

# ORLEANS PARISH COMMUNICATION DISTRICT BOARD OF COMMISSIONERS

## Regular Board Meeting

Tuesday, September 13, 2016, at 10:00 am  
Chief Warren McDaniels PSAP Board Room  
118 City Park Avenue  
New Orleans, LA 70119

### I. CALL TO ORDER

OPCD Vice Board Chair Dr. Brobson Lutz called the meeting to order at 10:00 am.

### II. ROLL CALL

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

Lt. John Stelly (proxy for Capt. Donovan Archote); Lt. Col. Timothy Chastain (proxy for Major Glenn H. Curtis); David Lessinger (proxy for Chief Administrative Officer Jeff Hebert), NOFD Deputy Supt. Roman Nelson (proxy for NOFD Supt. Timothy McConnell); Deputy Chief Paul Noel (proxy for NOPD Supt. Michael Harrison); NOEMS Director Dr. Jeffrey Elder; NOHSEP and Interim Director Mr. Aaron Miller.

Board Chair Col. Terry Ebbert and Mr. Greg Feirn were absent.

Vice Chair Brobson Lutz welcomed David Lessinger, the proxy for Chief Administrative Officer Jeff Hebert to the Board.

### III. ADOPTION OF BOARD MINUTES FROM JULY 23, 2016

Vice Board Chair Dr. Brobson Lutz called for the adoption of the minutes from the OPCD Board meeting held July 23, 2016. Lt. Col. Chastain motioned to adopt the minutes as submitted, and Dr. Elder seconded the motion. Board members unanimously adopted the minutes.

### IV. FINANCE REPORT

#### A. QUARTERLY FINANCIAL REPORT

Vice Board Chair Dr. Brobson Lutz recognized OPCD Director of Finance Ms. Denise Clayville. Ms. Clayville referred Board members to the quarterly financial report in their packets, which was for the quarter ending June 30, 2016. There were three documents: Expenses over Revenues, Offset Monies Spent with the City, and City funds that OPCD has expended. Ms. Clayville stated that expenses YTD should be near 50% which we are except for salaries because it includes Operations employees' salaries. Contractual services are up 57%. Out of the \$500,000 annual offset to the City of New Orleans, the OPCD still owes \$277,880; about 50% of the offset has been spent on consolidation expenses. Payroll on the Expense over Revenue is for two months in May and June. This gives you an indication of what was spent in a consolidated environment.

## **B. PROPOSED OPCD FY 2017 ANNUAL BUDGET**

Financial Officer Denise Clayville directed the Board through the three documents that comprise the proposed annual budget: Operating Budget, Capital Expenditure Budget and the Budget Message. She advised the Board that because of the legislatively raised rates, OPCD will make 100% of our Operations Budget. Additionally, \$200,000 has been added to the Capital Expenditures category, a budget item that hasn't been funded for the last four (4) years. Under Personnel, additional positions that will be added are a Personnel Administrator, Special Assistant to the Executive Director, Office Administrator, IT Engineer and a Facilities position. All the positions are currently open except the Payroll Administrator. OPCD is responsible for paying the Payroll Administrator's salary because an OPCD employee was promoted from Office Administrator to Payroll Administrator. The Payroll Administrator position was originally to be paid by the City of New Orleans.

Under Contractual Services, budgeted amounts in the advertisement, office cleaning supplies, public education and travel categories have been increased. Insurance has been increased by 10% due to inflation. The Professional Services category for attorney fees has been increased due to the litigation with Sizeler Architects and possibly a former OPCD employee.

For the revenue review of the telephone carriers, a small amount will be spent in 2016 but the majority will be spent in 2017. Hardware and software licensing budget amounts will remain the same except for Intrado maintenance; the five-year maintenance contract for Intrado expires in 2017. The budgeted amount for the new maintenance contract is \$195,000. Repayment of OPCD's bond note will be \$825,000 in 2017, and we will have two more payments until it ends in 2019.

Vice-Chair Brobson Lutz called for questions and comments. This proposed 2017 budget was only presented and will lay over to the last quarterly Board meeting on November 18, 2016, for approval.

