



## STAFF REPORT

To: Summit County Council  
From: Stacy Gunn, Animal Control Director  
Helen Strachan, Civil Attorney  
Janna Young, Deputy County Manager  
Date of Meeting: May 12, 2021  
Type of Item: Discussion about a Community Cat/Feral Cat Trap-Spay/Neuter-Return Program in Summit County  
Process: Work Session

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### **Requested Council Action**

Provide Staff direction on whether to draft an ordinance for Council consideration that allows for a community cat or “trap-spay/neuter-return” feral cat program in Summit County.

### **Terms and Definitions**

**Community Cat Program:** Unowned, free-roaming cats (aka stray or feral cats) who live outdoors, rather than living indoors as pets. Typically, there is a responsible party or permit holder that monitors the cats and ensures they are spayed/neutered and vaccinated

Utah state code 11-46-302: Community Cat Program is “a program pursuant to which feral cats are sterilized and vaccinated against rabies, ear tipped, and returned to the location where they congregate”

**Trap-Spay/Neuter-Return Program:** While not defined in state statute, this term is commonly used among animal rescue organizations and animal control jurisdictions when talking about a community cat program. This concept involves free-roaming, stray or feral cats that are trapped, spayed or neutered, and then returned to the area where they were trapped

**Feral:** An animal that is normally domesticated but has reverted to the wild (State Code)

**Wild Animal:** Animals, including racoons, skunks, coyotes, foxes, bats, the offspring of wild animals crossbred to domestic dogs and cats, and any other carnivorous animal (Summit County Animal Control Code)

**Stray Animal:** Any unidentified or unclaimed animal "at large" as explained in subsection 5-1-9 of Summit County Animal Control Code

**Vicious Animal:** Summit County Animal Control Code:

1. Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or which is known to have attacked or bitten any human or domestic animal at least once before
2. Which attacks or has attacked a human being or other domestic animal without provocation
3. Which is trained or used as a fighting animal

**Nuisance:** Summit County Animal Control Code 5-1-14:

1. Causes damage to the property of anyone other than its owner
2. Is a "vicious animal" as defined
3. Defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property

### **Background**

Ten years ago, the Utah State legislature passed a law allowing a county or municipality the ability to permit "community cats." A "sponsor" such as an individual or an animal humane society or rescue, may apply for a permit to keep a community cat or a colony of community cats.

Community cats are feral (defined in state law as an animal that is normally domesticated but has reverted to the wild) or free-roaming cats that are essentially strays (they have not been microchipped and have no tags). The sponsor is responsible for getting such cats sterilized, vaccinated, and ear-tipped (which means removing approximately a quarter inch off the tip of a cat's left ear while the cat is anesthetized for sterilization) and then returning the cat to where they were originally found. A "community cat caretaker," who is not considered the cats' owner, is responsible for providing food, water, or shelter to a community cat or a colony of community cats.

One of the purposes of such a program is to allow feral/free-roaming cats to continue to live in the wild while protecting the community against unsterilized, unvaccinated cats. With such a program in place, cats received by Animal Control could be released prior to the five-day hold, as required under the County's code, to a sponsor that operates such a community cat program. Community cats are exempt from licensing requirements. They are not considered to be owned by anyone but are considered to be the responsibility of whomever has taken on the role of cat caretaker or sponsor.

Currently, Summit County's Animal Control Code does not allow or permit for a community cat or trap-spay/neuter-return program. For several years, some members of the animal rescue community, specifically Nuzzles & Co. and Best Friends, have requested the County change the code to allow for this activity, which would require an ordinance from the County Council.

Annually, Summit County receives on average around 380 cats in the County shelter either from residents who trap or surrender them, or from animal control traps, which are placed at the request of the property owner. The Animal Control shelter staff work hard to either transfer those cats to rescues or adopt them out to families. Some of the cats that come into the County's shelter are ill and die while in the shelter or have to be euthanized due to disease. Others are deemed vicious per the definition outlined above and are euthanized.

**2020 Summit County Animal Control Statistics:**

Animal Type	Received in Shelter	Transferred	Euthanized	Claimed	Adopted	Animal Control Trapped
Dogs	174	67	10	83	12	0
Cats	384	327	52	11	13	54
Wildlife	194	0	194	0	0	194
Livestock	5	1	0	1	3	0
Other	0	0	0	0	0	0

**Current Summit County Code and Practice**

Per Summit County Animal Control Code, all impounded animals are to be kept a minimum of five days before further disposition (unless the animal is voluntarily relinquished by the owner). Animal Control must first attempt to adopt out all "healthy, adoptable dogs or cats." Alternatively, Animal Control can notify a local private humane society, such as Nuzzles & Co., and provide them with the option to take said dogs/cats for sterilization (if needed), vaccination (if needed), and private sale.

In the event the animal cannot be adopted out by Animal Control or taken by a private humane society, the Animal Control Director may euthanize the animal. The Animal Control Director has the discretion to euthanize an animal, without regard to the five-day holding period and without court order if: a) the animal is a stray and in the judgment of Director, the animal should be euthanized to prevent unnecessary suffering due to serious injury or disease; b) in the judgment of the Director, the animal should be euthanized to protect the public from imminent danger to persons or

property; or c) in the judgment of the Director, the animal is a vicious animal and is considered either at-large or abandoned by its owner.

Animal Control requires that individuals who adopt an animal sign an adoption contract. Summit County Animal Control Code also requires cats to be vaccinated against rabies every thirty-six months.

