

**Park City Fire Service District
Administrative Control Board – Work Session Meeting Minutes
Fire District Administrative Office Building
736 West Bitner Road, Park City, Utah
April 2, 2019**

Administrative Control Board work session called to order: 5:35 p.m.

Board Members Present: Chair Jay Dyal, Vice Chair and Treasurer Michael Howard, Secretary Alex Butwinski, Board Member Christina Miller, and Board Member Tim Henney

District Personnel Present:

Chief Paul Hewitt
DC Bob Zanetti
BC Pete Emery
FM Mike Owens
Captain Ashley Lewis
CFO Del Barney
Human Resources Officer Patti Berry
Admin. Asst. Debbie Colgan

Additional Attendees: LeGrand Bitter, Executive Director of the Utah Association of Special Districts; and Jon Haderlie, Larson & Company

I. Open and Public Meetings Training

Open Meetings Training

LeGrand said there were not many changes made during the last year regarding open meetings. The training he is providing today fulfills the requirement that the presiding officer of a public body ensures that members of that body receive open and public meetings training each year. Within one year of appointment or election all board members with respect to districts must receive additional expanded training once every four years or once during their term, but for each term that they are reelected or reappointed. All governmental non-profits are now required to do this expanded training as well.

A meeting is subject to the open and public meetings law if a quorum is present, whether it is convened or not. If you have a quorum present it applies to workshops and executive sessions as well; it does not matter what you call the meeting, if a quorum is present the meeting is subject to the law. It does not apply to chance meetings or social settings. It is important to differentiate between executive sessions and closed meetings; executive sessions are meetings of the executives of the board and subject to the open and public meetings law, but closed meetings are closed to the public and the press. With a 5-member board, an executive session with 3 members present would be subject to the law. A question was asked on how the Republican caucus can

have a majority of them meet without it being an open meeting, and LeGrand replied it is because it is not required in the statute.

A public body that is subject to the open and public meetings law can hold an electronic meeting if they have a policy in place allowing them to do so. Whether a quorum has to be present at the base location in order to hold an electronic meeting is based on the policy in place.

The definition of electronic messaging is essentially any means of electronic messaging, including texts and emails. A member of a public body can transmit as many electronic messages to other members of the public body as they want as long as it is not transmitted during a public meeting. When board members electronically communicate outside an open meeting, no decisions can be made. Messages between board members are subject to GRAMA. LeGrand said some districts discourage having electronic communications with a quorum of the board, but there are also some that do not specifically discourage it. An example of an acceptable use of electronic communication to a quorum of the board is District personnel texting members of the board with a reminder of a meeting date. LeGrand said board members just need to be aware that all communications that deal with the public's business are subject to GRAMA.

In the legislature, as long as any communication they have is not dealing with the public's business in their official capacity as legislators, it is not a record. LeGrand said he asked a senator if this applies only to legislators or all public officials, and the senator replied it applies only to legislators. LeGrand said he hopes to run a bill in 2020 that would allow all public officials to fall under this rule.

Meeting agendas must include reasonable specificity and each topic shall be listed as a separate agenda item. You can only discuss a topic not listed on the agenda if it is raised by a member of the public, but you cannot take final action on it. If a quorum is not present for a public meeting, the meeting may still be held but no action may be taken during the meeting. Notices of meetings must be posted in the principal office of the public entity, published on the public notice website, and provided to a local newspaper or media correspondent. Regular meeting agendas do not need to be published in the newspaper; however, public hearings regarding taxes or fee increases do need to be published in the newspaper, or if a newspaper is not available, at three places within the public body's boundaries. Regular meetings require 24 hours' notice, but you do not need any notice to cancel a meeting. There is no limitation on the number of meetings you may hold in a year.

Effective in May, budget, fee, and tax hearings may be combined in one hearing. No other agenda items may be on the agenda following the beginning of a public hearing for these purposes, with the exception of discussion of and/or action on the items for which the public hearing was held. Public hearings may not begin before 6:00 p.m.

Emergency meetings may be held for unforeseen circumstance and public bodies need to give the best practicable notice of the date, time, and place of the meeting and all items to be

considered. An attempt must be made to notify all board members and the majority must approve of the meeting.

