

**Park City Fire Service District
Administrative Control Board – Work Session Meeting Minutes
Fire District Administrative Office Building
736 West Bitner Road, Park City, Utah
February 4, 2020**

Administrative Control Board work session called to order: 5:30 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, BC Ashley Lewis, BC Steve Zwirn, FM Mike Owens, CFO Del Barney, Human Resources Officer Patti Berry, and Admin. Asst. Debbie Colgan

I. Legislative Update

Chief Hewitt began by mentioning some of the meetings the administrative officers have attended recently. Yesterday was the joint fire caucus with senators and representatives at the Capitol to discuss fire issues. The administrative chiefs also attended the annual winter fire school in January in St. George. There were two speakers at the fire school, one of which talked about career survival. Leadership meetings are held every other month with the chiefs and all the captains.

Regarding legislative issues, FM Owens began by discussing HB 66, Wildland Fire Planning and Cost Recovery Amendments. It states utility companies must have a plan in place to prevent a wildfire from happening because of its utilities, and such companies can be charged if they do not have a plan in place. Rocky Mountain Power already has a plan in place and is following what other agencies in the western U.S. are doing. It has not passed out of committee yet.

SB 56 is about Public Safety and Firefighter Tier II Retirement Enhancements. This bill is trying to sort out the Tier II situation and has gone to the Senate floor. There is really nothing new regarding this bill, it is leftover from last year.

HB 22 is Utah Retirement Systems Amendments and is another clean-up bill. The purpose behind this bill is so people who are retired are able to use their retirement benefits for health insurance and not be penalized for it.

HB 92, Fire Amendments, allows for certain fires despite the burning index value. Right now there is a clearing index rule that states smoke from a fire must go up 500 feet before it begins to spread out; if it doesn't, then you cannot do an open burn. Representative Snider, who is running the bill, has told the fire service to not get involved with the bill because it is going to get messy and he is doing it to prove a point. He wants to run it in order to start a conversation with the Dept. of Air Quality, which is exactly what is happening. FM Owens said he does not know if the bill will go anywhere.

HB 98, Offenses Against the Administration of Government Amendments, amends criminal provisions relating to public property and public money. It will amend how employees are able to use property and money from their public employers.

FM Owens said overall there is nothing currently in the legislature that will impact the fire service in a big way. There is another distracted drive amendment and a bill regarding responsibilities for calling 9-1-1 if you see an emergency rather than posting it on social media. The daylight savings time issue (whether Utah should participate in it or not) is back again this year.

HB 190, Local Government Cooperation Contracts, may have an effect on us. It is a local government cooperation contract and would require contracting for EMS services. Currently state law requires that a municipality provides fire services for their citizens. Smaller towns in Utah are not paying for the EMS services paid for by larger towns, so to make this fair they are trying to get this bill pushed through that will require any municipality to have a contract with an EMS provider. Everything would still follow under the Bureau of EMS rules, something just needs to be in writing on who is going to provide those EMS services. Vice Chair and Treasurer Howard commented there was a discussion on the financing of this and they may want to change the transient room tax (TRT) formulas for the larger counties that have a TRT to fund this.

FM Owens said there are rumors of another bill that has not been given a number yet to seek seeking additional funding sources to bolster EMS grants, and another bill looks to reinstate rural advisors for the Bureau to address problems rural EMS is having right now. Vice Chair and Treasurer Howard commented there was a meeting with county officials and the Governor last week, and they were talking about the budget and how they were counting on the tax reform to pass to supplement the general fund. The education fund in our state is doing very well because of all the jobs coming in and our income tax is dedicated 100% to education, so they do not have the money to do some of the things they were hoping. He said the Governor told all state agencies to plan for a 10% cut. They will be looking at numbers over President's Day weekend to see where the new numbers will be. They are looking for other sources of revenue and this is where the TRT issue comes into play, they want to designate some of the TRT to go to EMS. FM Owens said many of these rural agencies have problems because it is tourists who are using the EMS services, not the locals.

