

**MINUTES OF THE
9-1-1 BOARD OF MANAGERS' MEETING**

September 8, 2010

LOCATION: 9-1-1 Board Room
150 Hilbig Road, Conroe, Texas

ATTENDING: Jody Binnion, President
Paul Virgadamo, Vice President
Ann Carr, Treasurer
James Simon, Member
John Young, Ex-Officio Member
Larry Foerster, Legal Counsel
Gordon Lopez, Executive Director
Jeanne Frey, Database Manager
Russell Steffee, Systems Operations Manager
Terri Gill, Executive Assistant

GUESTS: Frank Marshall, MCHD
Shawn Trainor, MCHD
Chief Deputy Randy McDaniel, MCSO
Captain Peggy Frankhouser, MCSO
Lt. Joseph Sclider, MCSO
Chief Phillip Dupuis, Conroe PD

ABSENT: Ruben Garza, Secretary

Chief Jody Binnion, President, called the meeting to order at 9:00 a.m., noting that Mr. Paul Virgadamo was on his way and Mr. Ruben Garza was unable to attend.

PUBLIC COMMENTS

No one requested to address the Board of Managers.

INVESTMENT AUTHORITY AND SCOPE OF POLICY FY 2010/2011

Chief Binnion noted item one of the agenda, discuss and take action on investment authority and scope of policy fiscal year 2010-2011.

Mr. Gordon Lopez, Executive Director, explained that the policy requires annual review and approval. He enlisted the aide of Linda Patterson with Patterson and Associates, as well as Robert Gunter of Gunter Consulting to review the policy and bring it in line with current regulations regarding public funds investments, as well as policies at the City of Conroe, Galveston County Emergency Communication District and others. Once the revisions provided by Linda Patterson and Robert Gunter were completed, the policy was sent to Mr. Robert VanWassehnova for a final review who agreed with the policy as revised. Action on the policy was deferred to the November Board meeting pending review by the Board of all the changes to existing policy.

TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES ELECTION

Chief Binnion noted item two of the agenda, discuss and take action of Texas Municipal League Intergovernmental Risk Pool Board of Trustees election. Chief of Staff Carr made the motion not to submit any candidates. Mr. James Simon seconded the motion. The motion carried with all in favor.

RESEARCH POTENTIAL NEUTRAL SITE FOR 9-1-1 CALL-TAKERS OR CONTRACTING WITH A PUBLIC AGENCY OR PRIVATE ENTITY

**Note: Mr. Paul Virgadamo arrived.

Chief Binnion noted item three of the agenda, discuss and take action for MCECD to research a potential neutral site for 9-1-1 call-takers, or contracting a neutral site to a public safety agency or private entity.

Mr. Lopez addressed this item by indicating the District has been looking at the cost figures that we are expending for 9-1-1 call-takers and assessing 9-1-1 call parameters. 9-1-1 call volumes have not increased significantly from 2005, and expenditures are going up every year, which will impact the 9-1-1 budget. The District pays 31% of its operating expenses for 9-1-1 call-takers. An option is to see if a neutral call-center, contracted to another agency, or manned by MCECD, will introduce efficiencies that are not now being realized, and cost-savings to the District. A neutral site meets the criteria that the District requires for 9-1-1 service provisions. The District provides for the transfer method to transfer calls to other public safety agencies, using Automatic Number Identification (ANI) and Automatic Location Identification (ALI), and selective routing, as identified in Chapter 772 of the Texas Health and Safety Code.

9-1-1 revenues remain flat. The District receives \$0.50 per month, not per call, on wireless calls. The State collects the funds and retains \$0.15, remitting \$0.35 to the District. For residential calls, on average, \$0.62 per month is collected. Monies for pre-paid wireless are not being collected as of yet. Two percent of the retail price will be collected by the State. It is unknown what their administrative fee will be. In the fiscal year 2011 budget that was approved by Commissioner's Court, the City of Conroe and eight other municipalities; the District has \$927,030 9-1-1 call-taking for the MCSO. It averages out to \$56,455 per person for all of their call-takers. The total annual figure is \$1,242,030 for 22 call-takers; 17 at MCSO and 5 at CPD. The \$56K for the SO includes a 5% fee to Montgomery County for administrative costs which adds up to about \$15K per year. Call-taker budgets for salaries, overtime, benefits are increasing.