With respect to stray cats that come into the possession of Animal Control, Animal Control determines, on a case-by-case basis, whether the animal is healthy and adoptable. If the cat is deemed by Animal Control not to be adoptable (i.e., is either unhealthy or has shown tendencies towards viciousness), Animal Control will euthanize the cat after the five-day holding period. If the cat is deemed by Animal Control to be adoptable, Animal Control will either adopt out the cat (requiring the individual who is adopting to sign an adoption contract) or Nuzzles & Co. will take the cat, sterilize, and vaccinate it, and privately adopt it out.

### **Practices of Other Jurisdictions**

#### **Salt Lake County Animal Control:**

Salt Lake County has an ordinance for a community cat program (see attached). The program releases domesticated cats back into the community where they came from. Feral cats are released, but not revaccinated after first initial release because it is impossible to re-trap them. They do not try to recapture feral cats. The County requires a permit to establish a cat colony and the sponsor or permit holder must identify each cat approved for the cat colony.

**Heber Valley Animal Services:** Does not have a community cat program.

**Morgan County Animal Control:** Does not have a community cat program. The Best Friends rescue organization does have a partnership with two Morgan County residents who receive a voucher from Best Friends to spay and neuter cats and then release them back where they came from. Morgan County does not have a code for Feral Cats.

**River Valley Vet Morgan County/Dr Marion Lott:** Dr. Lott has opened his vet facility to the County to house and take care of the animals that the County Animal Control needs to shelter and feed. Dr. Lott advised that in his experience, if you fix and turn out a Tom cat, the Tom will kill other kittens and cats in its territory.

**Davis County Animal Services:** Does not have a community cat program but is in the process of establishing a policy and procedure for their Animal

Control Division to get the feral cat issue under control. For the past several years, local rescue organizations have been doing trap-spay/neuter-return and there is now an overpopulation of feral cats in the community.

### **Pros and Cons of a Community Cat Program**

#### **Pros:**

- Helps keep Euthanasia rates down
- Fewer cats entering and burdening shelters
- Helps control mice population in barns and on properties
- A sustainable reduction in the outdoor cat population
- Could be some taxpayer savings due to fewer cats under the care of the Animal Control shelter and from reducing incidences of Euthanasia
- Some citizens enjoy having free roaming cats around their properties

#### **Cons:**

- Routinely feral cats are brought to the shelter as a nuisance by residents. Animal Control is not aware of residents who want feral cats
- After the initial trapping and vaccination, it is not possible to administer booster rabies vaccines as required by County code (difficult to track and virtually impossible to re-trap a feral cat)
- Feral cats kill birds and threaten protected wildlife
- Feral cats bring in other wildlife closer to homes and subdivisions
- Sickness and injury of feral cats are not monitored
- Zoonosis has known to spread from feral cat colonies to mink farms, killing the mink
- Feral Tom cats kill other cats
- Claimed, non-stray cats often interact with feral cat colonies and can bring home disease

### **Recommendation from Animal Control Director**

Summit County Animal Control does not feel there is a need for a community cat program. The current code is sufficient for how to handle feral cats. Due to all the possible negative impacts of the program and the administrative challenges, Animal Control is not supportive of changing the County code to allow for community cats at this time.

However, if the Council wants to go in this direction, Animal Control strongly feels there needs to be specific regulations around the program to ensure it is monitored and controlled. For instance, there needs to be an established policy and procedure in place first. There should be a designated cat caretaker or sponsor that would be required to get a permit with an associated fee charged. The cat caretaker would need to provide proof of rabies vaccination and spay/neuter verification of all the cats approved for

the community colony. The cat caretaker should also be required to acquire signatures or permission from neighbors or residents in the impacted community stating they want free roaming cats in their neighborhoods.

### **Conclusion**

Summit County, like most counties in Utah, does not currently have an established community cat program authorized under County code. The Animal Control Department sees more cons to allowing such a program within the County than benefits. If the County Council decides to pursue an ordinance allowing feral cat colonies in Summit County, the ordinance should include specific guardrails to ensure these colonies are controlled and monitored to prevent spread of disease and increased nuisance to the neighborhoods where these colonies are established. The colony should be permitted, and an individual sponsor should be responsible for feeding, sheltering, sterilizing, and vaccinating the cats. There should also be agreement among the affected neighbors that they want such a colony within their community.

We encourage the Council to consider the public comment on this issue and weigh the pros and cons. Animal Control has not received requests, other than from Nuzzles & Co., from residents for a community cat or trap-spay/neuter-return program.

## **Part 3 Community Cat Act**

### **11-46-301 Title.**

This part is known as the "Community Cat Act."

Enacted by Chapter 130, 2011 General Session

### **11-46-302 Definitions.**

In addition to the definitions in Sections 11-46-102 and 11-46-202, as used in this part:

- (1) "Community cat" means a feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kind, and has been sterilized, vaccinated, and ear-tipped.
- (2) "Community cat caretaker" means any person other than an owner who provides food, water, or shelter to a community cat or community cat colony.
- (3) "Community cat colony" means a group of cats that congregate together. Although not every cat in a colony may be a community cat, any cats owned by individuals that congregate with a colony are considered part of it.
- (4) "Community cat program" means a program pursuant to which feral cats are sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they congregate.
- (5) "Ear-tipping" means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilization.
- (6) "Feral" has the same meaning as in Section 23-13-2.
- (7) "Sponsor" means any person or organization that traps feral cats, sterilizes, vaccinates against rabies, and ear-tips them before returning them to the location where they were trapped. A sponsor may be any animal humane society, non-profit organization, animal rescue, adoption organization, or a designated community cat caretaker that also maintains written records on community cats.

