

**ORLEANS PARISH COMMUNICATION DISTRICT
BOARD OF COMMISSIONERS**

BOARD MEETING

Tuesday, September 12, 2017, at 10:00 am
Chief Warren McDaniels Board Room
118 City Park Avenue
New Orleans, LA 70119

A. CALL TO ORDER

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

B. ROLL CALL

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

Board Chair Col. Terry Ebbert; Board Vice Chair Dr. Brobson Lutz; Lt. John Stelly (proxy for Capt. Donovan Archote); Dr. Jim Aiken (proxy for Mr. William Masterton); Col. Daniel Bordelon (proxy for Major Glenn H. Curtis); CAO Jeff Hebert; Chief Roman Nelson (proxy for NOFD Supt. Timothy McConnell); NOPD Supt. Michael Harrison; NOEMS Director Dr. Jeffrey Elder; Mr. Ross Bourgeois (proxy for NOHSEP Director Mr. Aaron Miller); and Department of Health Director Dr. Marsha Broussard.

C. APPROVAL OF MINUTES (June 13 , 2017 Board Meeting)

Board Chair Terry Ebbert called for the adoption of the minutes from the OPCD Board meeting held June 13, 2017. Lt. Stelly motioned to adopt the minutes as submitted, and Dr. Elder seconded the motion. Board members unanimously adopted the minutes.

D. FINANCIAL REPORTS

1. Quarterly Financial Report

Financial Officer Denise Clayville advised the Board that the financial report consists of two sheets: the combined quarterly report with YTD actual, and the annual budget. The YTD shows revenues received and money spent, and at this point in the year should be around 50% in each column. She called attention to dedicated fees in pre-paid wireless where we are over budget in the wireless revenue category by 3%. If this trend holds, there should be \$200,000 more revenue from pre-paid wireless than anticipated by the end of the year. Contractual services are at 63% which is high, but which reflects annual software maintenance payments. Rent for lease property is paid in June which brings that category up. Supplies are at 31%, and total operating expenses are at 49%, which is an appropriate level for OPCD's sixth month report.

Financial Officer Denise Clayville directed the Board to the second page of the financials which is broken down by departments: Administration, Infrastructure

(technology), Facilities, Operations and Operations City Funded. Overall we have revenue over expenses of \$154,000, but if you look at the Operations City Funded column, there is a loss of \$312,000. The loss is being reduced each payroll because of less overtime being used in Operations, but it is a loss of about \$163,000 up to August 2017.

2. 2017 Operations Budget Shortfall

Operations Director Shinar Haynes summarized how the current OPS budget shortfall was due to the major City events that require telecommunicator overtime: New Year's (Sugar Bowl), Mardi Gras, Jazz Festival, and Essence Festival. The higher amount of overtime is expended in the first half of the year. Director Haynes predicts that the projected increase will amount to \$163,000 which will be covered by a Priority Medical expenditure that was budgeted for 2017 and was already paid in 2016.

Ms. Haynes also cited two additional factors that contributed to the projected OPS budget shortfall: telecommunicator holiday pay was not accurately reflected in the 2017 budget estimates, and an inaccurate budget amount was projected for 2017 employee retirement payments.

Board Chair Ebbert stated that while the Board passes an annual budget, the Board only meets quarterly which puts the Board at a disadvantage to be responsive to budgetary issues. He recommended that a system be put in place to track possible shortfalls or overages in OPS. He suggested that the Administrative staff compile an OPS budget report on a monthly basis to avoid encountering budgetary surprises at the quarterly Board meetings. Director Haynes stated that the CEA already requires the OPCD Executive Director provide a monthly report to Mr. Jonathan Wisbey, City Hall analyst, and the City CAO. Mr. Wisbey acknowledged that he does receive a monthly financial report from OPCD, and distributing this report to the OPCD Board would not be an issue.

Dr. Lutz asked whether the report should be created every two weeks, or monthly. Dr. Aiken agreed that a process should be in place to easily determine when to make financial decisions on a managerial level, and he would like to see how the decisions are made, but he does not want the Board to be involved with the day to day operations of OPCD. Financial Officer Denise Clayville advised that she can produce an OPS budgetary report every two weeks and distribute that report to the Board, Mr. Wisbey, and the CAO.