Captain Peggy Frankhouser clarified that the 17 call-takers funded include 4 supervisor positions. The authorized staff for MCSO is 50. Of these a Lieutenant, a civilian supervisor, an open records clerk and the other positions that make up 32 that MCSO authorizes are all dispatchers. With the 17 positions that 9-1-1 gives this is 17 plus 32 or 49. When you factor in sick time, training time, leave time, it takes an inordinate amount of people just to get the phone answered. The call-takers are spread out across call-taking and dispatching duties and handle non-emergency calls throughout the county also. Prompted by Mr. Virgadamo; Capt. Frankhouser clarified that of the 50 people they have, she has to field two shifts, 24-hours a day, 365 days a year. She tries to get 11 people, at least, there every shift.

Chief Phillip Dupuis of the CPD indicated he has no supervisors in their agreement nor are 9-1-1 funds used for overtime.

Chief Binnion questioned how many people it actually takes from day to day to answer 9-1-1 calls. Chief Dupuis indicated that it was simply dividing the number of 9-1-1 calls received by the number of call-takers provided. Capt. Frankhouser clarified that the type of call dictates how long it lasts. Mr. Lopez commented that the standard staffing computations in 9-1-1 are for 9-1-1 calls only. They are not for dispatching, for radio or for

10-digit concierge service. Using the Bell Services West PSAP calculator, a minimum standard for a neutral site for handling a call and transferring it is 30 seconds or less. You take the number of call-takers answering calls, the percentage of 9-1-1 calls that are wireless and include the minimum standard as a constant. In this county 70% of the 9-1-1 calls are wireless. The District follows these calculations which are considered NENA standards as far as staffing is concerned with the NENA standard that calls to fire and EMS are to be transferred without delay.

Mr. Lopez added that another reason for reducing the costs is that the District has the smallest budget in the County. The MCSO budget is fifteen times bigger than our budget. The premise of 772 says that the primary responsibility is for the District to provide a 3-digit primary emergency number for emergency calls. A second premise is to provide systems and equipment. The District is taking the stance that conceivably a neutral can relieve the SO of 30% of the calls. Thirty percent of the calls, approximately 30-33% are 9-1-1 calls. Almost 70% of the calls are 10-digit calls.

Prompted by Mr. Simon as to the amount of call-takers a neutral would require and what the cost would be. Mr. Lopez responded that for a 9-1-1 call-taker, from a neutral site, the credentials and certifications are much less than a call-taker who has to be certified for TCLEOSE and any of the other requirements that dispatchers and radio personnel have. SO call-takers are averaging from entry wages of \$13.25 to the higher wages. The cost includes their hourly wage, their overtime, their health insurance, their retirement, the administrative fees, and the state unemployment as well. It is all those things together that bring it up to \$56K per year. Mr. Lopez indicated he was asking the board to allow him to pursue a neutral and report back to the Board what savings can be realized because a neutral call-taker does not require the certifications or the wages that a dual dispatch/call-taker does.

Mr. Lopez pointed out that currently, rings are not being answered in time at the dispatch center per standards for rings and duration of calls. He already had given the durations. A neutral should only have to handle a call within 30 seconds. Currently, call durations run anywhere from two minutes minimum to over fifteen minutes on a lot of calls that are being handled. He thinks it behooves us to move forward and see if we cannot alleviate the SO of some of this call-taking responsibility and also introduce some cost savings and efficiencies into the current call-taking environment. Captain Frankhouser, with Ann Carr's concurrence, pointed out that from their viewpoint if you have a neutral 90% of the calls will still come back to the Sheriff's office.

Chief Binnion stated that it does not hurt us at all to go out and experiment with the numbers. Ann Carr agreed that we need to pursue whatever venues are available but making certain we give adequate support to call-takers.

