

ORLEANS PARISH COMMUNICATION DISTRICT BOARD OF COMMISSIONERS

Regular Board Meeting

Thursday, June 23, 2016, at 10:00 am
Chief Warren McDaniel's Board Room
118 City Park Avenue
New Orleans, LA 70119

I. CALL TO ORDER

OPCD Board Chair Col. Terry Ebbert called the meeting to order at 10:00 am.

II. ROLL CALL

Ms. Ausetua AmorAmenkum called the roll. The following Board members were present:

Board Chair Col. Terry Ebbert; Lt. John Stelly (proxy for Capt. Donovan Archote); Dr. Jim Aiken (proxy for Mr. Greg Feirn); Lt. Col. Timothy Chastain (proxy for Major Glenn H. Curtis); Deputy Mayor Andy Kopplin, NOFD Supt. Timothy McConnell; Deputy Chief Paul Noel (proxy for NOPD Supt. Michael Harrison); NOEMS Director Dr. Jeffrey Elder; NOHSEP Interim Director Mr. Aaron Miller; and Department of Health Director Ms. Charlotte Parent. Dr. Brobson Lutz was absent.

Board Chair Terry Ebbert requested a moment of silence for slain Jefferson Parish Deputy David Michel Jr. and Officers Johnny Robinson and Tom Hargrove, who were shot in Ouachita Parish yesterday. A moment of silence was observed by all Board members.

Board Chair Terry Ebbert recognized Deputy Supt. Paul Noel who is the new proxy for Police Supt. Michael Harrison.

III. ADOPTION OF BOARD MINUTES FROM MARCH 8, 2016

Board Chair Terry Ebbert called for the adoption of the minutes from the OPCD Board meeting held March 8, 2016. Ms. Charlotte Parent motioned to adopt the minutes as submitted, and Dr. Aiken seconded the motion. Board members unanimously adopted the minutes.

IV. AUDIT REPORT FY2015

Michelle Cunningham, auditor from Duplantier, Hrapmann, Hogan and Maher LLP advised the board of the responsibility of management and auditors in the facilitation of the audit. She advised the board that OPCD received an unmodified opinion, which means that there was nothing that could not be audited, or nothing that they were asked not to audit. The financial statements were materially stated and had supporting documents. There were no significant deficiencies or weakness and no material violations of laws or regulations. The accounting polices used are GASB-34 and GASB-40 (**Governmental Accounting Standards Board**), the board that sets the accounting standards for governmental entities.

OPCD was issued a Management Comment Letter. This action applies to some items that need to be communicated to management, of things discovered during the audit that were not significant enough to warrant a significant deficiency in OPCD's internal controls or material noncompliance. There was an item that was chosen that didn't satisfy all of the requirements for the Public Bid Law. It concerned the awarding of the contract for the video wall in the PSAP. Management was able to provide all of the supporting documents for compliance, but could not produce the tally sheet to show who was chosen and if that company was the lowest bidder. Financial Officer Denise Clayville stated that the tally sheet was a 2012 document but was lost in storage. As a result of this occurring OPCD now scans all items relative to the RFP process. Ms. Cunningham did note that the public bid documents are sampled every year and this was the first time that a tally sheet was not produced. Another item of note by the auditor was in regards to the Employee Business Expense. The auditor recommended that management develop a formal policy on the reimbursement of business expenses to employees. The auditor did test the reimbursements and there were no findings of anything out of order, but it is recommended that the District develop a formal policy.

Ms. Cunningham continued by advising the Board on new accounting requirements in the audit report regarding the supplementary statements. The OPCD is required to report the proportionate share of the pension liability for participation in the retirement system of the City.

The District's 2015 total assets of \$25,055,369 is a slight decrease from the previous year of \$25,783,266. Total liabilities increased significantly to \$5,562,072, a direct result of the new requirement to report the proportionate share of the pension funds.

Executive Director Gordon thanked Michelle Cunningham of Duplantier, Hrapmann, Hogan and Maher LLP and cited their professionalism. He also thanked Director of Finance Denise Clayville and Office Administrator Cheronne Smith who provided all the backup info requested by the auditors. Ms. Cunningham reiterated that it is always a pleasure to work with OPCD; they are extremely helpful and very professional.