Mr. Wisbey stated that the essential issue regarding the actual OPS deficit rests on how often and for what amount OPCD will go into its reserves to fund projected OPS' spending overages. Mr. Wisbey didn't believe that this spending decision required Board approval.

3. CITY PROCESS FOR PAYING UNUSED TERMINAL LEAVE

Mr. Wisbey summarized that during the consolidation process, the City agreed that OPCD would be held harmless for any terminal leave payments resulting from former

City employees who leave OPCD employment. OPCD has documented unused sick and annual time for those employees, but the City never established the process for payment to OPCD. OPCD has been floating the costs of the terminal leave expenses without reimbursement from the City since consolidation (May 2016). The current CEA does not address the payment of that unused terminal leave, or the potential costs of the unused sick or annual terminal leave. The City recommends that OPCD eventually bill the appropriate City agencies on a quarterly basis for those employees who separate from OPCD. Mr. Wisbey advised that he is proposing that the CEA be amended to enable the City to make the payments up to the agreed maximum amount. Mr. Wisbey will provide the spreadsheet of the agreed upon maximum amount to Financial Officer Denise Clayville. He advised that the payment will be retroactive up to the point of consolidation.

4. REVIEW OF FY 2018 ANNUAL BUDGET

Financial Officer Denise Clayville advised the Board that the budget has not changed since it was presented during the March Board meeting. She opened the floor for discussion. Board Chair Ebbert announced that OPCD has a proposed budget of \$10.7 million, for total Operations but only has funding for \$9.4 million, which leaves OPCD with a \$1.2 million shortfall for 2018. This is due to the spending cap imposed on all City agencies by the Mayor. Board Chair Ebbert wants to know where and how the shortfall will be reconciled with proposed 2018 spending. He announced that OPCD presents the budget to City Council on September 19, 2017, following this Board meeting. Board Chair Ebbert asked Operations Director Haynes to address how a shortfall would affect 9-1-1 OPS' needs.

i. Impacts of City not funding \$1.3m OPS Overage

CAO Jeff Hebert asked for the reason for the difference in the OPS projected costs between 2017 and 2018. Mr. Wisbey responded that bringing the call center up to the level of full staffing, along with the previously mentioned omissions from the 2017 budget, and some additional costs added to the 2018 budget all contributed to the \$1.2 million shortfall in OPS' budget.

Director Haynes reported the amount of 2018 OPS' personnel costs will be a carry-over from the same personnel overages of 2017 if the same funding is allocated by the City. OPCD filled the gaps for 2017 OPS overages; a way to fill the gaps in the 2018 budget will need to be found. Also, the following costs were not included in the 2017 budget but are included in the 2018 budget: shift differential (received by over 70% of the employees prior to consolidation) \$180,675; projected longevity pay costs totaling \$39,184; and \$192,000 for minimum raise projections. When these costs are added to the three areas of previously mentioned incorrect information in the budget (not having projected overtime pay, incorrect percentage for retirement and holiday pay, and not including roll call training, CTO training, etc.), the costs for operations will increase.

Financial Officer Clayville advised that the CEA states that OPCD annually pays the City \$500,000. In 2017, the City waived the \$500,000 and it was

distributed by OPCD to OPS' personnel costs. In the 2018 budget, that waiver is not reflected. If the City would waive the \$500,000 payment again, OPCD could again apply those funds to OPS' cost overages. Mr. Wisbey stated that the new CEA will not have that \$500,000 clause in it, but it will be a requirement for 2018.

ii. Public Hearing on Proposed FY 2018 Annual Budget/Questions and Answers

CAO Jeff Hebert summarized that if the City waives the \$500,000 payment by OPCD to the City, then OPCD will have to use an additional \$721,000 of its reserves to fund Operations payroll for 2018 that would total \$1.2 million to cover the 2018 projected OPS overages. That would make us \$700,000 short in the proposed 2018 budget. There was a discussion around the continued use of OPCD reserve funds and whether the City or OPCD is responsible for covering OPS' spending overages. Lt. Stelly stated that it is not economically feasible to deplete OPCD reserve funds in order to fulfill the City's financial obligation to 9-1-1 consolidation. Mr. Wisbey said that the CEA does state the City is responsible for OPS' personnel costs with some caveats. CAO Hebert stated that he is okay with waiving the \$500,000 amount for 2018, but he advised that the City does not have surplus monies; many of the City departments are underfunded. Dr. Lutz stated that OPCD went into the consolidation agreement based on what the City stated they would contribute annually. CAO Hebert stated that the City is now in a different financial state; all the budgets have increased.