## **V. EXECUTIVE DIRECTOR'S REPORT**

### **A. Adopt Resolution 16-07, authorizing increase for Voice over Internet Protocol (VoIP) E9-1-1 service charge rate from \$0.85 to \$1.25. Wireless Fees to increase to \$1.25**

Executive Director Stephen Gordon asked the Board to approve Resolution 16-07 which will allow OPCD to raise rates on calls that use Voice over Internet Protocol (VoIP) for 9-1-1 services. He advised the Board that they had previously raised the fees on wireless rates but in alignment with new State legislation an additional resolution was needed to raise fees on VoIP. Vice-Chair Lutz called the question. Lt. Col. Chastain motioned to adopt Resolution 16-07, Dr. Elder seconded and the resolution was unanimously adopted.

### **B. MARCO BILLBOARD**

Director Gordon advised the Board that OPCD is in agreement with the New Orleans Building Corporation (NOBC) and Marco to install the billboard which is now proposed to be located on the parcel of land that is entirely in the OPCD land lease from the Fireman Charitable & Benevolent Association (FCBA). Prior to this development, Marco planned

to install the billboard on land that OPCD gave back to the City, but Marco and Amtrak did not reach an agreement. In the spirit of cooperation, OPCD has agreed to allow Marco to move the billboard off of NOBC land and relocate exclusively on OPCD land leased from the OPCD, but Marco must, at a minimum, assume the same liability that OPCD has on their land lease with the FCBA. OPCD is waiting for Marco's response regarding this requirement. Once that is agreed to, Marco can begin construction. Lt. Stelly asked if OPCD's income would be increased from the billboard revenue if the billboard is entirely on land controlled by the OPCD? Director Gordon told the Board that City Attorney Michael Martin believes that the billboard can be constructed on OPCD property; it is unknown how Mr. Martin arrived at his opinion. We have agreed to a 50-50 split with NOBC on the landlord fee (30% of billboard net revenue stream).

OPCD General Counsel Juan Lizarraga advised the Board that the previous parcel of land that OPCD gave back to the City was not a part of the original lease. In the spirit of compromise and to generate revenue, OPCD will cooperate with the New Orleans Building Corporation to allow the City to fulfill their agreement with Marco that was made 24 years ago (May 1 1982). Mr. Lizarraga does not believe that OPCD will get any additional revenue other than what was agreed to. Vice Chairman Lutz expressed that some of the Board members felt that the billboard construction and lease should have been put out to public bid. The City Attorney had stated that it was a contract that was not bid because it did not have to be bid since the NOBC is a public benefit corporation. Director Gordon stated the Marco holds the City and State permits for construction on OPCD's site. It is not possible to have another billboard within a certain distance of this site. There was a short discussion around the benefits to OPCD in allowing the billboard to be erected. Director Gordon stated that we are assisting the New Orleans Building Corporation to fulfill their obligation and avoid a possible civil suit for the City. In exchange, OPCD will receive 15% of the net revenue and the placement of public safety messages during an emergency requiring evacuation of the City.

#### **C. REVENUE REVIEW OF TELEPHONE CARRIERS**

Director Gordon advised the Board that Kathrine Cargo has prepared a draft Request for Proposal for a telephone audit of ATT. OPCD wants to make sure that ATT is remitting the proper fees for the data base and that our billing is accurate. We want to ensure that the data base includes all valid telephone numbers, and each telecommunication line that enters a structure is accounted for.

#### **D. WEBSITE REDESIGN**

Ausetta Amor Amenkum advised the Board that OPCD has a complete redesign of the OPCD website: [www.911nola.org](http://www.911nola.org). She encouraged Board members to review the site and get back to her with any comments or feedback.

### **VI. SPECIAL PRESENTATION**

#### **A. 9-1-1 Call Answering Times**

Karl Fasold, OPCD Director of Technology, told the Board that OPCD Tech and Operations personnel unsuccessfully attempted to recreate the methodology used to calculate call answer times that was used by OPCD in the past. Director Fasold advised that he and Shinar Haynes, OPCD Director of Operations, researched existing standards

for processing 9-1-1 call answering times. Director Haynes advised the Board that OPCD switched to the National Fire Protection Association (NFPA) Standards which are similar to NENA and APCO's standards. NFPA standards call for measuring all emergency and 10 digit emergency calls within 15 seconds; NENA standards measure emergency calls answered within 20 seconds. NFPA is the standard that the NOFD uses in their operations, and the standard used to set fire insurance rates in Orleans Parish.