Mr. Lopez indicated that we have to take into account that one huge township is going to incorporate. We need to be prepared to consider that a lot of the calls are going to go to that township directly, much like CPD, if they petition for a PSAP. At least four other municipalities may petition in the future for PSAPs. These are all geographically distinct areas that could, if their populations grow, go into three shift type PSAP environments. Mr. Lopez noted, what a neutral does, is give you the flexibility without having to change interlocal agreements, or whatever, to provide that service down the road. This would alleviate some of the 90% the Captain referred to.

At this point Chief Binnion asked if a motion was available to go out and research a potential (neutral) site or not.

Mr. Simon made a motion to go out and research. Mr. Virgadamo asked Mr. Lopez if this is just research and he is going to come back with numbers. Mr. Lopez: indicated they would come back with numbers. Mr. Simon added that he made a motion but would like to have a presentation. Mr. Lopez confirmed that was scheduled for item number five of the agenda. Mr. Simon acknowledged that.

Chief Binnion indicated they had a motion on the floor and needed a second. Mr. Virgadamo replied he would

second, if Mr. Lopez was coming back with some numbers. Mr. Lopez replied they would provide them at the November board meeting. Chief Binnion stated they had a motion and a second and asked for more discussion if any. No discussion ensued. The motion carried two for one against.

RENEGOTIATE 9-1-1 COMPENSATION AGREEMENTS WITH THE MONTGOMERY COUNTY SHERIFF'S OFFICE AND THE CONROE POLICE DEPARTMENT

Chief Binnion noted item number four, discuss and take action to renegotiate 9-1-1 compensation agreements with the Montgomery County Sheriff's Office and the Conroe Police Department.

Mr. Lopez indicated that all interlocal agreements have to be reviewed and renegotiated. PSAPs are changing locations, the backup center will be relocated and 9-1-1 equipment is being installed at the OEM. The two main ones that Mr. Lopez placed before the board are the interlocal agreements for CPD and the SO. One, the discretionary language needs to be tightened up. Second, all the agreements call for annual review. Mr. Lopez doubts they have been reviewed annually. The agreements, also allow the parties 120 days to get out of the agreements. Reviewing and revising, is within the line of what the interlocal agreements call for. Mr. Lopez recommended that the policy subcommittee review the agreements: the old and the new. Then with our legal advisor move forward to renegotiate them.

Chief of Staff Carr made a motion that this be deferred until our next meeting to give them more time to study it and she thinks that both the county and the city would need to have their attorneys review them. Mr. Lopez clarified that basically what the Board has is a draft. Mr. Simon seconded the motion. Mr. Larry Foerster questioned whether to defer until the next meeting. Mr. Simon affirmed so.

Mr. Foerster suggested that before they are sent to either Conroe or the County, that the Board reviews them to see if they are comfortable with them. Changes can be made and then presented to the County and the City.

Chief Binnion noted that they have a motion and a second to defer until the November meeting and asked if any more discussion were needed. Mr. Lopez asked if they wanted a re-transmittal of the old ones. Chief Binnion and Chief of Staff Carr said yes. The motion to defer passed with all in favor.

MONTGOMERY COUNTY REQUEST THAT MCECD FUND SIX ADDITIONAL 9-1-1 CALL-TAKERS POSITIONS FOR THE SHERIFF'S OFFICE

Chief Binnion noted item number five, discuss and take action on the Montgomery County request that MCECD fund six additional 9-1-1 call-taker positions for the Sheriff's Office.

Captain Peggy Frankhouser distributed handouts and explained the call-taking statistics chart and numbers. She noted that they are in the red as far as the phone answering capabilities. It is no surprise that they are not meeting NENA standards that Gordon alluded to, which only has to do with 9-1-1 calls. For the past three years in the budget, she has asked for eight people, through County Commissioners. The Captain noted that each year Sheriff Gage has gone back and asked for dispatchers for his office. This year was no exception. She asked for eight. He asked for six and got zero. The Captain said she spoke to Ann Carr about the issue and that it is not a secret among the people in the room that they cannot perform the way the call-taking needs to be done. She met informally with the commissioners and they directed her to come to the District Board and ask for six positions.

