

**Park City Fire Service District
Administrative Control Board – Special Meeting Minutes
Fire District Administrative Office Building
736 West Bitner Road, Park City, Utah
June 30, 2016**

Administrative Control Board special meeting called to order: 6:00 p.m.

Board Members Present: Chair Christina Miller, Vice Chair Jay Dyal, Treasurer Michael Howard, and Member Dianne Walker (Dianne arrived at 6:04 p.m.)

Board Members Absent: Secretary Jack Thomas

District Personnel Present: Human Resources Officer Patti Berry

Additional Attendees: County Council Member Roger Armstrong and County Manager Tom Fisher

I. Convene the Special Meeting of the Administrative Control Board

Chair Miller began by stating this was a special meeting of the Park City Fire Service District Administrative Control Board and called the meeting to order. Roll call was taken at which time Chair Miller, Vice Chair Dyal, and Treasurer Howard identified themselves as present. Chair Miller stated Secretary Thomas was absent due to a city council meeting and Member Walker was expected to attend but would be late. A majority of the Board was present and the meeting continued.

II. Closed Executive Session

Vice Chair Dyal made a motion to move into closed session. The motion was seconded by Treasurer Howard and passed 3-0.

The Administrative Control Board met in closed session to discuss a personnel issue from 6:01 p.m. to 7:00 p.m. Those in attendance were Chair Miller, Vice Chair Dyal, Treasurer Howard, and Member Dianne Walker (Dianne arrived at 6:04 p.m.), County Manager Tom Fisher, and County Council Member Roger Armstrong.

Vice Chair Dyal made a motion to dismiss from closed session and reconvene the special meeting of the Park City Fire Service District Administrative Control Board. The motion was seconded by Board Member Walker and passed 4-0.

III. Reconvene the Special Meeting of the Administrative Control Board

Chair Miller noted that Member Walker joined and participated in the closed session.

Chair Miller stated she would like to entertain a motion for suggested modifications to Chief Paul Hewitt's employment agreement currently dated April 7, 2015, understanding that these proposed changes if voted on by this ACB would need to go to the County for ratification.

The proposed changes are as follows: the employment agreement would be made and entered into on June 30, 2016; whereas there would be a correction of a typo, the Chief's first date was February 18, 2011, not September 18, 2011. The second whereas would state that his current employment agreement began on April 7, 2015, and would expire pursuant to the terms of this agreement. The third whereas would state the ACB desires to revise employee's employment agreement. The fourth whereas would state that on the 30th day of June, 2016, the District by the Board in its special meeting passed a resolution continuing the appointment of an employee as its Fire Chief pursuant to this contract. The fifth whereas would be removed.

Under Paragraph 1, "The Term," the term of the agreement would be effective January 2016 and would continue until terminated.

Under Paragraph 2a, "Compensation and Benefits," based salary would be increased to \$148K, with the opportunity to receive annual raises as determined by the Board.

Under Paragraph 2d, we would add to the end of that sentence that Chief Hewitt would receive those benefits pursuant to the benefits offered to a 20-year District employee in accordance with the District's established policies.

Under Paragraph 2f, Chief Hewitt is currently receiving 11.28% because the District cannot contribute on his behalf to the retirement system. The proposal is that he continue to receive the 11.28% but another 11.72% be paid to him in a different manner, either paid in a retirement-type vehicle if allowed by County policy and law, or be paid to him as a line item of a reimbursement but with an offset for taxes, so his net effect would be the same.

Paragraph 2g would be modified to state that the employee shall receive all allowances other employees receive in accordance with the District's established policies.

Paragraph 2h, "Civic Club Memberships," would be added to state that the District recognizes the desirability of representation in and before local, civic, and other organizations, and the employee is authorized to be a member of a civic organization of his choice, for which the employee will be reimbursed necessary dues and expenses up to \$2K annually.