Enacted by Chapter 130, 2011 General Session

### **11-46-303 Community cats.**

- (1) A cat received by a shelter under the provisions of Section 11-46-103 may be released prior to the five-day holding period to a sponsor that operates a community cat program.
- (2) A community cat is:
  - (a) exempt from licensing requirements and feeding bans; and
  - (b) eligible for release from an animal shelter prior to the mandatory five-day hold period in Section 11-46-103.
- (3) Community cat sponsors or caretakers do not have custody, as defined in Section 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as evidenced by a collar, tags, microchip, or other discernable owner identification, are not exempt from the provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.
- (4) Sterilization and vaccination records shall be maintained for a minimum of three years and be available to an animal control officer upon request.

Enacted by Chapter 130, 2011 General Session

### **11-46-304 Permit process for community cat colonies.**

- (1) A county or municipality may create a permitting process for community cat colonies.
- (2) Any permitting process created by a county or municipality shall provide notice to adjacent property owners by:
  - (a) mailing notice to the record owner of each parcel within parameters specified by the permitting process; or
  - (b) posting notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

Enacted by Chapter 130, 2011 General Session

## SALT LAKE COUNTY ANIMAL CONTROL

"Feral Cat" means any free roaming, homeless, wild or untamed cat.

"Feral Cat Colony" means a group of free roaming, homeless, wild or untamed cats living together in an area.

### **8.13.010 Feral cats—Impoundment and disposition.**

- A. Impounded cats identified as feral pursuant to this code of ordinances shall be held by Animal Services for the mandatory period set out in Section 8.07.050.A.
- B. At the end of the mandatory holding period, the feral cat shall be released within a reasonable proximity to where it was trapped or picked up.
  - 1. Each cat shall be sterilized, identified by "ear-tipping" and vaccinated (including rabies vaccination) prior to release.
  - 2. The release of a feral cat under the provisions of this section shall not be considered "abandonment" under the provisions of section 8.01.010.
- C. The director (or designee) has discretion to refuse release of a feral cat.

(Ord. No. 1684, § III, 10-12-2010)

### **8.03.140 Feral cat colony permit.**

It is unlawful for any person to maintain a feral cat colony without a permit. Unless prohibited by zoning or other ordinances or laws, any person over the age of eighteen years of age, may obtain a feral cat colony permit upon:

- A. Presenting proof that the cats in the maintained colony have been sterilized, given their initial vaccinations and ear-tipped or are being actively trapped so as to perform sterilization, vaccination and ear-tipping;
- B. Presenting a detailed description of each cat in the colony with vaccination history;
- C. Presenting proof of property owner and/or landlord permission at the site that the colony is being maintained; and
- D. Providing contact information, in the event that complaints are received by the division concerning management of the colony.

(Ord. 1461 § 2 (part), 2000)



Discussion: Should  
Summit County Have  
a Community Cat  
Program?

Stacy Gunn, Helen Strachan,  
Janna Young

# Agenda

Background

Current Feral Cat Policy in Summit County Animal Control

Policies in Other Jurisdictions

Pros and Cons

Director's Recommendation

Public Comment

May 12, 2021



# Background

## What is a Community Cat Program?

Unowned, free-roaming feral cats who live outdoors and are sterilized, vaccinated against rabies, ear tipped, and returned to the location where they congregate





## 10 years ago, Utah State Legislature authorized counties and cities to permit “community cats”

Rules in State Statute:

- Must have a permit sponsor/cat caretaker
  - Does not own the cats
  - Required to provide food, water or shelter to cat colony
- Cats must be sterilized, vaccinated, & ear-tipped
- Returned to where originally found

Summit County Code does not currently allow Community Cats



# Community Interest

Animal Control has not received a single request from residents for a community cat colony; feral cats are often brought to the shelter as a nuisance

Animal rescues are proponents of community cats and request a change to the County code to allow for them



# Summit County Animal Control Statistics 2020

	Rec'd in Shelter	Transferred	Euthanized	Claimed	Adopted	AC Trap
DOGS	174	67	10	83	12	0
CATS	384	327	52	11	13	54
Wildlife	194	0	194	0	0	194
Livestock	5	1	0	1	3	0

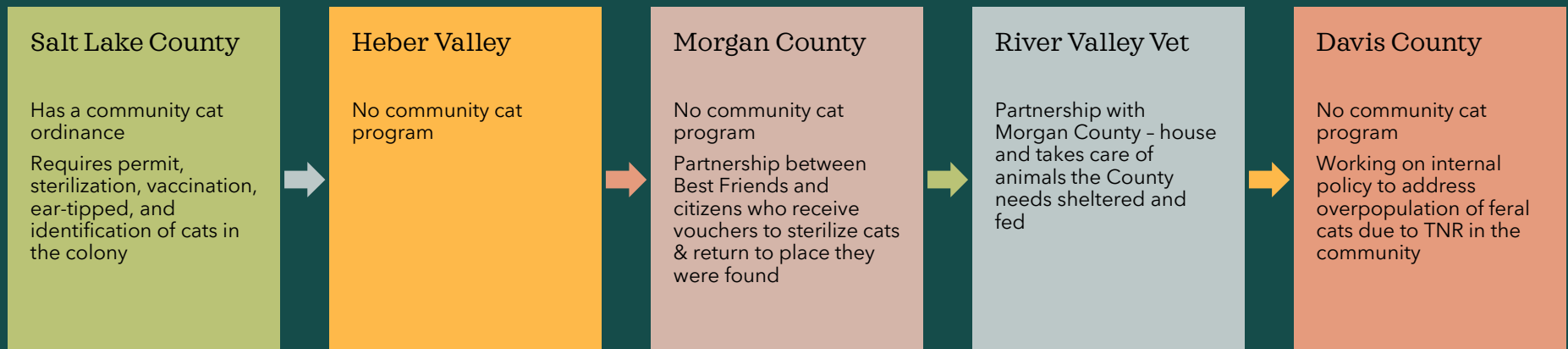
A composite image featuring a smiling man in a plaid shirt holding a pug puppy on the left, and a tabby kitten sitting in a field of daisies on the right. A large dark green circle is overlaid in the center, containing the title and a bulleted list.