FM Owens said there is one more bill open that has not been numbered yet that could cause us problems, titled Proposal to Amend the Utah Constitution for Tangible Personal Property Tax Exemption. It basically states if you live within a certain wildfire area, you can apply money to improvements around your house and property to reduce the effects of a wildland fire in lieu of paying property taxes. He said it was introduced last year and was torn down, and it is likely it will be again this year. This time around they have been working with the State Division of Forestry to determine where those areas would be.

II. Wildland Urban Interface (WUI)

Chief Hewitt said some time ago a County official approached him with the idea of publishing a map of the County with a wildfire danger designation for every house in the District. Such a publication would impact the value of people's homes and it was never produced, but since then there have been many renditions brought forth suggesting the same general idea. He said about a year ago some Council members proposed enacting an ordinance that would be enforceable with the idea that the District had the right to enforce an ordinance.

FM Owens and Chief Hewitt have been having meetings with County officials regarding this. The District needs to determine if we could and how we would place an enforceable ordinance. Board Member Miller asked if "enforceable" meant writing a citation, and Chief Hewitt replied yes. Secretary Butwinski asked what the citation would be for and Chief Hewitt said it would be issued for not complying with inspections. The District would have a team of inspectors to perform these inspections, it would be a new group within Fire Prevention. Vice Chair and Treasurer Howard asked what area it would entail, and Chief Hewitt replied right now it would be for Snyderville Basin, not Park City.

The ordinance would be enforceable on approximately 8,000 structures in Snyderville Basin. The inspections would be performed by either internal (we train our own staff) or external personnel (we hire and train outside staff). There will almost certainly be legal challenges. FM Owens has contacted other agencies outside Utah, and even though some of them have said they have enforceable ordinances and it is a pretty common thing, there has been no evidence produced of citations that have actually been written. Secretary Butwinski commented he has had conversations with various people about ordinances in town, and he believes if you are going to have an ordinance, you have to enforce it; otherwise, it should be removed. Chief Hewitt agreed.

FM Owens said between the inspection, travel time, education, reinspection, and paperwork for each structure, it would take about 3 hours of personnel time per structure. Chief Hewitt commented he thinks it would actually be a bit more. He said when you get into counseling people on improvements that need to be made, you'll need to have a list of contractors you can recommend to do the work, and that presents another issue on the government providing lists, which we are against. Corruption into the system can be introduced almost immediately. Board Member Miller commented about the inspectors receiving training on dealing with angry people, and Chief Hewitt said one of the problems is getting people to allow inspectors into the structures to begin with. Board Member Miller added it may be difficult for inspectors to even get on the property without being challenged.

Chief Hewitt said at one point in the past, people wanted the District to do inspections because they wanted to fine HOA members, but we refused. FM Owens said there are three zones around structures that are evaluated. There is the structure itself and the immediate zone 0 to 5 feet outward where you need to worry about burning embers landing in that area and lighting the structure on fire. From 5 to 30 feet outward, fuels should be greatly reduced so they are not providing a pathway to the structure. Then from 30 to 100 feet outward, you can have denser

trees and higher grass. Board Member Miller asked what would happen if enforcement of the ordinance contradicts HOA rules in terms of the number of trees homes must have. Chief Hewitt said HOA members have come to him asking for the District to do something like this, and he said his reply has been that if they want to do something like that, they need to take it up with the HOA. FM Owens said HOAs cannot override county or city ordinances or laws. Development agreements present a big problem as well. Chief Hewitt said we will be working with County officials on this.

Regarding code enforcement officers, FM Owens said there is an open window for inspections from April through September. Within those 6 months, we can get about 1,000 hours out of each employee; if each inspection takes 3 hours, it would take 24,000 hours to inspect all 8,000 structures. Chief Hewitt said he would bump that estimate up to 32,000 hours, or 4 hours per inspection. There would not be a need to perform them every year, so a cycle of every 5 years is proposed for each structure, resulting in 1,600 inspections needed per year. Chief Hewitt said there would be some logistics to work out, as people who receive a citation in the first year of the program could have an issue with someone who has the same violation but isn't ticketed because their inspection is 5 years out. You would have to extend the punitive timeframe beyond that 5-year window. Consequently, Chief Hewitt believes the only way you could really have a successful program is to inspect all 8,000 structures in the same year.