Closed meetings are closed to the public and the press and may be convened only for specific purposes as defined in statute. The defined purposes are to discuss the character, competence, or health of an individual; deployment of security personnel, devices, or systems; collective bargaining issues; pending or reasonably imminent litigation; investigative proceedings regarding allegations of criminal misconduct; the purchase, exchange, lease, or sale of real property; and information that is *at the time of discussion* required to be maintained as private or protected by the procurement statute, including trade secrets. Bids from competitors falls into this last category. Closed meetings may not be used to interview candidates applying to fill an elected position, discuss filling a mid-term vacancy, or discuss filling a temporary absence.

Closed meetings may only be convened from a properly noticed open meeting. There must be a motion to enter a closed meeting and a two-thirds vote is required from board members present. No board action may be taken in a closed meeting. The motion to convene a closed meeting must be publicly announced and recorded. The reason for closing the meeting must be clearly stated and the location and vote of each board member of the closed meeting must be recorded.

No recorded minutes of a closed meeting are required if the meeting is closed to discuss the character, competence, or health of an individual; or the deployment of security personnel, devices, or systems. In lieu of recorded minutes, a sworn written statement that the meeting is closed for one of those reasons must be obtained. All other purposes for going into closed sessions require that the closed meeting must be recorded. Detailed written minutes of the closed meeting *may* be kept, but they are not required. Closed meeting minutes (recorded) shall include the date, time, and place of the meeting; names of board members present and absent; and names of all others present. Closed meeting recordings are not available to the press or public.

Closed meeting minutes are protected records and are retained according to the archives records retention schedule, which is currently permanently. It is a Class B misdemeanor for any member of a public body who knowingly or intentionally violates, or who knowingly or intentionally abets, or advises a violation of any of the closed meeting provisions (UCA 52-4). All public officials are required to take the annual training for open and public meetings and, therefore, should be aware of this.

Written minutes and an audio recording are required for open meeting minutes, except for a site visit or traveling tour where no vote or action is taken and then either written or audio minutes are allowed. Open meeting audio or video recordings and written minutes are public records, and an audio or video recording of an open meeting must be converted to written minutes. Electronic recordings of an open meeting shall be available to the public for listening within 3 business days after the end of the open meeting.

Pending minutes are written minutes of an open meeting that are prepared in draft form and are subject to change before approval. They shall be available within a reasonable time, which

statute currently states is 30 days. Pending minutes that are made public before approval shall be clearly labeled as “unapproved” or something similar. Districts are not required to post pending minutes, but they do need to be available within 30 days after the date of the meeting. Boards are to establish procedures for approval of written minutes of each public meeting.

Approved open meeting written minutes are the official record of action taken and must be properly labeled and retained permanently. Open meeting recordings must be retained for 24 months after adoption of the written minutes. Recordings are kept for this period of time for the purpose of clarifying any discrepancies that are brought forward by the public or the press between what was actually discussed/what actions were taken during the meeting and what is documented in the approved minutes. Approved meeting minutes can be adjusted through this process when warranted. After 24 months, the audio or video recordings can be destroyed.

Open meeting minutes should include the date, time, and place of the meeting; names of board members present and absent; the substance of all matters proposed, discussed, and decided; the votes taken by individual members; names of all citizens who appeared and the substance of their testimony; and any other information that any member requests to be entered in the minutes. Work session meetings are also subject to the open and public meetings act and minutes for those meeting should be posted with regular meeting minutes.

Legislative Update

HB 63 was one of the UASD bills and deals with reserves. It allows districts to accumulate funds in its general fund that will equal the most recently adopted general fund budget plus 100% of the year’s property tax. This allows districts to truly have reserve funds.

Chief Hewitt mentioned how influential LeGrand and the UASD were along with PCFD District personnel in getting SB 129 passed, which is regarding public safety and firefighter Tier II retirement enhancements.

Legrand mentioned if there are items that come up within the next several months that the District would like to see in the next legislative session, he would like to know as soon as possible so as many bill files as possible can be opened on May 14, which is the first day to open bills. It makes it much easier to get bills through if they are out during the first week of the session.

II. Incident QA/QI

Chief Emery said one of the things the District is currently focusing on for EMS operations is incident calls regarding full arrests. Data collected from the ZOLL monitors and crew portable computers is reviewed for every full arrest, which number about 40-60 per year. Data from other agencies is compared with PCFD’s data to see what is and what is not working. There are large variations in how agencies handle full arrests, and by comparing our data with that of the

agencies that have the highest survival rates, we can see where improvements can be made. The information is also sent to our medical control doctor who will review it and push it back to the crew and/or training division with his recommendations. Our paramedics are rotated through the hospital to observe and perform intubations with the assistance of an anesthesiologist; this invaluable experience has helped us reduce the time it takes to intubate a patient in the field by almost half from a couple years ago. We use the same laryngoscope as the hospital so we are actually practicing with the equipment we use in the field.