V. QUARTERLY FINANCIAL REPORT

Board Chair Col. Ebbert recognized Director of Finance Ms. Denise Clayville. Ms. Clayville referred Board members to the quarterly financial report in their packets, which was for the last quarter ending March 31, 2016. Ms. Clayville stated that we are looking for 25% in all categories. She reported that everything is where it should be except for the insurance. Insurance increased significantly as a result of consolidation; it is coming in at 61.40% because of the number of employees and liability increases; this does not include workman's compensation and unemployment. The increase for insurance is \$32,000 per quarter and the City covers half of the premium payment. Ms. Clayville directed the Board to review the quarterly expenditure monies relative to consolidation, which is \$61,000. The remaining monies not spent last year have been rolled into the quarterly expenditures category and totals \$540,996. Ms. Clayville will be administrating the fourth payroll since consolidation. OPCD is spending approximately \$400,000 on payroll, of which \$50,000 is overtime, and it does include retirement and health insurance. We have all three agencies, Police, Fire and EMS contributing their portion to the fund. Mr. Aaron Miller asked how the funding will work for next year. Eric Melancon advised the Board that he has communicated with the City's Budget Office and it is his understanding that the process will remain exactly the same. His responsibility is to insure that the Operational Budget for call takers and dispatchers is proportionally allocated between Police, Fire and EMS and those funds will continue to go into the OPCD budget. Mr. Melancon reported that the process is working well now; OPCD has been great with providing timely

invoices. The City is looking into the possibility of future allocations of a separate departmental category, but right now the process of allocating funds from each of the three City departments is working. Ms. Charlotte Parent asked if overtime will be reduced. Ms. Clayville advised that as soon as the telecommunicator and supervisor training is complete, overtime will be reduced. Supt. McConnell requested a numbering of visible lines on the paper report to make the financial statement easier to follow.

VI. EXECUTIVE DIRECTOR'S REPORT

A. Statewide 9-1-1 Legislation

Executive Director Stephen Gordon advised the Board that the Louisiana APCO and NENA Chapters drafted legislation to raise 911 fees statewide. Rep. Thomas Carmody from Caddo Parish authored House Bill 678 which raises prepaid wireless charges from 2% percent to 4% percent (of retail sales). Director Gordon thanked Suchitra Satpathi from City Government Affairs and City Lobbyist Rodney Braxton for their assistance in getting the bill passed. House Bill 678, which is now Act 590, was signed by the Governor. The retailers will make submissions quarterly to Department of Revenue. The retailers will keep half of the last quarter of 2016 revenues to cover expenses incurred to re-calibrate cash registers. The retailers will also keep 2% of revenues collected to cover ongoing administrative costs, remitting 98% of revenues collected to the Department of Revenue. This will generate about \$450,000 annually for the Orleans Parish Communication District. The increased fees for the Pre-paid phone minutes will probably not start coming in until April or July, 2017.

Rep. Chris Broadwater from Tangipahoa Parish authored House Bill 805, which raised the wireless fee from \$0.85 to \$1.25. The Bill authorizes the governing authority in each parish to raise or not raise fees. A resolution authorizing OPCD to raise wireless fees to \$1.25 was presented to the Board later in the meeting. OPCD is still required to submit annual audit reports to the Legislative Auditor. Additionally, the bill requires each Communication District to complete a separate revenue and spending report that will be submitted to the Legislative Auditors each April. The Governor has signed this bill into Act 133. It is estimated that this legislation will generate an additional \$950,000 in revenue for the Orleans Parish Communication District. The amounts collected by the service supplier attributable to any service charge shall be due quarterly. The amount of service charge collected in one calendar quarter by the service supplier shall be remitted to the district no later than sixty days after the close of the quarter.

The wireless carriers will begin collecting these fees after August 1, 2016. The OPCD will begin receiving some of these funds after October 1, 2016. The full amount of these funds should start being received in April or July 2017.

Board Chair Col. Ebbert thanked the staff for the legislative efforts made because he knows that this task was not easy. Deputy Mayor Andy Kopplin reiterated the excellent leadership demonstrated by the Executive Director Stephen Gordon; it is a great day for New Orleans and OPCD. Ms. Clayville advised the Board that she already has a list of all the carriers and she will begin the rate change notification process the following week.

B. Adopt Resolution 16-06, authorizing Wireless Fees to increase to \$1.25

Mr. Gordon referred Board members to Resolution 16-06 in their packets. This resolution authorizes the increase of wireless fees. Deputy Mayor Andy Kopplin moved to adopt the resolution and Supt. McConnell seconded the motion. Board members unanimously adopted Resolution 16-06.