Paragraph 4c, "Termination and Severance," would remain as written in the modification, except the 12 would change to 6. Board Member Walker commented that she thought we were doing 12 and the language on termination would be tightened. Chair Miller replied it would be 6 months of

base salary or 12 months with a mitigation clause that Chief Hewitt would be required to make good-faith efforts to find employment, and whatever he received in terms of base salary and other benefits in that employment would be offset from the severance pay and reduce the severance pay that this District would pay accordingly.

A question was raised about the termination language, and Chair Miller replied that one suggestion is to have the language in the same motion under subparagraph 4b be tightened up, and we would ask the County for some assistance on language so that this would also include not just gross negligence, but make it consistent with other contracts in the County.

HR Berry asked about the other consideration paragraph and that there would not be an option to do another retirement vehicle according to Utah retirement regulations. A 401 or 457 option for the retirement vehicle is not allowed under Utah Retirement Systems (URS). Chair Miller replied that they were thinking it would not be an actual retirement account, but more of an investment account for which some ground rules are laid that Chief Hewitt cannot get into that investment account until retirement. HR Berry said the language in URS talks about other retirement options, so any type of retirement vehicle would not be an option. Chair Miller said that is why the motion will be made as “either/or” with the purpose of trying to get it to a 23% net effect to Chief Hewitt. It would either be paid in a vehicle if we can pay the extra 11.72% in a vehicle, or it would be paid as a reimbursement, which is not part of salary, and then being reduced for what his tax effect for that 11.72% would have been.

A motion was then made by Vice Chair Dyal to revise Chief Paul Hewitt’s contract as stated. Treasurer Howard seconded the motion.

At this time Chair Miller relayed some comments from Secretary Thomas, who was not able to attend the meeting, as follows: Secretary Thomas was sad to hear that Chief Hewitt would be leaving, he had not spent much time with him but did hear that Chief Hewitt was good and seems to be a good fit for the job. Secretary Thomas used to work for a recruiting firm and said we would have to start a search for a new chief, and Secretary Thomas is worried that Chief Hewitt was halfway out the door by already going down this road with another fire district.

The motion was seconded by Treasurer Howard and passed 3-1 with Chair Miller, Vice Chair Dyal, and Treasurer Howard placing votes for the motion, and Board Member Walker placing a vote against the motion.

Chair Miller stated she would revise the agreement so the County can be presented with a final copy. She will meet with Brian Bellamy and/or Robert Hilder to review the terms.

Chair Miller continued by stating that if the County approves this but it’s not something Chief Hewitt says he can do, Chair Miller will let everyone know. She will talk to Chief Hewitt about this and will let everyone know if she is not going to pursue this with the County. Short of that, Chair Miller will call Robert Hilder and Brian Bellamy to see if she can meet with them tomorrow

before she leaves town. We plan on trying to put some fine touches on this and then it will be presented during closed session on the 13th.

County Council Member Roger Armstrong said he knew that Chief Hewitt had worked in Salt Lake, Arizona, and here, but asked if he has ever worked in California. The answer was no, he has not.

County Manager Tom Fisher asked about the housing allowance for employees – do you have to live in the County to receive it? The answer is you must live in the District to receive the allowance. A comment was made that it is probably not enough. HR Berry said the \$3K allowance has been the tipping point for a few personnel to live in the District, but not enough. Chair Miller said if we expanded it to a radius, it might have quite an effect. A comment was also made that the District could expand in the future. Another comment was made that Park City is still trying to rehabilitate its relationship with Wasatch County due to a building issue, so caution should be taken.

County Council Member Roger Armstrong said he would be happy to help with any language on termination and mitigation, and Chair Miller said she would like him to send an example to her.

Chair Miller said she would be talking to Chief Hewitt following this meeting and others were welcomed to join her if they wanted.

IV. Adjournment

Vice Chair Dyal made a motion to adjourn and it was seconded by Treasurer Howard. The special meeting of the Park City Fire District Administrative Control Board adjourned at 7:20 p.m.

The next regularly scheduled meeting of the Park City Fire District Administrative Control Board will be held July 12, 2016 beginning at 6:30 p.m. in the PCFD Administrative Offices, 736 West Bitner Rd., Park City, Utah 84098.

Approved: _____

Date: _____