The Captain referred back to what Gordon was saying that a neutral 9-1-1 call-taker does not have to be as skilled or that they do not have to meet the criteria that you have to meet working in law enforcement. You have to have certain training and experience. They offer a much broader service than just "9-1-1 what is the location of your emergency, do you need police, fire or EMS". They have changed the ring tone on the phones, they have trained and retrained people, and they have encouraged them in every way. They have spruced the place up and bought

new computers. All call volumes in the county continue to grow, not just 9-1-1.

Chief Binnion stated that somebody has to be able to tell him how many 9-1-1 call-takers it actually takes to do the job from day-to-day. Mr. Lopez replied that based on the computations that he gave the Board on a neutral site and based on 9-1-1 calls only, they would need, in order to handle SO and CPD, probably sixteen bodies. For SO's 9-1-1 calls only we would only need twelve. SO is adequately manned for 9-1-1 calls. Chief Binnion noted that what he is trying to grasp is what number we are responsible for: The whole scope of day to day operations. Captain Frankhouser replied that its 9-1-1 calls.

Chief of Staff Carr indicated her concern that minimum wage personnel would be answering the phone in a neutral. Captain Frankhouser stated that based on KR Moore's study, she compiled the salary study of the dispatchers. She classified the dispatch/call-takers in slot 8. Currently they are at slot 6 pay. The County is not funding the appropriate pay slot for the call-takers. She believes that if it was funded properly with an adequate number of people; call-takers would not have to be on family leave and constantly sick with chronic illnesses.

Mr. Lopez corrected that at no time had he mentioned minimum wages. What is impacting the District is not only the wage structure; it is also the benefits, raises and the overtime from year to year. Somewhere there is going to be a breaking point. Is it going to be the 41% of the budget based on six additional people or is it going to be 50%?

Chief Binnion addressing Gordon, stated that he had met with Ann on this and the fact that we have got NG9-1-1 coming up and updating all our equipment etc.; if we fund six positions, who will fund them next year because it is not going to be us. It is not going to be 9-1-1.

Mr. Lopez indicated the cash available on our budget summary will probably be 50% less next budget cycle, because the District is expending it this year and next year on the IP networks and the IP-enabled equipment. Going forward he will build for the next five year equipment replacement cycle, and also for equipment upgrades and such. All this has to be taken into account. Salaries are being paid to other agencies that he has no authority to regulate as to how they use the money and based on the interlocal agreements; it is at their discretion how many bodies they need. This puts the District in a bad position to argue that there are certain national standards on staffing a center for 9-1-1 call-taking. That is the conflict and we have to look at it closely whether the District and the Board are going to start establishing caps, or start looking at what we want to pay.

Chief Binnion asked Mr. Lopez if the standards exist in the new interlocal agreement he is requesting they meet.

(Tape turns over here)

Mr. Lopez: stated that the agreement language needs to be tightened up. That they (SO, CPD) come to the board and the District, and tell us by April 15th exactly how much money they are going to need for the next year, and what they are going to use that money for. Captain Frankhouser stated that their budget process is not finished until the first of August. Captain Frankhouser continued that she knows she is not meeting the required NENA standards. She needs help and she was there on behalf of the commissioners court asking for some help to try to get these phones answered, and the services out there.

Mr. Virgadamo asked for affirmation that basically 9-1-1, our role here is to fund positions that answer 9-1-1 calls strictly. Mr. Lopez clarified 772 indicates that 9-1-1's primary responsibility is systems and equipment. Mr. Virgadamo stated that regardless we are funding 22 positions. Mr. Lopez added that eighteen of the Districts have taken the stance in this state that they are not funding call-taking at all. That is eighteen out of 24 Districts. The COGs have many more PSAPs than Districts do. They do not fund call-taking at all.

Mr. Virgadamo noted we need to be real careful. When you bring six people on board, where ever you are, they do not go away. Chief Binnion confirmed that they do not. Mr. Lopez stated we did not even have an inkling of

six additional people for call-taking during our budget process. It never came up.

Mr. Lopez asked the Captain if her approach to the District was that she really did not need the six people for 9-1-1 call-taking. She needed them to relieve everything else. Captain Frankhouser responded that her approach was, that the county had not provided any additional positions for a long time and believed based on the call volumes that it was the county that needed to provide the positions.

