

**Wasatch County Fire Board of Directors Meeting**

**Tuesday March 10, 2020**

**Meeting held at the Wasatch County Administration Building located at 25 N Main, Heber City.**

**Those in Attendance:**

Spencer Park

Jeff Wade

Steve Farrell

Marilyn Crittenden

Kendall Crittenden

Danny Goode

Chief Ernie Giles

BC Gary Sessions

BC Jason Provost

BC Ben Fitzgerald

Fire Marshal Clint Neerings

Fire Warden Troy Morgan

EMS Director Clair Provost

Items of Business to address:

**Minutes**

**A motion was made by Councilman Wade to approve the minutes of the February 11, 2020 fire board meeting. The motion was seconded by Councilman Park and the motion passed all in favor.**

**Councilman Crittenden abstains.**

**Warrants**

The listing of warrants totaled \$447,627.09 This total included the added warrants and the payroll transmittals.

**A motion was made by Councilman Crittenden to approve the warrants as presented. The motion was seconded by Councilman Wade and the motion passed all in favor.**

### **Chief report**

I just have items about personnel and purchase or property that need to be taken care of in executive session. Do you have any questions for me?

Councilman Farrell: No, does the Fire Warden or Fire Marshal have anything before we move into executive session?

Fire Warden Troy Morgan: I don't have anything.

Fire Marshall Clint Neerings: I don't have anything either.

**A motion was made by Councilwoman Crittenden to go into executive session and put the regular meeting on hold, the motion was seconded by Councilman Crittenden. The motion passed all in favor.**

**A motion was made by Councilman Crittenden to end the executive session and resume the regular meeting, the motion was seconded by Councilman Goode. All in favor.**

### **Other**

Councilman Parks: The other item was to look at and make some changes to administrative and personnel in the district. Looking into the Lieutenant Governor's office the districts bylaws and creation documents never mentioned anything about ems so I feel like this is a good time to maybe create a committee to look at changing the bylaws and articles of organization for the district and at the same time evaluate and hire a manager for the district.

Councilman Crittenden: We probably need to have the bylaws changed before we can do that next step.

Councilman Park: I think all of this should be done concurrently.

Councilman Farrell: Chief, did we modify the creation document to add medical services onto it?

Chief Giles: I would have to look back, I don't if anyone on this board would have the original documents. This was done in 1987.

Councilman Park: I do and that's the only thing the Lieutenant Governor's office has on file. It says fire protection only.

Councilman Farrell: Right, it does state in the purpose of emergency services to. I read it.

Chief Giles: I'd be fine with running concurrently. I personally am not going to be here forever. I honestly don't know what a manager would do. Mary has a presentation if you will let her share it. We have been looking at this for a while. The chief and administrative control board held our meeting last night and this has been discussed the last 2-3 weeks. I would just turn the time over to her.

Merry Duggin: I think special service district code does allow addition of a service and ems is a service that is allowed. There may be additional paperwork that needs to be done but I don't see additional paperwork as a problem.

Councilwoman Crittenden: Do you think ems is covered under this, is that what you're telling me?

Merry Duggin: Thank you, I'm not going to take a whole lot of time today.

Councilman Crittenden: Is this page in our handouts?

Merry Duggin: No, in the back of your handout is a simplified version. Since the beginning of our organization, the advisory board did a little run down of some of the things we accomplished. But you can see we have managed to do quiet a bit of things. The first month we took some time to learn a little bit about the system. I didn't know anything about fire or ems so it took some time to understand what was going on. Then we had to familiarize ourselves with our own district which in ways operated differently than some standardized system. But we did start off by recognizing a urgency in conducting a needs assessment, ESCI assessment, master plan. We had a mission, vision and value statement that was done by the district leadership. We had a 5 year strategic plan and priority list in place. Under personnel we corrected the issues with FLSA compliance and district employees, added full time personnel, increased department training with Utah Fire and Rescue Academy, Updated software for training documentation, and increased district leadership training and formal staff meetings to improve communication. Everything on our list is also included in ESCI report. We have merged county fire and ems, that's ongoing and of course this is the adjustment year. The EMS License with the state has been taken care of. The updating of policy and procedures is ongoing. The budget issues have been addressed, assessments area not renewed, tax increase approved and enacted, impact fee study has been completed and enforced. New equipment has been purchased following our apparatus replacement plan. Increased public education, community involvement, and community risk reduction with a series of public education articles in the wave. We have assigned a PIO, information officer. We had a public neighborhood risk reduction presentation, sprinkler demonstration, and a presentation for the fire board. We are currently working on a capital facilities plan for new stations and a project plan for a new Heber station. We thought that was a pretty good 2 years of work. Turning to the ESCI report, page 102 of the master plan, it talks about an administrative control board. I'm just quoting what it says, it complements the fire board for what they have done. It suggests that a 5-7 members board of directors is most appropriate for a district the size of Wasatch County Fire Protection. It recommends that will be implemented and suggests we keep citizens as the advisory board. The reason that they suggested this, what we have right now is what most fire districts are doing which is a county council and appointing them as administrative board, your wearing two hats at once and that's a difficult thing to do. You have a lot of jobs to familiarize with and fire may not be your forte. What we are recommending is that we have an advisory board and an administrative board that's more inclined to study the issues and make the informed recommendations. With that in mind, we invited the Weber County Fire Chief and their Board of Directors President to come and talk to us. They gave us a very favorable representation of what they do and what their experiences are. In light of our special service district code, I have included that as well here, I highlighted a few things I would like to talk about. It reads, at the time a special service district is created or at any time thereafter, the legislative body of a county that creates a special service district may, by resolution or ordinance: create an administrative control board, (and as a fire board that is the seat you are in now), delegate to the administrative control board the exercise of any right, power, or authority that the legislative body possesses with respect to the governance of the special service district, and may also specify the members administrative control board by name or any other designation that currently identifies each member of the initial administrative control board. The legislative body cannot delegate these powers: to annex an area to an existing special service district or add a service (you did add the service of EMS); designate under section 17D-1-107, the classes of contracts that are subject to Title 11, Chapter 39, Building improvements and Public Works Projects;