Director Fasold advised the Board that under the NFPA standards, from January to May, 2016, 95.35% of 9-1-1 calls were answered within 15 seconds; June-August, 2016, 96.17% of 9-1-1 calls and 10-digit emergency calls were answered within 15 seconds. The number of abandoned calls (caller hangs up) greater than two seconds was 902 for August and 377 for September 2016. NFPA standards require that 95% of emergency calls be answered within 15 seconds and 99% of calls be answered within 40 seconds. Director Fasold stated that he believes that NFPA is a tougher standard because it is stricter.

Director Haynes stated that an additional number of changes were administered that also affected the call answering times: balanced shifts, rearrangement of break times, changes to number of minimum staff, and use of overtime to insure staffing numbers are adequate to meet the demand. Director Haynes emphasized that the staff accountability aspect cannot be overstated; OPCD Operations staff now understands that they are accountable to the citizens of New Orleans. OPCD has also implemented regular training at least two days out of the week. All of these steps have been implemented and contribute to improvement in call answer times.

## **B. REPLACEMENT OF OPCD DEPUTY DIRECTOR**

Executive Director Gordon told the Board that a decision was made not to hire another OPCD Deputy Director. After reviewing what was needed, Director Gordon recommends hiring a Special Assistant to the Executive Director. He needs someone to which he can assign tasks to assist with the day to day operations that consolidation has created, plus additional tasks as assigned by the Director. The previous Deputy Director's annual salary was \$86,000. The recommended salary for this position be about half that amount. Vice Chair Lutz noted that in an effort to transition into a unified command this new position seemed like a logical progression.

Lt. Col. Sneed told the Board that every Monday OPCD and the City have a consolidation meeting. This was the first time that he knew that this request would come to the Board. He is against this new position and he does not see a need for this position. He does see a need for a Deputy of Operations and that is not being discussed. Lt. Col. Sneed stated that he sees no benefit to the consolidation process with this new position. Director Aaron Miller stated that the workload does need to be re-distributed and that two positions existed and now you have one. Lt. Col. Sneed stated that he wants to ensure that OPCD is spending the money properly. He was asking for more discussion. Mr. Miller stated that he does appreciate the thought process. Vice Chairman Lutz stated that the former Deputy Director was involved in special projects and he sees no reason not to move ahead. A lengthy discussion continued. Lt. Col. Sneed stated that some of the former Deputy Director's projects have already been taken by other personnel. Denise and Cheronne have taken on new responsibilities with regard to

consolidation. Director Fasold and Director Haynes are handing the call answering reports. Lt. Col. Sneed stated that OPCD has not looked at a Deputy of Operations position. Director Fasold stated that he respectfully disagrees and believes that Director Gordon does need assistance. The fact that Director Gordon is using only half of the funding for the new position shows that he is thinking about what is actually needed and not simply replacing a position that has been left vacant.

Dr. Elder inquired if combining the Office Administrator and the Special Assistant to the Director might be an option. Vice Chairman Lutz called for the motion. Lt. Stelly motioned that we permission the Director to hire a new position that is a combined position of the Office Administrator and the Special Assistant to the Director. Lt. Col. Chastain seconded the motion. The Vice Chair called for discussion. Mr. Miller clarified that the salary is about half of the former Deputy Director's position. Director Gordon stated that it would be a non-exempt employee and non-supervisory. The motion was unanimously adopted.

### **C. LEAVE POLICY CHANGES POST CONSOLIDATION**

OPCD General Counsel Ben Chapman advised the Board that the term "comp time," as it was used in pre-consolidated OPCD, was not the correct term. It was basically additional time off that employees were granted. It had no monetary value to it; it could be banked but there was no pay out at termination of employment. Mr. Chapman advised that OPCD needs to decide how it will deal with those personnel who have accumulated balance "comp" time. Under the previous policy, an employee could accumulate up to 90 days of annual time; the current proposal is to allow employees to accumulate up to 45 days which is consistent with City policy. City policy has grandfathered in employees hired before 1978 to continue carrying over a maximum of 90 days of annual leave from one year to the next.