If you take a hybrid version of what FM Owens and Chief Hewitt have talked about and give the District 2 years to perform all inspections, that would be 4,000 inspections per year. Using a 4-hour estimate per inspection, that would be 16,000 hours of personnel time per year, and since each employee can only do 1,000 hours per year, it would require 16 employees to complete. FM Owens said if you wanted quality employees that could do this year after year, they would need to be full time, not seasonal. Chief Hewitt said 16 full-time employees with fringe benefits would be almost \$500K a year. This does not include uniforms or other considerations. The District does not have the money to fund this, and we would need office space for these employees which means we would have to bond for it. More staff time would be needed after the inspections for punitive issues, and legal challenges are very likely.

Chief Hewitt said he wishes he could say he could figure out a way to make this happen, but he doesn't see it happening. Secretary Butwinski wanted to confirm it was the County Council who started this discussion, and Chief Hewitt replied that was correct, they wanted the District to create and enforce such an ordinance.

If you look at using seasonal employees to perform the inspections, there are a lot of variables. We could do voluntary inspections, as there are HOAs who would welcome inspections, and FM Owens added Fire Prevention is asked on a regular basis all summer long to perform home inspections. We do not have the staff for it. Chief Hewitt said he recommended to a couple Council members that the District hire a seasonal employee to perform 100 inspections and HOAs can voluntarily have the inspector come in. The employee would complete a 2-day class on how to assess structures for wildfire danger.

Board Member Miller commented the HOAs could pay the District for these inspections, and Chief Hewitt said he is not adverse to doing homeowner inspections as long as it's voluntary and we can afford to do it. He believes we are in an area where education is important and the inspections should be done on a voluntary basis where we are not enforcing anything. The HOAs are partners in this this and he doesn't want to charge them for it if we can afford it, which is why he wants to start out slow with 1 seasonal employee and get 100 inspections done.

FM Owens said the focus of inspections would be on the structure itself, and out of the requirements to "harden your home," the first four of them are regarding maintenance. This includes making sure there is not debris on your roof, rain gutters are clear, the area under deck spaces is clear, etc. It is not until you get to things such as replacing decking material and looking at windows and eaves where improvements can start to get expensive. Many homeowners would end up just having to do a weekend's worth of work, but others may end up having \$1-5K worth of improvements or more to make. FM Owens said HOAs are already asking for the District to inspect their homes, and we do not have the resources to do it.

Board Member Henney asked what issue or problem the Council is attempting to address by the proposal for an ordinance, and Chief Hewitt said it is about mitigation of wildfire. FM Owens said when a large wildfire comes through an area, it destroys homes and businesses and a huge economic impact is the result. If we have a wildfire run through our area, we want to make sure we still have places for people to live and get essentials. Chief Hewitt added the California wildfires have spurred much of the discussion and we have a different environment that makes such a large-scale event unlikely, but it is not entirely impossible. Basically, the intent of the current discussion with the County is to lower the potential for a catastrophic wildfire. If we can create an environment where the public wants to make these improvements on their homes, we achieved something.

Going back to the beginning of the discussion regarding a wildfire danger map, Chief Hewitt said there might be a variation of it that would work. We will look at what we could do in lieu of an ordinance. Secretary Butwinski asked what the leadership program has done to start getting the word out, such as handing out a brochure. FM Owens replied he hasn't had a report but they were at a lot of public events handing out material, and they have made a website and video. Secretary Butwinski asked if we could build on that, and Chief Hewitt replied he mentions www.pcfid.org every time he is on the radio and how it is the homeowner's responsibility to take care of their property, and we have brochures that we pass out every chance we get.

Chief Hewitt said we will hire a seasonal employee this year and gather data on the inspections they are able to perform. Board Member Miller cautioned on the creation of a map because it could possibly affect insurance rates and cause problems for homeowners trying to sell their property, and Chief Hewitt agreed. Vice Chair and Treasurer Howard added it would be difficult to separate out tax levies for those in the basin. Chief Hewitt said he would bring more information on this issue to the Board as it develops.