Councilwomen Crittenden: Are you saying we did that incorrectly?

Councilman Crittenden: No, we are not the control board. The control board couldn't have done that.

Merry Duggin: To continue the body cannot levy a tax on the taxable property in the district, issue special service district bonds, call or hold an election for the authorization of a property tax or the issuance of bonds, levy an assessment, or appoint a board of equalization. Those are the powers that cannot be delegated. But any other power you are exercising as a fire board, you can then delegate. The county legislative body that has delegated a right power or authority under this section to an administrative board may at any time modify, limit, or revoke any right, power, or authority assigned to the administrative control board. The state goes on to require a board have at least 3 members which may be elected or appointed, or some of each. Each member must be a registered voter within the special service district, or an officer or employee of the county and would serve for a term of 4 years. Board members may receive compensation up to \$5,000 per year. This is a recommendation that we discussed as a board. We certainly hope you consider this because of the ESCI report, we think this would be a really good way to allow the chief to function, the district to function, and the county to function. Do you have any questions for me? I appreciate your time.

Councilman Farrell: Does anybody else from the advisory board want to add anything?

Dennis Goody: One thing we discussed as an advisory board, moving to an administrative control board. We have been extremely accountable to this point, but I would almost bost that we would be the next bar level higher as far as the county building in oversight. Which means we understand, in talking with the chief, that if we serve as an administrative control board we will question the chief more in probably every category to make sure that we are tracking in the right direction with the right authority and right amount of communication. I think the gain that you guys would see with this, going along with what Merry said, you have your hands full with a lot of stuff and a lot more to come. Let us do some of that work in place between you guys and the chief so we can push them. I say the word push towards the instate of what you have seen, the master and strategic plans. The result of that's going to be, you guys get to wear the success. We will do the work and you get to hang the success on your wall and you guys know that the level of accountability coming from the oversight board would be, I'm going to say would be quite high. So please consider that. If you hire a manager, let's consider the compensation of that. I don't know too many managers that would be willing to do it less than \$70,000 per year perhaps. Let's just say you pay the control board \$5,000 a year that would be \$25,000 per year for all of the members. I don't think that compensation amount would be necessary, and you would be saving money and getting the same result. I would guess you would get a better result. The opportunity here with an advisory control board is if I say something about the capitol facility plan and we are working and tweaking that, we have several experts that can question that before it ever even comes to you. So we could get the best result. If you only have one person in between you only have one opinion/thought. What direction can you give that statement that Merry read about you retaining the ability to tell someone to leave, that's an opportunity for you as well if you don't like it look at the freedom you have there. If you put another layer of government in there with another full-time personnel you guys get to manage that. Following this example, you would have the opportunity to control that without feeling like your hands are tied. In other words, if we are not accountable you guys can shut it off. I would just say consider that; I think you have an opportunity to pick up quite a few experts at a very minimum price with a great success rate. Like Ernie said, he's not going to be around much longer. What we want

to see some results before we retire and move onto other things. Personally, I would like this thing to improve for another couple of years. I want to leave midway when I retire, and I want people to know they can move here and that you guys have the people and families in your mind. If you guys go look around, I know you are too busy to look around, but we are doing some stuff here that's very important. Consider that as an option please because we have the ability to save time and money.

Dave Konnamer: If I could just make a point, I'm on the advisory board. The difference between the advisory board which is volunteers and control board which is a management. An idea of a control board is to alleviate you from some of the day to day management.