## Current Summit County Policy

- Code requires 5-day hold
- Must first attempt to adopt out all healthy, adoptable cats or dogs
- Then offer animals to rescue organization to sterilize, vaccinate and adopt out
- May euthanize if animal is injured, diseased, or vicious

May 12, 2021

# Practices of Other Jurisdictions



# Pros and Cons of a Community Cat Program



## Pros

- Helps keep Euthanasia rates down
- Fewer cats entering and burdening shelters
- Helps control mice population in barns
- A sustainable reduction in the outdoor cat population
- Could be taxpayer savings due to fewer cats under the care of the Animal Control shelter
- Some citizens enjoy having free roaming cats around their properties

## Cons

- Difficult to administer booster rabies vaccines
- Feral cats kill birds and threaten protected wildlife
- Feral cats bring in other wildlife closer to homes
- Sickness and injury of feral cats are not monitored
- Zoonosis has spread from feral cat colonies to mink farms
- Feral Tom cats kill other cats
- Claimed cats interact with feral cat colonies and can bring home disease

# Director's Recommendation

- Does not recommend a community cat program; current code is sufficient, and the cons and administrative challenges outweigh the pros
- No idea if there is any interest in the community for a community cat program
- If the Council wants to allow for community cats, it should be done under strict rules to control & monitor it:
  - Policy & procedure needed
  - Identified sponsor/cat caretaker
    - Permit required with fee
  - Proof of rabies vaccination and sterilization required
  - Signatures from impacted communities agreeing to have free roaming cats in their neighborhood

May 12, 2021





# Requested Council Direction

Does the Council want to consider permitting  
community cats?

Should Staff draft a community cat ordinance  
for County Council consideration?



# Public Comment





## Staff Report

To: Summit County Council  
Report Date: April 15, 2021  
From: Patti Berry, HR – Park City Fire Service District  
Project Name: Personnel Policies Revisions

### A. Background

As part of an on-going policy review, two Personnel Policies (Section 9 –Fringe Benefits and Section 12 – Productive Work Environment) were reviewed and revised to reflect several clean-up and clarifying changes. Both policies were submitted to Jami Brackin and David Warnock for review.

On February 2, 2021, in a regular scheduled meeting of the Park City Fire District Administrative Control Board, Section 12 was reviewed and approved for recommendation to the Governing Board for final approval.

On April 6, 2021, in a regular scheduled meeting of the Park City Fire District Administrative Control Board, Section 9 was reviewed and approved for recommendation to the Governing Board for final approval.

Both policies are attached in redline. The changes are as follows:

#### Section 9 – Fringe Benefits

Previously, the District did not have a category for full-time EMS employees. With the addition of this new category, Section 9 required updating. **A. Employee Categories** and **G. Vacation** were revised to include categories for Full-Time EMS Employees.

In **G. Vacation** and **H. Sick Leave** it was not specified if employees would continue to accrue leaves or retirement credit while on long-term disability or extended unpaid leave. **G.4. and H.4.** were added to clarify that employees will not continue to accrue leaves while on long-term disability or extended leave without pay. A similar paragraph was added to **Q. Retirement** to clarify that employees will not receive retirement credit during a period of long-term disability or when on extended unpaid leave. This is in accordance with the Park City Fire Service District's current contracts with URS.

#### A.2.

EMS Division employees working an average of 42 hours per week (2184 hours annually) are defined as Full-Time EMS Employees.

#### G.3.

Full-time EMS Employees shall accrue vacation leave according to the following schedule:

Hire date through the end of the 1 <sup>st</sup> year	6.08 Hours
Beginning of the 2 <sup>nd</sup> year through the end of the 5 <sup>th</sup> year	7.46 Hours
Beginning of the 6 <sup>th</sup> year through the end of the 10 <sup>th</sup> year	9.08 Hours
Beginning of the 11 <sup>th</sup> year through the end of the 15 <sup>th</sup> year	10.46 Hours
Beginning of the 16 <sup>th</sup> year through the end of the 20 <sup>th</sup> year	12.08 Hours
Beginning of the 21 <sup>st</sup> year and over	12.77 Hours

G.4.

Vacation leave may not be accrued during a period of time when an employee is on long-term disability or is on extended leave-without pay and has exhausted all FMLA entitlement.

H.4.

Sick leave may not be accrued during a period of time when an employee is on long-term disability or is on extended leave-without pay and has exhausted all FMLA entitlement.

Q.8.

Retirement credit will not accrue while an employee is receiving long-term disability or when an employee is on unpaid leave and has exhausted all FMLA entitlement.

