

**ORLEANS PARISH COMMUNICATION DISTRICT
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
December 10, 2024 10:00 a.m.
Chief Warren McDaniels Board Room**

MEETING MINUTES

I. CALL TO ORDER

Chair Dr. Jennifer Avegno called the OPCD Board meeting to order for Tuesday, December 10, 2024.

II. ROLL CALL

Executive Director Karl Fasold (OPCD):

PRESENT: Chair Dr. Jennifer Avegno, Vice Chair Colin Arnold, LA Senator Joseph Bouie Jr., LA State Rep. Stephanie Hilferty, Capt. Rodney Hyatt (proxy for Col. Robert Hodges), Supt. Roman Nelson, Dr. Megan Marino, Michelle Woodfork, Dr. James Aiken (proxy for Interim CEO John Nickens), and Dr. Brobson Lutz.

ABSENT: LA State Rep. Jason Hughes, Col. Kenneth Donnelly, Supt. Anne Kirkpatrick, Dr. Joseph Dyson Sr.

III. APPROVAL OF MINUTES

Board Chair Avegno asked for a motion to approve the minutes from the September 17, 2024, Regular Board meeting. Sen. Bouie moved to accept the minutes and Michelle Woodfork seconded the motion. The motion was approved.

IV. FINANCIAL REPORT

Executive Director Fasold remarked that the final Financial Report was distributed to all Board members.

He directed the Board's attention to a profit/loss report from January through October 31, 2024. It is important to note that OPCD is in the black during this time frame. The next report details the OPCD Cash Balance as of December 6, 2024, which is \$141,439. This cash, combined with other accounts, gives OPCD approximately \$2.3 million in available cash. However, some of those funds are dedicated to specific purposes, such as FEMA funds received for the Roman Capital renovation project, as well as ARPA funding received through the city for the Fire Station Alerting Project. OPCD therefore has a net available cash amount of \$876,000. Additionally, OPCD should begin receiving fourth quarter 911 fee payments from the carriers at the start of January.

CEA with CNO

ED Fasold noted OPCD and the city extended the previously expiring CEA at the start of 2024. The city and OPCD would prefer a new longer-term agreement rather than single-year extensions. This longer-term CEA will require City Council approval.

The City and OPCD have continued to work on the terms of the new CEA, and there is a meeting tomorrow (December 11) between OPCD legal Counsel and the city contract attorney assigned to the project. The purpose of the meeting is to flesh out the differences between the City and OPCD. ED Fasold doesn't anticipate any problems with the negotiations. The new CEA will likely not be approved until the first City Council meeting in January, which will delay signing. OPCD will likely not see the revenue until February. ED Fasold stated OPCD should be fine with that timeline because we have permission from the CAO's office to borrow against the remaining Fire Station Alerting (FSA) funding.

OPCD Cash Flow

ED Fasold reported the previous OPCD administration moved payments on many annual contracts to come due in January. Without cash reserves, this has led to a cash flow problem. ED Fasold has already spoken with our vendors and explained that cash flow issue to them and confirmed to the Board that OPCD has their forbearance. OPCD is not anticipating any legal issues, or any failure to provide service, or anything negative as a result. As previously discussed in Board meetings, OPCD must establish a plan to get money back into cash reserves to stabilize the cash flow situation of the District. ED Fasold anticipates that this will be a Board priority for the 2026 budget.

Rep. Hilferty asked about the accounting error which omitted OPCD payments to the NOMERS employee retirement system. ED Fasold confirmed that the issue was rectified, and OPCD received the funds from the City for the NOMERS payment through 2024 in November. ED Fasold again expressed his appreciation and gratitude to the NOMERS Board for working with OPCD to fix the error and help make the OPCD employee pensions whole.

Dr. James Aiken asked about the vendor payments due in January. ED Fasold responded that the largest payment is due to Motorola, the annual service contract payment is \$650K. ED Fasold anticipates paying this from the CEA funds, of which half (\$9 million) of the total CEA amount should be available in the first quarter 2025. Additionally, this CEA funding should cover other vendor payments as well as OPCD payroll. Carrier fees amounting to approximately \$1.5 million should be remitted in January as well.