C. Status of Civil Lawsuit against Sizeler Architects

OPCD General Counsel Juan Lizarraga told the board that OPCD has initiated arbitration proceedings with the American Arbitration Association. He will have more timelines for the next board meeting.

VII. SPECIAL PRESENTATION

A. 9-1-1 Call Answering Times

Deputy Director Frith Malin distributed handouts on call answering times dating back to January 2015. She told the Board that when OPCD and the City consolidated, a significant number of agency employees left OPCD. With the implementation of the call answering software ProQA, it is taking a longer time to process the calls. OPCD is monitoring the situation and once everyone is out of training we should see better call answer times. Operations Training Coordinator Shinar Haynes advised the Board that the current class will be out of training next week, but about 60-70% of personnel remain to be trained on the ProQA software. Lt. Col. Sneed stated that there are forty-three trained personnel now who are independent and ready to take calls on their own. OPCD lost about fifteen call takers, which is about 10% of total telecommunicator manpower. Ms. Haynes reported to the Board that the PSAP is still technically understaffed, when combined with the normal staffing challenges of managing employees who are sick or on family medical leave. OPCD is aggressively staffing up, and confident that we are going in the right direction. Overall the employees are very positive and working very hard; we are moving in a positive direction. Deputy Director Frith Malin stated that OPCD should expect to see improvements in call answer times by the end of the year. Lt. Col. Sneed stated that Floor Supervisors are already selected, but cannot be used as such until more dispatchers are trained.

B. MARCO Billboard Update

Executive Director Stephen Gordon reviewed the history of the land ownership between Fireman's Charitable Benevolent Association (FCBA) and OPCD.

There is a right-of-way on Julia Street, next to the railroad tracks, held by the Union Passenger Terminal (UPT) from when the New Basin Canal was filled to create the I-10 right-of-way.

There is also perpetual usufruct right granted to the Fireman's Charitable and Benevolent Association, F.C.B.A, (OPCD landlord) for the area of Julia Street, which runs parallel with the railroad tracks, from the City in 1953.

In 2004, the City leased Julia Street and the paper streets for the campus, including a 15'x230' rectangle of land running parallel to the railroad tracks near the corner with City Park Avenue.

In 2004, the OPCD leased about 5.5 acres of land from the FCBA, which included the land in the 1953 usufruct agreement (Julia Street).

In 2014, with all parties believing the billboard was to be constructed in the 15' x 230' rectangle of land, the OPCD gave the rectangle of land back to the City in order to avoid being involved with the New Orleans Building Corporation's (NOBC) previous contract with Marco Outdoor Advertising Company.

The New Orleans City Council passed an ordinance and OPCD signed an agreement where the OPCD would split the landlord's revenue from the billboard with NOBC.

About a month prior, May 2016, Marco relayed that the location of the billboard will be moved from the City's rectangle of land onto Julia Street, which OPCD leases from the FCBA. Marco's opinion is that they don't need OPCD authorization to build due to an underlying right from the UPT.

The OPCD has requested a meeting with Marco, the City Attorney, and the FCBA to work out the issues. We want the OPCD to be clear of any violations of use of public property by a private company.

A discussion continued regarding the liability of staging Marco equipment on OPCD property. Board Chair Ebbert stated that we need four attorneys from the NOBC, OPCD, FCBA, and MARCO to work out an agreement that protects the OPCD.

VIII. OLD BUSINESS

A. Consolidation Update

Lt. Col. Sneed directed the Board to the two-page document in the packets. He stated that the personnel have been very positive about all of the changes and he is confident that by October 1, we should be where we need to be. Dr. Aiken asked if CitiCall will be used for new hires. Lt. Col. Sneed confirmed that it will be used for new hires from this point on. Dr. Aiken also inquired about payroll issues. Lt. Col. Sneed stated that the first payroll had some glitches, but he has made some changes in staff and everyone has been made whole. Deputy Director Frith Malin stated that checks were cut to distribute to personnel, and that she, Ms. Clayville, and Cheronne Smith were available to all shifts to accommodate any change requests.