III. Mitigation of Payroll

Chief Hewitt commented our payroll expenditures over the past few years has stayed pretty level, even with step increases and cost of living allowances (COLAs). Occasionally we lose firefighters to other departments or through retirements, and this year we are planning on hiring around 8 new firefighters. New firefighters come in at the entry level and replace personnel who were higher in the payscale, which is one way we keep payroll expenditures level. Some departments offer lateral transfers to get firefighters from other departments to join them, but Park City has never done that.

HR Berry said we also save money on health insurance opt-outs; the District pays employees a small taxable amount to not participate in the health insurance, but it saves the District about \$17K a year for every employee who opts out. Employees are not eligible to receive sick leave payouts if they have not been with the District for 10 years, unless they are eligible to retire, so there is some money saved there as well. Payouts are at 50%. The biggest payroll saving factor for the District is that our higher paid Tier I employees for which we pay a higher retirement rate are retiring and being replaced with Tier II employees at a lower pay rate and with a lower contribution to the retirement system. Chief Hewitt commented call volume always follows population, and the population of Park City changes with the seasons. Staffing vacancies during slow months do not always have to be filled, and money can be saved there as well. He said he does not think payroll costs will always remain stagnant, however.

IV. Independent Auditor Discussion

CFO Barney said he went to a State Auditor's round table a few weeks ago, and two main items came out of the discussions. One was a fraud risk score sheet they want to use in audits, which includes questions such as, "Is there is a CPA on your management team?" and "Do you have an independent audit function within your organization?" The other item was what determines independence in an independent auditor. They state if the auditor is making journal entries and doing your financial statements for you, then they are not independent. CFO Barney said there is not anything in State statute that states this, but there will be further discussion about it.

The 5-year contract with Larson & Company, the organization who conducts our audits, is up after this year's audit. SB 90 is a procurement bill out that is essentially being gutted with the deletion of a lot of provisions and will leave a skeleton frame on what the RFP process will entail. Consequently, CFO Barney said he will wait until after the session is over to see what the bill looks like on small purchases as it relates to professional services to see if we need to send out an RFP or not.

V. Sundance Update

Chief Zwirn said our Sundance involvement was fairly straightforward, we provided standbys on Main Street during the busy timeframes and during the parties. He said the word on the street was it was a quieter festival than usual, but from our standpoint, Main Street was extremely difficult to access and that remains our #1 concern. During one of the planning meetings, Chief Zwirn talked to Mayor Beerman about the District's ability to put an emergency vehicle on Main Street on a busy opening Friday or Saturday night, and Mayor Beerman had some concerns about that as well. Board Member Miller asked if we have an apparatus on Main Street or near it, and Chief Zwirn replied we have our special events trailer behind the post office. Inside it we have one of our side-by-sides that has been outfitted with some minimal firefighting equipment, with the goal to get to the scene fast and put out of the fire when it is incipient and before it gets too big. We are looking at upping this next year and perhaps putting an extra engine on the street.

Chief Hewitt commented he believes Main Street should be shut down during Sundance for access issues. Chief Zanetti added he could not even get his pickup truck through there with the lights on because there was nowhere for people to pull off to the side to let him through. This is something we need to work on for future festivals.

VI. Leadership Meetings and Winter Fire School

Chief Zanetti said the first day of fire school in St. George is the state chiefs' meeting, one of four every year. There are about 240 fire departments so there were a lot of fire chiefs there. The board goes over everything from fire prevention to legislation and EMS. The following day is a morning leadership meeting followed by afternoon sessions in the afternoon. Chief Hewitt already mentioned one of the presentations regarding career survival, and the other presentation was from the newly appointed fire chief from Vancouver. It painted a fairly grim picture of the abuse of prescription drug problem the area is facing and the toll it has taken on the firefighters and EMS personnel servicing it. The chief presented some good information on how they are handling these things.

The District's internal leadership meetings are held to get the captains and chiefs together to discuss current topics, give recognition, ask questions, etc. During these meetings the captains hear things directly from the chiefs, so there are no rumors and questions can be addressed right away. There are five leadership meetings held a year and they are mandatory for all captains and chiefs. Captains who are unable to attend must have a representative in their place. An outside speaker is brought in for some of the meetings.