ED Fasold reiterated that OPCD will be filing an adjustment request to its 2025 budget at the end of the first quarter with the Administration and City Council if necessary.

V. NEW BUSINESS

Resolution 24-04: Adoption of 2025 Budget

As discussed during the December 2 Special Board meeting, there was a discrepancy between what OPCD requested and what the administration recommended for OPCD's 2025 funding. Chair Avegno reported that during the City Council Budget hearing, the Council supported adding additional funds to the administration recommendation. The additional funding leaves OPCD approximately \$1 million short of the original request. OPCD will have to absorb the shortfall by not filling telecommunicator vacancies that arise. At the current level of employees, OPCD is hitting milestones in terms of call answer times. Chair Avegno remarked that the Board should anticipate that sometime in the 2025 those call answer times will rise due to the unfilled positions.

Under the proposed budget, OPCD will continue to function, though not as effectively. OPCD will request further funds from the administration and Council in the mid-year to replenish at least some of that shortfall. Ms. Woodfork endorsed going to the City Council to request funding adjustments as soon as the end of the first quarter, based upon her experience as Interim NOPD Superintendent. She suggested OPCD document in the ask the full need for the funds and the consequences if not provided, and the City Council may make additional funds available.

Dr. Brobson Lutz made a motion to approve Resolution 24-04. Ms. Woodfork seconded the motion, and the motion passed unanimously.

Resolution 24-05 Establishment of Board Committees

Chair Avegno next introduced Resolution 24-05, a resolution to establish Board Committees. She explained establishing committees as good governance. From her research on the topic, Chair Avegno proposed establishing three standing committees: Governance, Finance and Personnel; and three Ad Hoc Committees: Infrastructure, Executive, and Legislative. While initial discussion occurred during the special meeting

December 2nd, Chair Avegno plans to speak with Board members about their interest in chairing individual committees. She emphasized that these committees would be working committees, with only the Executive Committee authorized to make and implement policy – the remainder would recommend back to the full board for implementation.

Several board members asked detailed questions about how the committees would be structured, their authority (advisory only other than Executive), staff support, committee meeting frequency, and compliance with the State Public meeting laws. Both Chair Avegno and ED Fasold support the formation of Board Committees and plan to work with all OPCD Board members to best match the members' professional strengths to the needs of the committees.

Hearing no further discussion, Chair Avegno called for a motion to accept Resolution 24-05. Dr. Aiken made the motion and Dr. Marino seconded. The motion passed unanimously.

Resolution 24-06 2025 OPCD Board Regular Meeting Dates

Chair Avegno stated that the Board is in a rebuilding period. In order to continually strengthen and support the rebuilding, she proposes holding Board meetings every two months rather than on a quarterly basis. The meetings would remain at the same time (10 am) and on the same day (2nd Tuesday) and would be supplemented by committee meetings on the months there are no regular Board meetings.

Dr. Aiken made a motion to pass Resolution 24-06. Dr. Marino seconded the motion, and the motion passed unanimously.

Resolution 24-07 Board Secretary Position as an Elected Member

Chair Avegno proposed modifying the Board Secretary position, currently assigned to the ED, to an elected position to strengthen the Executive Committee and in keeping with Board governance best practices. The Secretary would join the Chair and Co-Chair positions as elected from the existing Board members.

The Board meeting minutes would continue to be handled by OPCD staff, but the Board Secretary would review those prior to distribution and add additional executive capacity should that committee need activation. This resolution removes the ED acting as Board Secretary and creates an elected position which will be written into the Board bylaws as a part of that project. The elected Secretary position would be created by Resolution 24-07, but the election would be held at a later date.

Dr. Aiken asked if there was a job description for the Secretary position. Chair Avegno

had some ideas of duties that still needed to be better defined, but the primary roles would be to review any sort of Board correspondence and to act as another official position on the Executive Committee. She remains open to suggestions from Board members on the duties of the Board Secretary position.

Dr. Marino made a motion to accept Resolution 24-07, and Director Arnold seconded the motion. The motion was approved unanimously.