Mr. Lopez commented that he is concerned because the SO started out with a certain number in 2004 and in 2006 the interlocal agreement was amended again to add four people and now we are in 2010 wanting to add six more people. Yet the 9-1-1 call volumes have not increased that much. Captain Frankhouser stated they had. They went from 144,000 in 2007, to 145 to 167 and already this year for the first seven months they are at 98,000. So you see an increase.

Mr. Lopez asked what the protocol is for a transfer to EMS and fire. Captain Frankhouser responded that the protocol is to start building the call in CAD and transfer. They do it simultaneously. They try to type, talk and transfer. It depends on the situation. Every situation is different.

Mr. Virgadamo stated what worries him is where does this stop? What is going to stop the City of Conroe from asking for five more positions next year? Chief Dupuis commented that unless he tells him not to, he will be here next month because he has the same statistics the Captain has. Mr. Virgadamo then asked if it is our role to more positions and if we are setting a precedent here; that we cross a line that we cannot keep up year after year. He thinks we have met our responsibility.

Chief Binnion stated we need to have a workshop with the judge, county commissioners and the sheriff and explain our financial situation to make them understand where we stand financially. Chief of Staff Carr agreed, adding that, sitting in the chair she sits in at work she would not be allowed to vote on this. She stated we have to meet our responsibility as a 9-1-1 emergency communication district. The District is now short of funding, but she agrees we need to talk with the City of Conroe and the commissioners and let them know this is not cash cow sitting here with a boatload of money. Mr. Virgadamo affirmed that is the concern.

Chief Binnion indicated he would like to see the District do a workshop with a representative within the next couple weeks. Mr. Simon agreed and Mr. Virgadamo indicated he wants to have one more discussion about it.

Chief Binnion asked how we can get the city and the county to participate and who wants to have Gordon get a workshop with the judge and sheriff. Mr. Lopez commented that he could do that and asked if someone from the city is needed. Mr. Virgadamo said he would have someone there. Mr. Lopez then asked who would be representing the county if it would be the Judge. Chief of Staff Carr responded she thinks it is going to be her but needed to delegate the county representation to the Captain. She would like to have the Captain and the Chief to represent Montgomery County, because if you ask the judge, he is going to delegate it there. Chief Binnion agreed. Ann Carr stated she would also like to see at least two people on commissioners court invited to this meeting.

Mr. Foerster suggested that if the Board is going to do this, to just have a board meeting and invite the key players to the board meeting so the entire Board has the access to the information, exchange of information. The board can then make an informed decision or a better decision on which way to go. He wanted to clarify one thing the Captain talked about previously. It is his understanding that when she went to the commissioners' court she asked for six positions for dispatchers and they turned her down but she did not come to 9-1-1 asking for one or two or three or six more 9-1-1 call-takers. She was here because commissioners' court turned her down and commissioners' court asked her to come to 9-1-1. Captain Frankhouser responded that she asked them for dispatch positions, county-funded positions.

Mr. Lopez asked if they wanted a special board meeting, if that is what they were saying. Mr. Foerster suggested

a special board meeting so that everybody on the board has access to this information and he asked whether in the meantime Mr. Lopez is going to do some research on the neutral. Mr. Lopez confirmed they would.

Mr. Foerster asked what would be the options for a neutral site. Mr. Lopez replied that if we administered it, it would be like it was before and if contracted with somebody else, it will be at their center. Mr. Foerster stated that means maybe the hospital district but asked what other options are available: Possibly going to Harris County and asking them to do it? Mr. Lopez noted he did not think that would happen.

Chief Dupuis stated that Conroe PD does not want to lose their PSAP. Going neutral for them would be going backwards, and he does not want to answer the county's calls.

Chief Binnion indicated that on item number five we are going to defer to a special meeting and Mr. Lopez's assistant is going to need to get with Ann, the sheriff, etc. to see what date is good. Chief Binnion confirmed that after the 27th is preferable.

Captain Frankhouser thanked everyone. Chief of Staff Carr, Mr. Simon and Mr. Lopez thanked the Captain.

