pm.
Next CEO meeting is November 17, 2022 at 1:30 pm.

Washington County
Consolidated Communications Agency

New Business Items

Fiscal Year	Represented COLA	Non-Represented COLA	Cumulative Difference	CPI West November
18-19	4.0%	3.2%	(0.8%)	3.2%
19-20	5.0%	3.5%	(2.3%)	3.5%
20-21	3.0%	2.7%	(2.6%)	2.7%
21-22	3.0%	1.5%	(4.1%)	1.5%
22-23	**3.5%**	**3.5%**	**(4.1%)**	**7.2%**



67.0 FTE

Operations Supervisors	9.0
IT/Facilities/Radio Technicians	14.35
Admin: Reception/Records/Training/Actg. etc.	6.1
Executive Management	6.0
	35.45 FTE

Agenda Date: November 17, 2022

Agenda Item: Request approval for Agency Executive Director to enter into an annual Service Agreement with Motorola Solutions for VESTA 9-1-1 Equipment and Emergency Notification Software and Services in the amount of One Hundred Thirty-seven thousand, Six Hundred dollars and Five cents ($137,600.05). WCCCA is requesting expenditure approval in the amount of Fifty-Eight thousand, Eight Hundred Fifty-eight dollars and Eighty cents ($58,858.80).

Background

In December, 2020, WCCCA entered into a Service Agreement with Motorola Solutions for VESTA 9-1-1 Equipment and Emergency Notification Software and Services after soliciting for bids and utilizing the Houston-Galveston Area Council (HGAC) Government purchasing program. Motorola Solutions, the manufacturer of the equipment, was found to be consistently lower than other qualified service providers utilizing this purchasing program.

This Service Agreement is a continuation of the services started in December, 2020, at which time the CEO Board approved entering into an Annual Agreement with Motorola Solutions.

Budget

WCCCA will be responsible for entering into this entire service agreement. The State of Oregon, 9-1-1 Program Section, Oregon Department of Emergency Management will pay Motorola directly for maintenance of the back-room server equipment and thirteen (13) phone positions, in the amount of $78,741.25 and WCCCA will be responsible for funding the additional eleven (11) phone positions needed to manage our operation efficiencies in the amount of $58,858.80. These two values equal the total amount on the service agreement. WCCCA is only expending our share, not the total amount.

Funding for this agreement is included in the FY22/23 budget.

Staff Recommendation

Staff recommends the WCCCA CEO Board approve the Agency Executive Director to enter into an annual Service Agreement with Motorola Solutions for VESTA 9-1-1 Equipment and Emergency Notification Software and Services in the amount of One Hundred Thirty-seven thousand, Six Hundred dollars and Five cents ($137,600.05). WCCCA is requesting expenditure approval in the amount of Fifty-Eight thousand, Eight Hundred Fifty-eight dollars and Eighty cents ($58,858.80).