Both proposals are legal. The question becomes if you are one of those employees that were under the old policy, what is done with the remainder of the time that has been accumulated? There is a need for an equitable solution on how to address employees under the old policy. Those employees have a vested interest in the leave time that was accumulated. The options are: you can pay it out, convert it, or give the employees an extended amount of time to use the accumulated leave time.

There is a need to be consistent for all consolidated employees at OPCD. Vice Chair Lutz stated that if the employees are paid out, OPCD would take a budget hit. If the employees are given a year to use the accumulated time as it is not practical to expect someone to take up to 45 days off. He suggests that giving employees at least three years to use the accumulated balance "comp" time seems like a feasible and realistic amount of time. A lengthy discussion continued.

Director Gordon advised the Board that pre-consolidated OPCD employees work a 35 hour week and are not paid for the lunch hour. Operations personnel work 40 hour work weeks and are paid for their lunch hour. The discussion continued about the number of different hours worked weekly at City positions. NOFD Deputy Supt. Roman Nelson concluded that the City has 35, 40 and 46 hour work week employees. Mr. Chapman stated that there is no law that says what constitutes full time. The only law that exists is

the Fair Labor Standards Act which addresses what happens for non-exempt employees after 40 hours of work. Under the FLSA, overtime does not apply until after an employee works 40 hours.

Mr. Chapman concluded that the first step is to decide, from this point forward, what the cap on accumulating annual time is going to be. The Board needs to decide if they will reduce the cap from 90 to 45 days in the first motion. Once that is decided, two questions remain: should OPCD employees with extra leave time be grandfathered in and everyone going forward has the ability to accumulate leave up to 90 days; or does everyone go forward with the cap of 45 days, not grandfather in the employees with extra leave time, and create a process in which they can use up the accumulated time. A short discussion continued as to the possibility of the leave time converting to sick time if the employee did not use the time within the three year limit.

Lt. Col. Sneed stated that the OPCD policy should mimic the City's policy. His concern is how those pre-existing employees accumulated that comp time. It was explained that for every hour that is worked over 35 hours, comp time is accumulated. That is not done in City government. Lt. Col. Sneed stated that comp time has no monetary value, but if you are able to use comp time instead of annual time, which allows you to accumulate annual time and cash it in at the end of the year, now you have violated your policy. Director of Technology Karl Fasold shared with the Board the difficulty of taking time off because of workload requirements and the additional demands of consolidation. Director Fasold also noted that compensatory leave time usage was clarified in the OPCD Employment Manual and has been in effect since 1996. Lt. Col. Sneed remarked that the current policy requires that pre-existing employees should provide a written request and be authorize in writing prior to comp time being granted. He reported that he has asked for that documentation and has not seen it.

Lt. Col. Sneed believes that any accumulated time over 45 days should convert to sick time. He also recommends that salaried employees should not have to take 2 hours of sick time to go for a doctor's visit. Mr. Chapman stated that there is a difference between being salaried verses being paid hourly, and exempt verses non-exempt. An employee can be salaried and still not be exempt. OPCD needs to be clear that the correct terminology is being used. Compensatory time only occurs to non-exempt employees in the public sector under special circumstances. OPCD was calling it comp time but it was a gratuity. Mr. Chapman also wanted to be clear there are two issues, accumulation of annual time and the OPCD's reference to "comp" time.

**1. Motion for 45 Day Cap on Annual Time**

Aaron Miller motioned to move all OPCD employees to a 45 day cap on annual time moving forward, motion seconded and discussion followed. Lt. Stelly stated that if OPCD employees are not City employees, why they are being held to City policies? Mr. Miller stated it makes it easier to manage according to City policies and creates more equity; the Board is re-fitting 145 people into what the City already had, and putting 14 pre-consolidation OPCD employees into something new. There was a discussion about State policy not having any maximum limit on regarding leave accumulation. Vice Chair Lutz called for the vote and the motion was unanimously adopted.