The budget discussion continued about the moving of the reserve funds. Mr. Wisbey stated that the City also owes OPCD an estimated \$150,000-\$200,000 for the terminal leave payouts. Financial Officer Clayville advised that the bond payment of \$900,000 will end in 2019, but the Board won't see the increase in OPCD revenue until 2020. Staffing questions were answered by Director Haynes. Is there a ceiling on the number of bodies on the Comm. Floor? Director Haynes assured the Board that staff levels are now fully stable. Supt. Harrison reminded the Board to be aware of increasing pension contributions with regard to shift differentials. Executive Director Gordon advised that he will task Financial Officer Clayville to coordinate with Mr. Wisbey to review pension contributions for those OPS employees receiving shift differential payments. Board Chair Ebbert asked for a report on the pension contributions from OPCD staff for future Board meetings.

iii. Resolution 17-06; Adopt an Annual Operating and Capital Budget for FY 2018

Board Chair Ebbert called for a motion to use the \$800,000 remaining portion of the \$1.2 million (the 2017 reserve funding amount authorized by Board to cover 2017 OPS' overages) to reduce the OPS' budget deficit. There was a short discussion around the OPCD reserve account and the monies that were previously approved by the Board. CAO Jeff Hebert proposed the motion would be to approve the 2018 budget with the provisions that the City will waive the \$500,000 payment from OPCD for 2018; the Board will authorize using the remaining balance of 2017 reserve

funds, along with the waived \$500,000 to cover 9-1-1 OPS' expenses and personnel for 2018; and the City will commit to allocating any additional funds should they be needed in the months left in 2017. The Board instructed OPCD and the City to work together to monitor OPS' expenses. The motion was seconded by Ms. Broussard. The 2018 budget was unanimously approved.

5. Resolution #17-07 Amend 2017 Budget to move \$150,000

Executive Director Stephen Gordon addressed the increase for Professional Services in the budget. The annual retainer fee for OPCD's attorney is \$25,000, but due to the employee litigation and the Seizer lawsuit, lawyer expenses are higher than anticipated. Resolution #17-07 addresses that increase and proposes to move \$150,000 from 9-1-1 fees into the Professional Services – Legal and Consulting category to avoid going over budget. Board Chair Terry Ebbert called for discussion. Lt. Stelly moved to approve the adoption of Resolution #17-07, and it was seconded by Dr. Elder. The resolution was unanimously adopted.

E. CONSOLIDATION CEA AMENDMENTS

Mr. Wisbey reported to the Board that the CEA changes include: (1) the establishment of a procedure to repay OPCD for employee terminal leave costs; (2) the CEA will allow the OPS Director to hire an additional employee for a new position (not provided by the CEA) if it can be done within the 2018 OPS' budget allocation; and (3) how to process out the \$500,000 payment OPCD makes to the City. The question is what would replace that revenue for both the City and OPS. Mr. Wisbey believes that the Board will still have the flexibility and discretion to determine how much funding they will allocate to cover OPS' costs and they would not be locked into a specific amount.

Executive Director Gordon expressed concern that if the \$500,000 OPCD payment to the City language is taken out of the CEA, then it is left open-ended how much the City's inability to cover its fiscal responsibilities for OPS' overages would affect, and ultimately, deplete OPCD's reserve funding. Board Chair Ebbert states that the OPCD Board already has the authority to allocate funding to OPS, why would we commit to that in a CEA; it is more philosophical. He asked why any replacement language is needed at all. OPCD is committed to working with the City to provide support for 9-1-1 OPS. CAO Jeff Hebert offered that supplemental language could be included that implies that OPCD will work with the City to resolve any budget expenditure revenue issues as they arise. Board Chair Ebbert agreed with that proposal.