VI. OLD BUSINESS

Committee Assignments

Chair Avegno requested that this topic be tabled until she has more time to get feedback from Board members about any particular committee on which they would like to serve. Chair Avegno reminded Board members that proxies should also be considered for positions on Board Committees if they have good expertise in a particular area of need. Subject Matter Experts (SMEs) may also be added as required

Several Board members requested more information about who could serve on the committees and the process of adding people to the Committees. Chair Avegno suggested that the committee appointments could be made by the Board Chair and didn't require full Board approval. In addition, Committee recommendations (other than those of the Executive Committee) would require Board approval and possibly votes, so committee membership is not restricted to Board Members.

Historical Comparison of 911 Fee Remittance

ED Fasold directed the Board to the last page in the Board packet to a table showing the 5-year comparison of the fees that have been remitted by the carriers, with the revenue broken down by commercial, residential, wireless, and prepaid wireless services. Dedicated 911 revenues are going down. This is happening as the cost of 911 operations continues to rise. This results in increases in the request from the City.

The findings yielded several observations and much discussion by the Board:

1. Prepaid wireless revenues have dropped significantly since 2023. ED Fasold reported that The LA APCO/NENA Chapters have inquired of the state finance department approximately two months ago as to why this is occurring.
2. Inability of the Communication Districts to effectively audit the carriers. ED Fasold reported residential line usage is dropping and has been dropping for years. However it is the commercial line usage that is most concerning for 911 because although there is a cap of 100 lines per commercial location, there is no way to determine if those fees are being properly billed and remitted. In past efforts to

audit the carriers, it is impossible to confirm if commercial customers pay the full amount because OPCD cannot get an itemization of customer usage from the carriers. When asked, the carriers maintain that their customer information was proprietary. Anecdotal information was provided to the previous ED regarding major hotels paying a single 911 fee, although their service was provided by SIP trunks (providing an effective unlimited number of 'lines')

3. By law, communication districts can audit carriers. However, the information received from the carriers is not sufficient to determine if in fact commercial customers are billed correctly. Chair Avegno requested that ED Fasold have OPCD Counsel send a letter to send each of the carriers specifically requesting an itemization of all commercial accounts, the amount of 911 fees remitted per account, and the number of phone lines capable of dialing 911 in each of those accounts.
4. Technology has advanced past regulating legislation. Many Board members observed the fact that 911 fees have not kept up with the rapidly changing telecommunications technology. ED Fasold suggests that a solution to the antiquated billing legislation is going to have to be solved through legislation, probably at the federal level. Undoubtedly the carriers are going to object that such regulation is not something that is subject to state law.
5. A possible solution is in a combination of increased 911 fees as well as a dedicated revenue source. ED Fasold and several Board members discussed how to make the tourist business pay a larger share of keeping the city safe. Suggestions ranged from a program like "A Quarter for the Quarter" program, or an additional, minor sales tax on the hotel rooms in the Entertainment District area would have visitors contributing towards 911. Dr. Aiken remarked that a combination of all of the solutions mentioned above is probably the answer to increasing OPCD funding. He suggests leveraging every source of income available to OPCD before asking to raise rates on tourists and residents.

OIG Report on Hexagon Procurement

Chair Avegno reported that the Office of the Inspector General released their report on the former OPCD Executive Director and the procurement process of the Hexagon Records Management Software. Board members discussed their reactions to the report. Chair Avegno reiterated that the Board faced a lot of work and welcomed the critiques of OPCD processes described in the report. She said many of the reforms had already been implemented, and she looked forward to using the new Board committees to further advance accountability and transparency at OPCD.

VII. ANNOUNCEMENTS

Chair Avegno announced the next board meeting is scheduled for Tuesday, January 14th, 2025 at 10:00 AM.

ED Fasold announced he would distribute 2025 Board Meeting invitations to all Board members and their proxies.

VIII. ADJOURN

Dr. Marino made the motion to adjourn the meeting, and Director Arnold seconded the motion. The motion passed unanimously.

Meeting was adjourned at 11:15 am.

Submitted by,



Karl Fasold
Executive Director