

**MEMORANDUM
COUNTY OF PLACER
DEPARTMENT OF ADMINISTRATIVE SERVICES**

TO: Honorable Board of Supervisors

FROM: Andy Marks, Information Technology Manager

DATE: August 21, 2012

SUBJECT: Recommendation to Approve a Professional Services Agreement with Fletcher, Heald & Hildreth P.L.C. to Negotiate a Federal Communication Commission Waiver in Support of the Countywide Radio Network Project in a not to exceed amount of \$8,000.

ACTION REQUESTED

1. Approve an agreement with Fletcher, Heald & Hildreth P.L.C., Washington D.C., to research, prepare and advocate a waiver extending the Federal Communication Commission (FCC) deadline for the transitioning of public safety radio frequencies to Narrowband operations in support of the Countywide Radio Project, in an amount not to exceed a net County cost of \$8,000, and authorize the Director of Administrative Services and the Purchasing Manager to sign the resulting agreement upon County Counsel and Risk Management approval and take all other actions necessary to complete the waiver process.

BACKGROUND

On March 4, 2003 your Board approved the award of a contract with the Law Offices of Shook, Hardy & Bacon L.L.P. to acquire radio frequencies, provide FCC licensing services and to obtain authorization for the County to use the acquired frequencies in support of the Countywide Radio Network Project.

The radio frequencies acquired have provided Placer County with the ability to implement the Countywide Radio Network Project in a phased and fiscally responsible manner. However, the Federal Communication Commission has mandated the transition of all public safety radio frequencies to Narrowband operations by January 1, 2013. This requirement applies to the County's legacy radio frequencies in operations today. Due to the complexities of upgrading from an analog to a digital P-25 radio network and of having to rely on the availability of federal grants for the primary funding source, the County will require additional time to satisfy the FCC's Narrowbanding requirements.

As a result it will be necessary to seek an extension waiver from the FCC to avoid non-compliance penalties. FCC penalties for non-compliance may subject the licensee to appropriate enforcement action including admonishment, license revocation, and/or monetary forfeitures of up to \$16,000 for each violation and up to \$112,500 for any single act or failure to act.

Fletcher Heald & Hildreth, a legal firm specializing in FCC law, provided a proposal to the Administrative Services' Telecommunications Division to prepare and advocate approval of a formal request to the FCC asking that it waive its rules and extend the deadline for Placer County to comply with the Narrowbanding requirements.

Contracts for attorney services require your Board's approval.

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FISCAL IMPACT

Upon your Board's approval, a contract will be issued to Fletcher, Heald & Hildreth P.L.C., in the maximum amount of \$8,000.00 to research, prepare and advocate a waiver extending the FCC deadline for the transitioning of public safety radio frequencies to narrowband operations in support of the Countywide Radio Project. The Administrative Services' Fiscal Impact Statement is attached.

Attachment: Fiscal Impact Statement

cc: Jerry Gamez, Director of Administrative Services
Kathy Buchanan, Deputy Director of Information Technology
Brett Wood, Procurement Manager

FISCAL IMPACT STATEMENT

TO: Honorable Board of Supervisors

FROM: Andy Marks, Information Technology Manager

DATE: August 21, 2012

SUBJECT: **Fiscal Impact Statement**
Recommendation to Approve a Professional Services Agreement with Fletcher, Heald & Hildreth P.L.C. to Negotiate a Federal Communication Commission Waiver in Support of the Countywide Radio Network Project.

The Administrative Services Department's Telecommunications Division (Department) has sufficient funding to support this request.

The resulting agreement will not exceed \$8,000.00 and the Department has appropriated sufficient funding for the Professional Services Agreement within the Telecommunication Division's FY 2012-13 Budget (02100).