**2. Motion to Grandfather Pre-Consolidation OPCD Employee to 90 Day Annual Cap**

Mr. Chapman directed the Board to decide what to do with the employees who have been authorized to have more than 45 days accumulated. The options are to convert it, give them time to use it or remove it altogether. Dr. Elder stated that another option is that the pre-existing OPCD employees should be grandfathered in, which mimics what the City does. It is only a handful of employees, not all of the 14 who have over 45 days. Dr. Elder stated that is the fairest thing to do. Vice Chair Lutz accepted the motion made by Dr. Elder to have the pre-existing OPCD employees to be grandfathered in to accumulate annual leave up to 90 days. It was second by Mr. Miller; the motion was unanimously adopted.

Ben Chapman cautioned them to be clear about what grandfathering those pre-existing employees means. A short discussion followed. Dr. Elder restated his motion that pre-CEA employees employed by OPCD will be grandfathered in; Director Haynes had no problem of grandfathering the employees in but wanted the policy that allows them to be paid out at the end of the year be reviewed. Aaron Miller seconded the motion; the motion was unanimously adopted.

**3. Employees With Accumulated "Comp" Time Have Three Years to Use**

Dr. Elder motioned that the current employees who have current balance "comp" leave will have three years to use the leave and will no longer be able to accumulate this leave. If it has not been used in three years, the time goes away. Aaron Miller seconded the motion. A short discussion continued around killing the comp time altogether and the way it will be tracked. Director Gordon stated that it is noted on timesheets and requested and approved via emails. Vice Chair Lutz called for the vote; there were seven yeas and Deputy Supt. Paul Noel voted nay, and the motion was adopted.

**4. Time Accumulated Over Annual Time Converts to Sick Time**

Operations Director Haynes stated that the current policy allows those grandfathered employees to receive a payout if they have any annual time accumulated over the 90 days. Aaron Miller motioned that any time accumulated over the 90 or 45 days will convert to sick leave. It was seconded by Dr. Elder and Lt. Col Chastain; the motion was unanimously adopted.

**VII. SECURITY GUARD SERVICE FOR 9-1-1 CENTER**

Director Gordon advised the Board that it was suggested to him that OPCD provide on-site security service at the 9-1-1 Center. He has prices from the New Orleans Police Department Office of Secondary Employment and the Orleans Parish Sheriff's Department for the Board's review. Director Gordon believes that it does give a sense of security to employees if the security is provided by a commissioned officer. A security guard may not provide the same perception of security as a commissioned officer. Director Gordon believes that because the PSAP has constant radio communication with NOPD field officers, if there was an event on the OPCD site, NOPD would be immediately notified.

Director Gordon stated that 9-1-1 Centers are not normally locations for attack, but it does not mean that it could not happen. The building is blast resistant, and the site has security cameras on the premises. Lt. Col. Sneed stated that there were two incidents where unauthorized people did enter the campus without anyone being aware. The first breach was a possible mental patient on top of the water treatment plant; the second incident was a possible homeless person outside the security gate sleeping by the dumpster on Julia St. Lt. Col. Sneed thinks that we need one more layer of security. A short discussion continued about employees allowing cars to tailgate or piggyback through security gates. NOPD Deputy Paul Noel suggested that employees who allow other cars to piggy back should face disciplinary action.

## **VIII. OLD BUSINESS**

### **A. Consolidation Update**

Lt. Col. Sneed distributed the consolidation timeline to Board members. He told the Board that OPCD was progressing with the completion of the administrative policies and procedures. HR Manager Jeanne Hobson stated that many of the policies are still works in progress. She is working on hiring criteria at this time. Lt. Col. Sneed stated by October 1, 2016, Operations personnel will be on four shifts and progressing towards full consolidation. Operations Director Haynes has done a great job in training. OPCD Tech team has to re-configure the PSAP floor. Lt. Col. Sneed is confident that by the end of the year consolidation will be complete.

## **IX. New Business**

There was no new business to report.

## **X. Adjourn**

Vice Chair Brobson Lutz called for a motion to adjourn. Dr. Elder motioned to adjourn the meeting, and Aaron Miller seconded the motion. Vice Chair Brobson Lutz adjourned the meeting at 12:00 pm.

Respectfully Submitted,



Stephen J. Gordon  
Executive Director