## Section 12 – Productive Work

Prior to the proposed change, in **D. Outside Employment**, employees were required to submit a signed statement to the Fire Chief regarding any outside employment. The changes would replace the requirement of a signed document with the requirement of a notification to the Fire Chief of outside employment. In **I. Drug Free Workplace**, the concern was that it wasn't clear to employees that those in safety sensitive positions are required to notify the District of any unsafe conditions. A paragraph was added to clarify this requirement.

D.4.

The employee is required to ~~sign a statement concerning outside employment~~, notify the Fire Chief and gain approval for acceptable outside employment, prior to accepting the employment. The employee ~~will acknowledge in the signed statement that they should understand any injuries occurring while conducting outside employment will not qualify for District worker's compensation coverage.~~

I.22.

In order to ensure fitness for duty, all employees in a safety-sensitive position have the responsibility to report the use of any prescription or over-the-counter medications that causes impairment or may produce side effects that could alter one's ability to perform the duties of their job. Such a report shall be made to the Human Resource Officer for submission to the District's physician for consideration. The physician will determine whether any work restriction or limitation is indicated and inform the District and the individual of such restriction.

### **B. Recommendation:**

The Administrative Control Board of the Park City Fire Service District voted to recommend approval of Personnel Policies 9. Fringe Benefits and 12. Productive Work Environment as amended.

## SECTION 9 - FRINGE BENEFITS

### A. EMPLOYEE CATEGORIES

As used in this Section:

1. Administrative Division employees working 40 hours per week (2080 hours annually) are defined as Full-Time Administrative Employees.
- 1.2. EMS Division employees working an average of 42 hours per week (2184 hours annually) are defined as Full-Time EMS Employees.
- 2.3. Suppression Division employees working an equivalent of 56 hours per week ( 2920 hours annually) are defined as Full-Time Suppression Employees.
- 3.4. Qualifying Part-time Employees are defined as employees working the equivalent of 30 hours per week (1560 hours annually) or more.

### B. Group Health Insurance

The District may pay a premium for health, dental, life insurance, accidental death and dismemberment, and disability insurance up to a maximum amount designated by the Fire Chief for Full-Time Employees and their dependents.

The District may pay a premium for health insurance for Qualifying Part-Time Employees.

Part time, temporary and seasonal employees, contractors and volunteers are not eligible for any benefits, except those as required by law.

### C. Continuation of Benefits

The District recognizes and follows COBRA regulations for insurance coverage after employment by the District for all employees. Employees separating from District employment who are participating in health care prior to the qualifying event will be allowed to continue group medical and dental insurance coverage at cost to the employee for up to eighteen (18) months from the date of separation (except when terminated for cause). The District assesses up to a minimum of 2% of the premium as an administrative fee. (*see* Utah Code §31A-22-714, or Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA)). Employees and/or dependents shall be notified within thirty (30) days from date of separation regarding extension and conversion privileges and must reply in writing within sixty (60) days of notice or forfeit their extension right. Payment must be made within forty-five (45) days of acceptance of COBRA benefits or benefits will be canceled.

1. Dependents of employees are eligible to continue insurance at their cost for up to thirty-six (36) months upon the occurrence of the following:

- a. Upon legal separation or divorce from the covered employee;
  - b. The death of the covered employee;
  - c. When dependents cease to be dependent under the definition of the policy;
  - d. When Medicare eligible employees cease participation in employer sponsored plans;
2. Insurance cannot be continued beyond any of the following:

~~The person has not been continuously insured and eligible under the group policy, or its predecessor;~~

- a. The date the premium is not paid;
- b. The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits;
- c. In the case of a spouse, when the spouse remarries or becomes covered under another group health plan; and
- d. On the date when the employer ceases to provide any group plan, except the District would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies.

**D. General Group Insurance Programs**

Disability coverage beginning on 31<sup>st</sup> day for accidents and illness is also provided for full-time employees. Family & Medical Leave without pay shall run concurrently during disability but shall begin the first day the employee is not able to work. In the event of long-term disability, health, dental and life insurance premium payments will be paid by the District for a period of nine (9) months from date of inception of the disability. An employee returning to work after disability leave shall provide a return-to-work release from their physician listing accommodations, if any. The District may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities. An employee who cannot return to their regular work responsibilities or perform the essential functions of the job after the nine-month period following the inception of the disability shall be separated from employment with the District.

- 1. Dental insurance available for all full-time employees. There shall be no compensation in lieu of coverage.

**E. Social Security**

Employees are required by law to have a valid Social Security number and to contribute to the Social Security system, unless otherwise covered through a

qualified public retirement system. The District is covered by the Utah Retirement Systems and has opted out of Social Security, only the Medicare portion of the FICA deduction is withheld from the employees and matched by the District.

**F. Leave Status**

Vacation, sick, comp time, holidays, trade time, or funeral leave shall not be used to create overtime. The purpose of leave is to supplement the employee's full time workweek.

**G. Vacation**

1. The District believes that a reasonable period of time away from the job encourages good health and the well-being of employees. This is a benefit to the District, as well as the employee. Therefore, it is the policy of the District to grant paid vacations to full-time employees.

2. All full-time employees are eligible for vacation as accrued. Years of District service, for establishing vacation accrual rates, shall be the employee's full-time hire date.