VII. Policy Review

HR Berry said earlier Vice Chair and Treasurer Howard mentioned HB 98 regarding the use of a public employer's property, and the policy basically says if you do not have an internal policy in

place you would follow HB 98 as your policy. She said it is a little more restrictive than the District's policy and originally did not allow for the incidental or de minimus use of public property. The District's policy indicates the Chief can make a decision regarding the use of District property for charitable events or other issues. This policy was reviewed by the Board in August 2019, but with HB 98 being in the current legislative cycle, HR Berry thought it was a good idea to remind the Board the District does have its own policy that meets the requirements on the matter.

VIII. Other Divisional Updates

The new recruit camp starts on April 20. Chief Hewitt invited the Board to stop by anytime during the camp to see what it entails, the camps are quite taxing on the instructors. He said we are going to try to get a good class and not hire again for another two years. Chief Emery said Board Member Henney came to the camp last year and spoke for a few minutes and it had a big impact on the recruits.

Secretary Butwinski asked if total monthly training hours could be included in the monthly reports, and this was acknowledged. Vice Chair and Treasurer Howard asked if we could also include comparisons to the previous year's call volume in the monthly to see the differential, and Chief Zanetti said he would bring in numbers to the next meeting.

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
February 4, 2020**

Administrative Control Board regular meeting called to order: 6:37 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, BC Ashley Lewis, BC Steve Zwirn, FM Mike Owens, CFO Del Barney, Human Resources Officer Patti Berry, and Admin. Asst. Debbie Colgan

I. Approval of December 3, 2019, Meeting Minutes

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

II. Public Input

There was no public input.

III. Board Member Reports and Business

A. Correspondence

Chief Hewitt commented we had two \$1,000 donations sent in with thank you notes. Board Member Henny asked where those donations go, and Chief Hewitt replied he asks the donors where they would like the money to go, into our general fund or to the firefighters, and it almost always goes into the Firefighter Association's account. During the annual audit, the chiefs make sure the Association money is being spent appropriately.

B. Financial

There were no questions about the financial reports.

IV. Old Business

There was not any old business.

V. New Business

There was not any new business

VI. Staff Reports and Input

A comment was made that the reports were very good.

VII. Discussion of Possible Future Agenda Items/Additional Comments

Chief Hewitt said we will talk about performance parameters during the next meeting. CFO Barney announced LeGrand Bitter will attend the work session meeting at 5:00 p.m. on April 7 to present the annual open meetings training and provide a legislative update. Also, the independent auditors will be here the first week of March.

VIII. Closed Executive Session

Board Member Butwinski made a motion to convene in closed session for the discussion of the character, competence, or health of an individual; deployment of security personnel, devices, or systems; collective bargaining issues; pending or reasonably imminent litigation; purchase, exchange, lease, or sale of real property; investigative proceedings regarding allegations of criminal misconduct; and/or procurement. The motion was seconded by Board Member Miller and passed unanimously, 5-0.

The Administrative Control Board met in closed session to discuss the character, competence, or health of an individual from 6:43 to 7:31 p.m. Those in attendance were: Chair Jay Dyal, Vice Chair and Treasurer Michael Howard, Secretary Alex Butwinski, Board Member Christina Miller, and Board Member Tim Henney.

Vice Chair and Treasurer Howard made a motion to dismiss from closed session. The motion was seconded by Board Member Henney and passed unanimously, 5-0.

Vice Chair and Treasurer Howard made a motion to reconvene as the Park City Fire District Administrative Control Board, it was seconded by Board Member Henney and passed unanimously, 5-0.

IX. Adjournment

Vice Chair and Treasurer Howard 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 7:32 p.m.

The next regularly scheduled meeting of the Park City Fire District Administrative Control Board will be March 3, 2020, beginning at 6:30 p.m. in the PCFD Administrative Offices, 736 West Bitner Road, Park City, UT 84098.

Approved: _____

Date: _____