B. Discussion on 9-1-1 Director of Operations

Board Chair Ebbert recognized Lt. Col. Sneed, who recommended that the Board promote Operations Training Coordinator Shinar Haynes to the position of the 9-1-1 Director of Operations. Lt. Col. Sneed stated that much of consolidation's success was due to Ms. Haynes commitment and dedication. She came from a national search with much experience. She has gone above and beyond the call of duty and has an unbelievable work ethic. In addition to this, she has already been doing the job. Lt. Col. Sneed stated that we would hire another Training Coordinator to fill the vacancy left by the proposed promotion.

A discussion continued regarding hiring Ms. Haynes as Interim 9-1-1 Director of Operations, while a national search is conducted. Andy Kopplin asked, and Director Gordon confirmed, that the CEA mandates that the Operations Director reports to the Board in addition to the Executive Director. The Board discussed if they should go into Executive Session. Ms. Parent stated the

Executive Session would not be to discuss appointing Ms. Haynes, but to discuss the hiring process and what the board wants the process to be. Ms. Parent stated that while she may believe that Ms. Haynes is qualified for the position, she has concerns regarding the hiring process. Ms. Parent continued to state that as a Board they needed to exercise due diligence with public funds and the position needed to be advertised.

A short discussion continued regarding the benefit of appointing the 9-1-1 Operations Director at this time. Dr. Elder agreed with Ms. Parent that a national search should be conducted by the Board. General Council Juan Lizarraga stated that from a legal perspective, any Board action taken today will live on as procedural precedent on how to fill an executive position. Mr. Kopplin suggested the action may create a perception precedent, but not a legal precedent. Dr. Aiken strongly suggested to do a national search and to make Shinar Haynes the Interim Operations Director. Deputy Director Frith Malin stated that she feels that Shinar Haynes has demonstrated the leadership that warrants her to be appointed to the position of 9-1-1 Operations Director. OPCD Systems Manager Karl Fasold stated that due to the type of personality that Shinar has, he feels she will continue to do the work of both positions and it would be unfair to not compensate her. Mr. Fasold suggested that Ms. Haynes should be promoted to Interim Operations Director, and be paid appropriately while the Board conducts the search. Executive Director Gordon stated that there is no question that Ms. Haynes has the ability and is doing the job; ultimately it is the Board's decision. Board Chair stated that the question is whether it will be interim or permanent. Lt. Col. Chastain asked how long the process will take to do the national search.

Aaron Miller made a motion to appoint Shinar Haynes as the Interim Operations Director at the appropriate salary established for that job. His second motion would be to conduct the national search not to exceed three weeks. Supt. McConnell stated that after hearing the Executive Director, the Deputy Director and the Systems Manager all speak up on her behalf, he recommends making Ms. Haynes the Operations Director immediately. Deputy Mayor Kopplin stated that he sees the value in both perspectives. Wanda Newsome stated speaking on behalf of the floor employees that Shinar Haynes has gained the respect of all of the employees and should be the Operations Director. A discussion continued regarding conducting the national search while she is made Interim Operation Director. A substitute motion was made by Supt. Timothy McConnell to hire Shinar Haynes the Operations Director; it was second by Deputy Chief Paul Noel. Board Chair called for the vote; Supt. Timothy McConnell, Director Aaron Miller, Deputy Mayor Andy Kopplin, Lt. Col. Chastain, Deputy Chief Paul Noel and Board Chair Terry Ebbert voted in favor of the motion. Dr. Aiken, Dr. Elder, Lt. Stelly and Ms. Charlotte Parent were opposed. The motion passed.

Aaron Miller stated that the Board needed to revisit the top five resumes previously submitted for Operations Training Coordinator to fill the vacant slot. Ms. Parent made the motion to contact former candidates to see if they are still interested in the position and, if not, move on to the next resume. Andy Kopplin seconded the motion. The motion was unanimously adopted.

C. Creation of Consolidation Committee

Board Chair Terry Ebbert called for a procedural motion as required by the CEA to create a Consolidation Committee. Supt. McConnell made the motion, and it was seconded by Aaron Miller; the motion was unanimously adopted.

IX. New Business

Capt. Gordon announced the hiring of a new part-time facility employee named Maxzile Rachal. He also commended the great work done by Dayton Gibson and his staff for fixing the leaks in the administration building, which had been occurring over the last few years.

X. Adjourn

Chair Ebbert then called for a motion to adjourn. Mr. Kopplin motioned to adjourn the meeting, and Dr. Elder seconded the motion. Chair Ebbert adjourned the meeting at 12:14 pm.

Respectfully Submitted,

Stephen J. Gordon
Executive Director