Gary Kilgore: I'm Gary Kilgore with the advisory board to. First of all, I want to make it clear I'm not throwing my hat in because that's a lot more work than what we are doing right now, and I understand that. I came from an organization that saw the creation of the district when we had 3 employees and now there are over 100 firefighters. It couldn't have happened without the control board and the way it was set up. All I am saying to you is wouldn't it be nice if you only had to look out for 2 things. One is, are they providing the best service as possible, meeting the citizens needs and two operating within budget. You wouldn't have to get down into everything else those are only the two things you would really have to be concerned with. Wouldn't that be nice?

Councilman Farrell: My only concern with this advisory board is we can probably appoint the board once the council can. Then it becomes an elected position.

Merry Duggin: Its either elected or appointed or some of each, but you get to choose the very first ones. Then after that you can decide if they are elected which you would lose control, or I think you can decide to keep appointing.

Councilman Farrell: I thought with taxpayer's money being spent/managed it had to be an elected position not appointed. We have one other control board in the county with Timberlake's water and we appoint them, but they are an enterprise fund with no taxpayers money. This is turning the taxability over to a group.

Crittenden: That's one of the things they can't do.

Gary: One thing if you do elect people it would give that body the ability to issue bonds. If they are not elected, you retain the ability issue bonds. There are some separations with some of the things they can and can't do.

Councilman Farrell: I thought originally and maybe chief can help me that we had a administrative control board and it made up with municipalities and elected people. The people had a choice of how to replace them.

Chief: The board was actually if I remember right the mayors. So the mayors of every city and town and it worked from 1989 to roughly 1998. The county commissioner dissolved that board. We would pay these people and we had problems with them showing up. The commissioners then turned it back over to the mayors around 2002 before they went out of office. The county council then took it back and it has been with the county council ever since. Not that it hasn't worked well, I don't want you to think from me or the advisory board don't think that anyone one of them have done less than an awesome job. We couldn't be where we are at without you. We just ask that you support us. Its honestly in the best

interest of the taxpayers. I really believe right now with how busy the county is, I don't mean this to be disrespectful, but I don't know of one person here that really knows the intertwinement of ems and fire. I mean we meet once a month to approve warrants and I try to keep you updated with what's going on but its so hard to educate and hard to have the time for it. I get it your times valuable as anybody's. This advisory board in my mind has been the best. I have always had taxpayers in my mind. I have served under several commissioners; this advisory board has fire knowledge. That's what this district needs. I don't mean to be disrespectful, but I don't need a politician and most of the time you're not. But I'm telling you, if you would appoint the advisory board, you could hire them today and fire them tomorrow. When the county commissioners took it over, they didn't even send a letter to the mayors, I called them. I would really support it. You could try it for a year or two and see what you liked about it. They wouldn't be taking away any authority away from you. As you can see on that list there are still many things you can do. I need folks. If you look around this year there is a possibility of 4 new members on this board. To educate them in a 4-year period just doesn't work. I don't mean any disrespect to Kendal or Steve they have been around for a long time, but I doubt either one of them understand what intertwines working through this fire district. I guess with that, do you have any questions?

Councilman Farrell: Back to you Spencer, do you want to set up a committee to look at the bylaws and creation documents as well as maybe look at addressing this proposal.

Councilman Parks: Yes, and I get what the administrative control board would do maybe that's still something we should look at. This district is going to see in the next few years amazing growths. Everything that's happening is above and beyond what we have seen before.

**A Motion was made by Councilman Parks to create a committee with 3 board members to interview and select a manager and to rewrite the bylaws and articles of organization, the motion was seconded by Councilwomen Crittenden. The motion passed all in favor.**

Chief: How are we going to pay for this manger? Maybe we should talk about how we are going to pay for this person before we make a motion?

Councilwomen Crittenden: We talked about impact fees.

Spencer: We will look at it. I mean we have raised taxes for the last 2 years since I have been here so there should be money and I'm hoping this person can find money to in the budget.

Councilman Farrell: I will appoint the committee. I would like Spencer, Marilyn and Kendall to work on that committee.

Councilman Parks: We need to go through bylaws and add EMS, I mean they were written in 1987.

Councilman Farrell: Well you need to be careful with how you modify them because you modify them to a point then you don't have to go back and edit them.

Councilman Crittenden: Do you have a copy of those?

Councilman Parks: Yes, I will email them to you.

Councilwomen Crittenden: If you would send me a copy of those that would be great.

Councilman Parks: They are very vague. There's only 4 pages. Anything we do today has at least 30.

Councilwomen Crittenden: I'm not sure it needs to be as much pages as it has the correct information.

Councilman Farrell: Is there anything else we need to address?

**A Motion was made by Councilman Crittenden to adjourn, the motion was seconded by Councilman Wade. The motion passed all in favor.**