CLOSED EXECUTIVE SESSION

Chief Binnion adjourned the open meeting to closed Executive Session at 10:21 a.m.

RECONVENE REGULAR MEETING

Chief Binnion reconvened the regular meeting at 10:33 a.m., noting item seven of the agenda, consider and take action if necessary on personnel matters, (a) employee wages and salary treatment. Mr. Simon made the motion to accept it as presented. Mr. Virgadamo seconded it.

Chief Binnion stated we have a motion and a second. Ms. Gill stated that for the minutes as presented does not really tell us (what to do). Chief of Staff Carr replied it is a three percent merit pool. Mr. Virgadamo added, up to three percent based on evaluation. Mr. Lopez confirmed it.

Chief Binnion noted that we have a motion and a second and asked for any more discussion. He asked all in favor to say aye. The motion passed with all in favor.

CONSENT AGENDA

Chief Binnion noted item eight of the consent agenda, meeting minutes for July 14, 2010 and the attached Memo from the Financial Subcommittee. Mr. Paul Virgadamo made the motion to approve the minutes. Mr. James Simon seconded the motion. The motion carried with all in favor.

Chief Binnion noted item nine of the consent agenda, monthly financial statements for the periods ending June 30 and July 31, 2010. Chief of Staff Carr made the motion to approve the monthly financial statements. Mr. Virgadamo seconded the motion. The motion carried with all in favor.

Chief Binnion noted item ten of the consent agenda, quarterly financial statement for the period ending June 30, 2010. Chief of Staff Carr made the motion to approve the quarterly financial statement. Mr. Simon seconded the motion. The motion carried with all in favor.

CONSIDER AND DISCUSS OTHER MATTERS REQUIRING ATTENTION BUT NOT IMMEDIATE ACTION

Chief Binnion noted item eleven of the consent agenda, consider and discuss other matters requiring attention but not immediate action, (a) NG9-1-1 project update.

Mr. Lopez addressed the NG9-1-1 project. We have signed contracts for the IP-network elements to establish our self-healing SONET ring for the new IP-network with AT&T. We have also signed contracts for delivery to start September 17th of the IP-enabled equipment. We have gone with Plant CML equipment, so it is going to be a complete change out from Positron to Plant. Russ is the project manager.

We are going to tender a check to AT&T for 62% of the initial purchase price and the remainder will not be tendered until the project is complete. We are hoping to complete it at least by the February or March timeframe, in the spring, prior to the next hurricane season. We should have everything in place by that time including our back-up center at the OEM. A sizable amount of the check is going to be withdrawn from the cash reserves that we have at this point, as was approved for expenditure this year. We are running short on time due to the fact that we wanted to do a close comparison between the Positron offering and the Plant offering. We came to a conclusion towards the end of June.

Chief Binnion asked if Mr. Gunter's is going to be part of that project. Mr. Lopez replied that no, he is not part of this project. What he has been doing with Gunter, is using him as a consultant. He is helping with administrative items such as with the interlocal agreements. Mr. Lopez is having him work on that and, for example, the investment policy. Mr. Lopez wanted him to review it more in depth than Linda Patterson did, just to make sure we compare with the city and the other agencies on the investment policy.

Chief of Staff Carr asked if he is submitting invoices prior to payment. Mr. Lopez confirmed that he is. Chief of Staff Carr requested a copy of it before the payment is made. He submits the invoice for payment, the Board approves it in a board meeting and then we can cut the check. Mr. Virgadamo affirmed that. Mr. Lopez said he would. Chief Binnion asked if anyone had a problem with that. Mr. Lopez commented that it can be taken a step further, because 772 basically says that the Director can contract for consultants and whatever. As far as approval of the invoices, he'll be glad to give the Board the invoices, but he'll be doing it for everything he contracts. Chief Binnion commented that she (Ann Carr) is the treasurer. Mr. Lopez noted that we will do that.

Chief Binnion asked if there was anything else. He requested a motion to adjourn. Mr. Virgadamo made the motion to adjourn. Mr. Simon seconded the motion. The motion carried.

The meeting adjourned at 10:37 a.m.

Attest:

Ruben Garza
Secretary

Jody Binnion
President