3. Accumulation of vacation shall be based upon the following schedule:

**Full-time Suppression Employees shall accrue paid-vacation leave according to the following schedule:**

<u>Years of Service Accrual</u>	<u>Per-Pay-Period</u> <u>(26 Pay Periods per Year)</u>
Hire date through the end of the 1 <sup>st</sup> year	8.30 Hours
Beginning of the 2 <sup>nd</sup> year through the end of the 5 <sup>th</sup> year	10.15 Hours
Beginning of the 6 <sup>th</sup> year through the end of the 10 <sup>th</sup> year	12.00 Hours
Beginning of the 11 <sup>th</sup> year through the end of the 15 <sup>th</sup> year	13.85 Hours
Beginning of the 16 <sup>th</sup> year through the end of the 20 <sup>th</sup> year	16.62 Hours
Beginning of the 21 <sup>st</sup> year and over	17.54 Hours

**Full-time non-exempt Administrative Employees shall accrue paid-vacation leave according to the following schedule:**

Hire date through the end of the 1 <sup>st</sup> year	2.08 Hours
Beginning of the 2 <sup>nd</sup> year through the end of the 5 <sup>th</sup> year	3.46 Hours
Beginning of the 6 <sup>th</sup> year through the end of the 10 <sup>th</sup> year	5.08 Hours
Beginning of the 11 <sup>th</sup> year through the end of the 15 <sup>th</sup> year	6.46 Hours
Beginning of the 16 <sup>th</sup> year through the end of the 20 <sup>th</sup> year	8.08 Hours
Beginning of the 21 <sup>st</sup> year and over	8.77 Hours

**Full-time EMS Employees shall accrue vacation leave according to the following schedule:**

<u>Hire date through the end of the 1<sup>st</sup> year</u>	<u>6.08 Hours</u>
<u>Beginning of the 2<sup>nd</sup> year through the end of the 5<sup>th</sup> year</u>	<u>7.46 Hours</u>
<u>Beginning of the 6<sup>th</sup> year through the end of the 10<sup>th</sup> year</u>	<u>9.08 Hours</u>
<u>Beginning of the 11<sup>th</sup> year through the end of the 15<sup>th</sup> year</u>	<u>10.46 Hours</u>

<u>Beginning of the 16<sup>th</sup> year through the end of the 20<sup>th</sup> year</u>	<u>12.08 Hours</u>
<u>Beginning of the 21<sup>st</sup> year and over</u>	<u>12.77 Hours</u>

**Full-time FLSA-Exempt Administrative Employees shall accrue paid-vacation leave according to the following schedule:**

Hire date through the end of the 1 <sup>st</sup> year	3.62 Hours
Beginning of the 2 <sup>nd</sup> year through the end of the 5 <sup>th</sup> year	4.99 Hours
Beginning of the 6 <sup>th</sup> year through the end of the 10 <sup>th</sup> year	6.55 Hours
Beginning of the 11 <sup>th</sup> year through the end of the 15 <sup>th</sup> year	7.99 Hours
Beginning of the 16 <sup>th</sup> year through the end of the 20 <sup>th</sup> year	9.61 Hours
Beginning of the 21 <sup>st</sup> year and over	10.30 Hours

**4. Vacation leave may not be accrued during a period of time when an employee is on long-term disability or is on extended leave-without pay and has exhausted all FMLA entitlement.**

**4.5.** Former employees who are re-hired with reinstatement rights following military service shall be entitled to assume the same eligibility for vacation as enjoyed as outlined in Section 7, Paragraph H.

**5.6.** Employees may carry unused vacation leave over to the next year to a maximum of 456 hours for Suppression Employees and 260 hours for Administrative **and Full-Time EMS** Employees of accrued vacation leave. At the end of the calendar year, any accrued vacation leave in excess of the maximum hours shall be converted to sick leave at 100%.

**6.7.** Utilization: Any accrued compensation time must be used before using accrued vacation leave. Vacation leave shall be scheduled through the TeleStaff program. The Fire Chief may set the rules of vacation use so that District operations are not disrupted.

**7.8.** An authorized holiday which falls within the time period of an administrative employee's scheduled vacation shall not be charged as used vacation.

**8.9.** The District will not advance vacation days.

**9.10.** For administrative employees, vacations are to be taken as time off and there will be no pay in lieu of time off.

**10.11.** Suppression employees may request a total of 144 vacation hours, in 24-hour increments, **and EMS employees may request a total of 72 vacation hours in 12-hour increments** per calendar year for pay in-lieu of time off.

**11.12.** Scheduled paid leave and trade time may be taken consecutively up to a maximum of 30 calendar days with the approval of the Fire Chief, unless taken in conjunction with FMLA.

12.13. Shift-suppression personnel must use vacation in full shift (24 hour) increments.

13.14. Resignation: Upon resignation or retirement, an employee will be paid the cash value of 100% of the earned vacation leave (carried over and earned). Deductions from termination pay may be made where the terminating employee has outstanding obligations to the District. The District may withhold the payment of termination pay if the employee fails to return District property in their possession.

14.15. Record Keeping: The official record of accrued and used vacation is to be kept by the District through a formal leave accounting system. Any discrepancies shall be reconciled directly through the Human Resource Officer. If discrepancies are not reported within thirty (30) days, all information shall be deemed correct.

#### H. **Sick Leave**

Sick leave is allowed for full-time employees as a benefit and may be used for the employee's own injury or illness. Sick leave taken in excess of two (2) calendar days may require a statement from an attending physician. The Fire Chief and/or Supervisors must use discretion in approving sick leave, while insisting that seriously ill employees stay off the job. Accrued sick leave is a District owned benefit afforded to those District employees who become ill or injured and cannot perform their normal duties.

