

# NGEN Operations Board

---

## NGEN Operations Board Action Item 24-010

**Date:** November 7, 2024

**Presented by:** Thomas Montoya

**On behalf of:** County of Monterey ITD

**Request:**

1. Recommend the NGEN Executive Board approve the NGEN O&M and Capital fees collection per **Exhibit A**;
2. Recommend the NGEN Executive Board approve and authorize the County of Monterey Director of Information Technology Chief Information Officer (CIO) to sign a Memorandum of Agreement (MOA) with the County subjecting the DEPARTMENT OF THE ARMY U.S ARMY GARRISON, PRESIDIO OF MONTEREY OFFICE OF THE CHIEF, FIRE AND EMERGENCY SERVICES (POM) to the terms and conditions of the NGEN Services Agreement thereby establishing POM as a party to the Agreement.

**Summary/Discussion:**

In February 2024 the NGEN Executive Board approved the NGEN Executive Board action item 24-003 whereas the Board received POM's letter of intent to join the NGEN Services Agreement, approved and authorized the County of Monterey Director of Information Technology Chief Information Officer to sign a NGEN amendment to the NGEN Services Agreement making POM a party to the Agreement, and proposed a buy-in fee allowing the Chair of the Board to negotiate further. During negotiations, POM has confirmed they are agreeable to a Buy-in Fee that will be combined with their Capital Fee. **Exhibit A** details how their NGEN O&M and Capital Fees will be distributed into NGEN Funds 026 and 405 respectively and further details how POM will transition into the cost share allocation for each of these fee collections. This action is intended to obtain approval by the NGEN Boards for the negotiated fee collections.

Furthermore, POM has also requested to add the following language to the Agreement:

*“Notwithstanding in the base agreement the County recognizes that Anti-Deficiency Act, 31 U.S. Code 1341, limits the federal government’s ability to lawfully indemnify others. To the extent not prohibited by 31 U.S. Code 1341, USAG POM waives any right it may have to assert claims against other parties to the agreement. This agreement is subject to the availability of funds”.*

Per the NGEN Services Agreement the process for a new Party to join the agreement is as follows:

*Additional Future Parties. Any agency that is not a party to this Agreement on the effective date of this Agreement may become a Party upon completion of the steps detailed in the New Party Procedures posted on the NGEN website under “Policies and Procedures” which include: (a) the recommendation of the NGEN Operations Board; (b) the approval of the NGEN Executive Board; (c) payment*

*of a Buy-In fee to be determined by the NGEN Executive Board, as well as future recurring O&M payments; and (d) execution of a written memorandum of agreement with the County subjecting the requesting organization to the terms and conditions of this Agreement.*

This action is intended to obtain the updated approval by the NGEN Boards in accordance with (a), (b), and (c) above allowing the County to work through the challenges of the language proposed by POM in the process of establishing an MOA in accordance with (d) above.

It was previously coordinated and is anticipated that there will be little long-term operational impact because Monterey County Radio Shop already provides service to POM Fire through mutual-aid. There will be some initial programming and configuration needed to onboard them as a new member of the County ECD dispatch center. POM currently has 37 radios registered to the NGEN system which is the inventory that used to calculate the NGEN O&M Fee and NGEN Capital Fee.

**Staff Recommendation:**

County staff recommends adding POM as a new NGEN Party. County staff recommends charging POM a NGEN O&M and Capital fee as outlined in **Exhibit A** to offset NGEN Capital project costs, operational costs, and contributions to the Reserve fund for the benefit of the Parties.

**Fiscal Impact:**

Revenue collected by POM’s addition will be distributed to NGEN Funds 026 and 405 as outlined in **Exhibit A**. The latest approved February 2024 True-Up Monthly Cost per Radio was utilized to calculate POM’s fee for 37 radios.

**Effect(s) of Failure to Approve Request and/or caveats:**

POM currently uses the system as a mutual aid partner but is not a paying NGEN party. Their addition was completed via mutual-aid request some time ago. This is an opportunity to true-up and receive revenue for their system utilization.

**Operations Board Action**

Modification to requested action: Yes X No     

**MODIFICATION:** To avoid variance in NGEN O&M fees, NGEN Operations Board recommends the POM O&M Fee collection for FY24-25 \$22,664.76 be applied to Fund 405 for capital projects instead of FUND 026 O&M Fund which would offset user fees.

Vote Date 11/07/2024

Motion by Matt Harris 2<sup>nd</sup> Doug McCoun Approved: Yeas X Nays     

Signed by:  
Keith Boyd, Undersheriff  
FD02E8CCCA1314AE...  
Keith Boyd, Chair

Yeas: 8

Nays: 0

## Exhibit A

### Summary of NGEN Fees Collection

All costs and estimates are based POM's verified inventory (True-Up) which includes 37 radios

1. **NGEN O&M Fee FY24-25 = \$22,664.76**
  - **FY24-25 year-1 fee collection added to Fund 405 as surplus.**
  - **Commencing FY25-26 year-2 POM will join cost share formula for O&M Fee in Fund 026**
    - a. Fee covers recurring annual maintenance, site leases, vendor support, minor hardware repairs / replacements. Total expenditures budget is shared amongst all NGEN agencies and allocated to each agency based on the annual True-Up.
  
2. **NGEN Capital Fee = \$25,185.64 annually**
  - **FY24-25 through FY28-29 five annual payments of \$25,185.64 totaling \$125,928.20 to be added to Fund 405 as surplus**
  - **Commencing FY28-29 year-6 POM will join cost share formula for Capital Fee in Fund 405**
    - a. The fee offsets NGEN Capital project costs, system replacements, expansions, and contributions to the Reserve fund. This fee is being assessed as an operational provision that may cover site occupancy fees, towers, microwave, radios, infrastructure, antennas, labor, spare parts, management, and consulting fees, and the system integration required to onboard POM operations from mutual aid / interop user to a New NGEN Party.
    - b. This fee will be fixed for the first five years and then POM will transition into the NGEN cost sharing formula at year six FY29-30. Currently, NGEN agencies have approved a 5-year capital fee which includes a total annual collection of \$850,981 to be shared amongst all NGEN agencies and allocated to each agency based on the annual True-Up. With the addition of the POM fee of **\$25,185.64 the total collection in FY2025-26 will be \$876,166.64.**

### POM Subscriber Responsibility Not Part of NGEN Cost Share

3. **NGEN Phase II CIP Project (Subscriber Equipment License Feature Compliance) = \$20,413.37**
  - a. Phase II technology implementation will allow the NGEN system to run on double its capacity. All NGEN users are required to upgrade their radios to ensure they operate on Phase II. Final cutover date TBD; however, system is now capable to support. NGEN Board may elect to approve a deadline. \$20,413.37 is an estimate based on the 37 radios reported as the most current inventory.