The motioned was made by Board Chair Ebbert and second by Dr. Elder. The Board unanimously approved the proposed CEA changes without a specific amount being allocated for the financial support to 9-1-1 Operations.

F. RFP TO HIRE OUTSIDE FIRM FOR OPCD FINANCIAL POLICIES

Mr. Claude Flot, Special Assistant to the Executive Director, advised the Board that an RFP for Professional Services was prepared as requested during the last Board meeting. The RFP was designed to hire a professional firm to assist OPCD with the preparation of procedures for

financial accountability, disbursement of funds, and the implementation of accounting and ethical standards. It has been distributed and advertised in the city newspapers and on the OPCD website. This action was taken as a result of recommendations from the 2016 annual financial audit.

G. EXECUTIVE DIRECTOR'S REPORT

Executive Director Stephen Gordon informed the Board that OPCD's present 9-1-1 backup call center is located at City Hall in the 8th Floor Homeland Security Conference Room. However, OPCD recently learned that the conference room is not on the building's backup generator. OPCD is working with the Dept. of Property Management to ensure backup power to that room via the use of extension cords. Board Chair Ebbert advised that OPCD continues to work on finding an adequate facility for a permanent 9-1-1 backup call center in the event that the McDaniels PSAP must be evacuated. Board Chair Ebbert reminded the Board that OPCD has the most sustainable structure in the City: it was built to sustain a Category 5 hurricane; it has redundant backup generator power systems; and it has its own water well and sewerage treatment equipment. OPCD continues to work with Deputy Mayor Aaron Miller to determine a viable 9-1-1 backup location.

H. OPERATIONS DIRECTOR REPORT

Operations Director Shinar Haynes formerly introduced Deputy Director Tyrell Morris to the Board. Ms. Haynes stated that a main goal of consolidation was to meet national standards, which involves updating and creating agency SOP's. She reported they are creating OPS' SOPs and OPS' QA/QI program. She has worked collectively with agency heads to create and solidify SOPs to meet the new dynamic of the consolidated environment. OPCD needs to have the ability to hold our dispatchers, call takers and team leaders accountable. She wants calls to be answered in a timely manner and correctly. She is not only focusing on the call takers, but on every aspect for the QA/QI standards. She has really revved up OPS' policies for emergency staffing. Director Haynes reported that all OPS employees are now on Everbridge, with updated contact information, and they know who is required to come in and when.

I. SPECIAL PRESENTATIONS

Executive Director Stephen Gordon announced that he and Lt. Col. Sneed prepared a PowerPoint presentation that summarizes their issues and concerns regarding and developing a vehicle take home policy. Lt. Col. Sneed told the Board that he felt the presentation was necessary to seek guidance from the Board on developing the policy. A discussion occurred and concluded that there should be an effort to follow what the City practices. The City has two policies: one policy that addresses 24/7 unlimited vehicle use (Mayor, Deputy Mayor, and Agency Heads) and one policy that addresses 24/7 limited vehicle use. Director Gordon asked the Board if two directors should have limited use of their take home vehicles. Lt. Col. Sneed stated according to City policy 24/7 limited use restricts taking vehicles on errands that are not enroute to and from work, and requires a user fee. Director Gordon states that the State regulations cited do not have those stipulations on them (limited use of take home vehicle and user fee). A lengthy discussion continued.

Lt. Stelly motioned that there be no user fee. It was seconded by Dr. Aiken. There were three yeas and four nays; the motion did not pass. Board Chair Ebbert motioned that the vehicle users incur a taxable income on the vehicle use benefit; it's a part of their compensation. CAO

Jeff Hebert requested a legal opinion on that. He believes that what is taxable is the personal use of the vehicle, not work-related travel. There was a discussion around what amount of fee would be applied. Ms. Broussard motioned to adopt the City policy for personnel who are on call back status with limited use and pay a user fee. Dr. Aiken amended that motion to make the fee \$3 per work day. A discussion continued regarding the tracking of the mileage. CAO Jeff Hebert made a new motion to adopt a policy that coincides with the City policy and charge a flat fee per pay period for usage; it was second by Mr. Ross Bourgeois. There were eight yeas and Lt. Stelly voted nay. The motioned passed.