1. Sick leave shall be earned at the rate of 3.07 hours per pay period of full time employment for Administrative and Full-Time EMS Employees and the rate of 4.6 hours per pay period for Suppression Employees, and may be used as earned. Sick leave shall not be granted beyond that earned by any employee.
2. Full-time employees may accrue up to 680 hours of sick leave for Administrative and Full-Time EMS Employees and 960 hours for Suppression Employees pursuant to paragraph H.1. above.
3. Sick leave shall not accrue during a period where a leave of absence without pay is being granted for reasons other than personal or family related illness or condition as defined by the Family & Medical Leave Act (FMLA).
- 3.4. Sick leave may not be accrued during a period of time when an employee is on long-term disability or is on extended leave-without pay and has exhausted all FMLA entitlement.
- 4.5. Sick Leave Cash Benefit Payout:
  - a. Upon an eligible employee retiring between January 1 and June

30, PCFD will pay a contribution in the amount of 50% of the cash value of the eligible employee's accumulated, unused sick leave, to the employee's Nationwide Post Employment Health Plan account in accordance with the provisions and requirements of that Plan in lieu of a cash benefit.

- b. Upon an eligible employee retiring between July 1 and December 31, employee will receive a cash benefit equal to PCFD will pay the eligible 50% of the cash value of the eligible employee's accumulated, unused sick leave.
- c. If an individual's employment terminates before the employee meets ten years of full-time employment with the District, all accrued sick leave will be forfeited.
- d. If the employee qualifies for retirement through the Utah Retirement Systems and has less than ten years of full-time employment, the employee is eligible for sick leave payout cash benefit as defined in sections a. and b. above.

5.6. District designated holidays occurring while an administrative employee is on sick leave shall not be charged as used sick leave.

6.7. Notification to the employee's Supervisor for the use of sick leave shall be made no later than one (1) hour prior to employee's regular reporting time.

7.8. Supervisors are charged with the responsibility to approve or disapprove sick leave requests, and may require the employee to provide evidence of illness or injury.

8.9. The official record of accrued and used sick leave is to be kept by the District through a formal leave accounting system (currently TeleStaff). Any discrepancies shall be reconciled directly through the Human Resource Officer. If discrepancies are not reported within thirty (30) days, all information shall be deemed correct.

9.10. Workers Compensation: In the event an employee is injured on the job, they must immediately report the injury to the Human Resource Officer, and submit to any necessary drug testing (*see* Section 12) and apply for workers compensation. The employee may additionally utilize compensated sick leave in accordance with the following formula: "Gross monthly compensation minus industrial compensation equals total compensation subject to sick leave utilization. The number of hours to be charged shall be determined by dividing the total amount subject to use by the appropriate hourly compensation rate." This shall not be construed as allowing a gross income, inclusive of industrial compensation, in excess of the employee's regular monthly salary or earnings.

10.11. Insurance benefits are provided for more serious or longer-term illness or accidents. While insurance policies pay 60% of the normal wage, sick

leave time and vacation time may be used on a pro-rata basis to maintain normal income. The employee may supplement the disability benefit first with accrued sick leave and vacation to receive 40% of their normal wage. During the duration of an employee supplementing their disability benefit, sick leave and vacation accruals will continue. If no sick leave or vacation time is available, normal insurance proceeds only are payable and sick leave and vacation will not accrue.

**I. Dependent Care Leave**

An eligible employee may request up to 24 hours per year of Dependent Care Leave to care for the eligible employee's child, spouse, or parent who is ill or injured but may not have a serious health condition (non-FMLA qualifying event).

1. PCFD may require an eligible employee to provide information about the need for Dependent Care Leave.
2. An eligible employee's sick leave accrual shall be reduced by the number of hours taken by an employee as Dependent Care Leave under this paragraph.

**J. Funeral Leave**

1. Funeral leave with pay, not to exceed one (1) week ~~(40 hours for Administrative Employees and 48 hours for Suppression Employees)~~, may be allowed in the loss of the following:
  - a. Spouses, Adult Designee (as noted for health insurance) Son, Daughter, Mother, Father, Grandson, Granddaughter, Stepmother, Stepfather, Stepson, Stepdaughter, Son-in-law, and Daughter-in-law.
2. Funeral leave with pay, not to exceed ~~10 hours for Administrative employees and 24 hours for Suppression employees one shift~~, may be allowed in the loss of the following:
  - a. Grandparents, Sister, Brother, Father-in-law, Mother-in-law, Sister-in-law, and Brother-in-law.
3. Employees desiring extended funeral leave may request to use comp time, vacation, or leave without pay. Leave without pay may be used only if the employee has no accrued comp time or vacation. Funerals which occur during use of vacation shall be treated as described in this paragraph and not be charged to vacation.
4. If a funeral is attended or death occurs while an employee is on leave of absence, there will be no time off with pay forthcoming.

**K. Holiday Leave**

1. The following days have been designated by the District to be paid

holidays for Administrative Employees<sup>1</sup>:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Jr. Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday of November
Christmas Day	December 25 <sup>th</sup>

2. When any of the above holidays fall on a Sunday, the following Monday shall be observed as the holiday. When any of the above holidays fall on a Saturday, the preceding work day shall be observed as the holiday.
3. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation the day of the holiday.
4. **Holiday Pay:** Administrative Employees who are required to work on a designated holiday will receive compensation at the regular rate for the holiday plus compensation at the regular rate for all hours actually worked on the holiday.