The patient care report (PCR) is reviewed by some of our paramedics to ensure the narrative is accurate and contains necessary details and also to check for things such as the administration of correct dosages. Data regarding the time between when an alarm is received by a station, when the unit(s) go in route, and when units arrive is also being examined in an effort to continually try to reduce the response time of PCFD units and also to identify any issues with dispatch that need to be addressed.

III. Other Divisional Updates

The new recruits started boot camp on April 1. We started with seven recruits and lost one of his own accord the first day of camp. Chief Hewitt will be performing the TPT for the new recruits this Thursday at 9:00 a.m. if anyone would like to watch.

IV. 2018 Audit

CFO Barney distributed the 2018 financial report to the Board members. The time was then turned over to Jon Haderlie of Larson & Company to discuss the audit. Jon referenced the independent auditor's report at the beginning of the financial report booklet as well as the internal control report at the back of the report; there were no issues with internal controls to be reported and no compliance issues with the areas investigated during the audit. There were no findings again this year.

One of the new Governmental Accounting Standards Board (GASB) pronouncements is regarding retirement; anything outside of the Utah Retirement System (URS) now needs to be disclosed in financial statements. An example of this for PCFD is the Nationwide post-retirement plan. Jon reminded the Board members that there are always estimates in the financial statements and over time those estimates can change. He said there were no difficulties in performing the audit or disagreements with management.

Jon referenced page 4 of the report regarding financial highlights. The fund balance increased (not decreased as the report states) by \$20K, there was a significant decrease in capital outlay from last year. As LeGrand mentioned during his open meetings training, the District will be able to hold 100% of its property taxes plus its operating expenditures, so that is good for the District moving forward. There is about \$6M left on debt and that is scheduled to be paid off in 2024 barring any refinances.

Jon said it is a pleasure to work with the District, it is fiscally responsible and the auditors do not run into struggles when they visit. If questions arise throughout the year Board members can always contact Del who will get in touch with Larson & Company. The State Auditor's Office is really pushing internal controls right now. As a special services district, PCFD has different financial risks than say, Summit County, so the internal controls in place for the District are unique to it. The District can have as many or as few internal controls as it feels is necessary to cover its risk, but Jon said it is important to recognize the State Auditor's Office is looking closely at internal controls.

V. Wildland Urban Interface Plan

FM Owens provided an update on the defensible space program. A summary of the goals for the program was distributed to the Board members via SharePoint prior to the meeting. Since the last ACB meeting, FM Owens has met with Park City officials twice to coordinate what we are doing and what our goals are. We want to make ordinances between PCFD and Park City as similar to each other as possible. Ordinances from other counties and cities have been evaluated to see how they would fit in our area.

One of the things we have learned is although we have really been focusing on the idea of defensible space, from the 2017 California fires it was discovered they had been working hard on defensible space as well, but it was not what saved houses. Houses were saved by what people had done to their homes to make them "harder" such as placing grates in their vents so embers could not get into their attic. FM Owens said as we work with Park City in developing the ordinance, we will add this concept into it as well.

The County Attorney's Office has been contacted to look into language on what the District can actually do. One of the things we looked at was whether we could change the fire code so rather than having an ordinance that is separate from what we are already doing, it would be included in the fire code. It turns out we cannot do that, so it is going to require a separate ordinance.

Mailers will be sent out to the community with some financial support from the County, and Park City has asked that they be involved in this mailer program as well. The idea for the mailers is to give the community action items to consider. A meeting is also scheduled on April 4 with representatives from various homeowner's associations to discuss the ways in which wildfire can affect our area, community wildfire protection plans (CWPPs), and how communities are responsible for developing their own CWPPs and what we can do to help them develop the plans. During this meeting we will gather feedback from the representatives on what concerns they have when it comes to a defensible space program. Such meetings will happen once every month for a while and then taper off to eventually only needing a meeting once a quarter.