Executive Director Gordon moved on to the requirement of having personal liability insurance for the usage of the OPCD vehicle. A discussion continued with the conclusion that one cannot purchase insurance for a unknown vehicle that they do not own. There is no need for additional insurance. Executive Director Gordon stated that OPCD has \$500,000 coverage, whereas the City is self-insured. Mr. Ross Bourgeois moved that OPCD not require liability insurance, it was second by Dr. Aiken and the Board unanimously agreed.

J. OLD BUSINESS

Executive Director Gordon announced the hiring of Gayla Rogers as Financial/HR Assistant. She has previous experience with OPCD Administration.

Executive Director Gordon reported that a construction/property review revealed that it would cost at least \$500,000 to renovate the Roman Capitol building to bring it into useable condition. Any architectural costs, OPCD construction and administration fees, and calculating additional expenses would put total costs at \$1.1 million. He recommends that we wait until hurricane season is over and review whether to continue to use it for storage or renovate for commercial use.

K. NEW BUSINESS

Lt. Col. Sneed expressed to the Board the necessity of regulating who comes to work during an emergency activation. He stated that currently OPCD OPS and Administration have different criteria for determining who essential personnel are. OPS currently use the same criteria that the City has established. Board Chair Terry Ebbert stated that the two Directors are quite capable of determining who essential personnel are. Executive Director Gordon stated that he believes that his Finance personnel, Payroll personnel, Technical, Facilities, and Administrative personnel are absolutely essential during activation. He stated that two HR personnel are not essential and are not required to report during an emergency activation. A short discussion continued with Board members agreeing with Board Chair Ebbert.

L. Announcements

Ausetua AmorAmenkum announced the 3rd Annual 9-1-1 Children's Day Friday, October 20, 2017, on site from 10:00am-2:00pm.

M. Public Comment

Board Chair Ebbert called for public comment. Danishia Hargrove, an OPCD Telecommunicator with five years of experience, a former NOPD Dispatcher, recently trained Fire Dispatcher, roll call trainer and trainer for new employees, presented her concerns regarding the current 9-1-1 operations. She stated that she is present at today's Board Meeting in an effort to better 9-1-1 Communications and to ultimately improve the quality of service that citizens receive. Her concerns are summarized below:

- Loss of civil service protection and lack of a formalized grievance procedure.
- Low employee.
- Mandatory overtime for QA/QI training.
- Limited opportunities for career advancement.
- Alleged improper use of seniority for shift placement.
- Alleged unjustified disciplinary action.
- Ambiguous OPS chain of command with the role of Consolidation Coordinator.
- Failure to utilize AQUA the Priority Dispatch software for QA/QI and lack of training regarding Priority Dispatch.

Ms. Hargrove told the Board that she wanted to remain with OPCD but due to the current environment, she has resigned and suggested that others are looking for employment outside of OPCD. Ms. Hargrove has decided to continue her public safety communications career elsewhere. She has accepted a position as a Regional Implementer for Priority Dispatch. She encouraged the Board to look into her allegations, suggested that a survey be given to OPS employees regarding their work environment, and encouraged Board members to visit the Communication floor and speak directly with the Telecommunicators performing the work. She thanked the Board for their time and asked that her comments help them to create a better work environment for OPCD Telecommunicators.

Arianna Foley, a current OPCD Fire Dispatcher stated her concerns as:

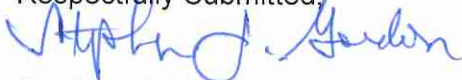
- Changes to OPCD Military Policy.
- Alleged inability to use accumulated military leave.
- Alleged HIPPA violations by OPS leadership.
- Alleged EEOC violations by OPS leadership.

Board Chair Ebbert thanked both Ms. Hargrove and Ms. Foley for their comments. He stated that the Board would be reviewing their areas of concern.

N. ADJOURN

Board Chair Terry Ebbert adjourned the meeting at 12:54 pm.

Respectfully Submitted,



Stephen J. Gordon
Executive Director