FM Owens said we are making good progress on the program and are well ahead of schedule on where we wanted to be at this point. Park City leadership had put together a program on

educating the public on defensible space. FM Owens said we have met with them a couple of times and they have asked us what they can do to help us with this program. Their plan includes four main items, but it is not fully developed yet. Of the four main things, PCFD will be helping them with three of them. Most of Park City's efforts will revolve around building contact lists for HOAs and finding a method to keep those lists updated, and also educating the public at places like Park Silly. They are educating the public in the early stages of our program, and we would take their progress and build upon it.

A question was asked if the term "defensible space" is the correct term to use; it is easily recognized with the public, but it may not be technically correct from PCFD's perspective. Earlier FM Owens had discussed "hardening homes" versus "defensible space," which are two different things but under the same umbrella of the program that is being developed. FM Owens replied "defensible space" is accurate, and hardening homes and defensible space are two different parts of the program. Homes that are built now are hardened; homes that were not built under the current code need to be hardened, which is a more of a development/building issue, whereas defensible space is specific to what residents can do around their homes to provide fuel breaks from wildfire.

FM Owens said going to resident homes to perform evaluations is part of the long-term plan, but we do not currently have the manpower to perform as many as are requested. Last year we went to HOAs and taught a core group of people what to look for and then they went out and taught their homeowners what they need to do. The number one goal of our program is education, and FM Owens said for the first three years it will be nothing but education. We need to teach homeowners what to do and explain why some of the current conditions around residences poses danger.

Chief Hewitt mentioned the chipping program should be as popular as ever this year, we starting it earlier and running it a bit longer. FM Owens commented we have already started receiving requests.

Work Session Concluded: 6:36 p.m.

**Park City Fire Service District
Administrative Control Board – Regular Meeting Minutes
Fire District Administrative Office Building
736 West Bitner Road, Park City, Utah
April 2, 2019**

Administrative Control Board regular meeting called to order: 6:38 p.m.

Board Members Present: Chair Jay Dyal, Vice Chair and Treasurer Michael Howard, Secretary Alex Butwinski, Board Member Christina Miller, and Board Member Tim Henney

District Personnel Present: Chief Paul Hewitt, DC Bob Zanetti, BC Pete Emery, AC Ashley Lewis, FM Mike Owens, CFO Del Barney, Human Resources Officer Patti Berry, and Admin. Asst. Debbie Colgan

I. Approval of March 5, 2019, Meeting Minutes

Vice Chair and Treasurer Howard made a motion to approve the minutes of the March 5, 2019, Administrative Control Board meeting. The motion was seconded by Board Member Henney and passed unanimously, 3-0. Secretary Butwinski and Board Member Miller abstained from voting, as they were not present for the March 5, 2019, meeting.

II. Public Input

There was no public input.

III. Board Member Reports and Business

A. Correspondence

There was no discussion of the correspondence.

B. Financial

Approval of the 2018 PCFD financial audit will be included on the agenda for the May 7, 2019, meeting.

IV. Old Business

There was not any old business.

V. New Business

There was not any new business.

VI. Staff Reports and Input

There was no input on staff reports.

VII. Discussion of Possible Future Agenda Items/Additional Comments

Approval of the 2018 financial audit will be on the agenda for the May 7, 2019, meeting. We will also discuss the defensible space program more and review policies at the next meeting. A discussion regarding ambulance services will also be held.

Board Member Miller commented Chief Hewitt may want to reach out to Phil Kirk at the Park City Police Department regarding the April 1 pepper spray incident at the Park City High School. The police statement to the press was that there was carbon monoxide found at the high school, and this may need to be clarified. Chief Hewitt replied he saw Phil yesterday and they talked about it; carbon monoxide was reported early in the investigation because some of our equipment registered it. This is a training issue that BC Emery is handling and we can issue a press release to clarify the situation. BC Emery said the monitors used on the patients at the scene were giving an elevated reading of carbon monoxide, but “elevated” in this sense is very minute. It could have been a misaligned detector or the fact that we had several fire engines and ambulances running in the vicinity of the patients. The carbon monoxide was never at a dangerous level, and we can issue a release stating this.

VIII. Closed Executive Session

There was no need for a closed session.

IX. Adjournment

Board Member Miller made a motion to adjourn, it was seconded by Secretary Butwinski and passed unanimously, 5-0. The regular meeting of the Park City Fire District Administrative Control Board adjourned at 6:43 p.m.

The next regularly scheduled meeting of the Park City Fire District Administrative Control Board will be May 7, 2019, beginning at 6:30 p.m. in the PCFD Administrative Offices, 736 West Bitner Road, Park City, UT 84098.

Approved: _____

Date: _____