**L. Court or Jury Leave**

Each full time employee entitled to paid leave under these rules shall, during regularly scheduled work time only, be entitled to leave of absence with full pay for such period of required absence when, in obedience to a subpoena or direction by proper authority, the employee is to appear as a witness in a case involving the federal government, the State of Utah, or a political subdivision thereof, to serve on a jury or as a witness in a grievance/hearing. Witness or jurors fees paid to employees on leave with pay status shall be returned to the District for deposit in the general fund. Per diem and witness or juror fees may be retained by an employee who elects to use vacation leave while on jury duty or acting as a witness. Absence due to litigation not required by the employee's position, but as an individual, shall be taken as vacation leave, comp time, or leave without pay.

**M. Maternity Leave**

1. An employee who becomes pregnant may continue working until such time as they can no longer satisfactorily perform their duties or their physical condition is such that their attending physician deems continued employment to be hazardous to the employee's health or the health of the

<sup>1</sup> Suppression and Full-time EMS Employees accrue vacation time at higher rates to compensate for lack of any paid holidays (*see* paragraph G above.)

unborn child.

2. Paid sick leave or Family & Medical Leave without pay, which is available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
3. Leave granted for maternity purposes shall be allowed. Such leave may also be eligible for short-term disability compensation according to District insurance program guidelines.
4. Employees who have exhausted all accumulated sick leave but have not exhausted their FMLA leave, shall be granted Family & Medical Leave without pay for maternity and other allowed purposes. Family & Medical Leave with-out-pay shall run concurrently with the use of sick time and shall begin the first day the employee is not able to work. Employees desiring extended leave due to "pregnancy disability" shall receive it on the same basis as any other disability.

**N. Military Leave**

Leave shall be granted for a period of active military service. Extended military leave is six (6) months or more, not to exceed five (5) years unless approved by the District. Short-term military leave is any leave of less than six (6) months in duration, normally not longer than 120 hours.

1. Short-term Military Leave is authorized for full-time employees pursuant to the following conditions:
  - a. Administrative and EMS Employees are entitled to one hundred and twenty (120) hours and Suppression Employees are entitled to one-hundred and sixty-eight (168) hours of military leave per year without loss of regular pay or other fringe benefits. The employee may take military leave when activated. After the employee has exhausted their hours of military leave they may take unpaid leave or substitute vacation or trades.
  - b. Whenever possible, employees who are members of reserve units of the military shall notify the Fire Chief and Human Resource Officer within one week of receipt of an activation notice, and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the individual employee's personnel file.
  - c. Employees requesting short term military leave may go on leave without pay status prior to using accrued vacation and comp-time.
  - d. While on short term military leave without pay, none of the employee's benefits shall accrue, except that health, dental and life

insurance benefits will remain in force.

- e. If the employee does not return to District employment after six (6) months, the Fire Chief may declare the position vacant.

- 2. Extended Military Leave Without Pay shall be granted to employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provision of the Universal Military Training and Service Act. Former employees shall be permitted to return to District employment without loss of benefits pursuant to the provisions of the Utah Code §39-3-1. The following conditions shall apply:

- a. USERRA provides that an individual may serve up to 5 years in the uniformed services, in a single period of service or in cumulative periods totaling 5 years and retain the right to re-employment by their pre-service employer (38 USC 4312(c)).
- b. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
- c. The District shall follow USERRA regulations regarding the reinstatement of an employee returning from active military duty. If the employee declines an offer for position vacancy, reinstatement rights may be canceled by the Fire Chief.
- d. If, due to a service connected disability or for some other reason, an employee is not qualified to perform all the duties of their former position, they will be placed in the closest comparable position for which they are qualified or the employee will be placed on a list of eligibles for consideration for future openings. Under the American's With Disabilities Act, reasonable accommodation shall be provided unless to do so would prove to be an undue hardship.

**O. Administrative Leave**

In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, the Fire Chief, may grant short-term leaves at full pay, partial pay, or without pay. The approval or denial of such requests is at the discretion of the Fire Chief and is not subject to appeal.

**P. Family & Medical Leave Without Pay**

The District will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).

- 1. Eligibility: All employees who have worked for the District for at least 12 months (which need not be a consecutive 12 month period) and have worked for the District at least 1250 hours in the previous consecutive 12 month period qualify for family & medical leave without pay.

2. Eligible employees may receive up to 12 weeks of unpaid, job protected, leave in any 12-month period for the following reasons:
  - a. To care for a child upon birth or upon placement for adoption or foster care;
  - b. To care for a parent, spouse, or child with a serious health condition, or,
  - c. When an employee is unable to work because of a serious health condition. A serious health condition is defined as "any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider" (i.e. doctors, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, and Christian Scientist practitioners). In addition, a single event or occasion, which results in a regimen of continuing treatment under the supervision of the health care provider, such as a regimen of medication or physical therapy, qualifies. Excluded from coverage are voluntary or cosmetic treatments, which are not medically necessary and preventive physical examinations. An employee returning to work after FMLA leave for their own serious health conditions shall provide a return to work release from their physician listing accommodations, if any. The District may restrict the employee's return to work if the accommodations preclude the employee from fully participating in their job responsibilities.
  - d. When a family member is called on active military duty or called to active military duty
3. Eligible employees may receive up to 26 weeks of unpaid, job protected, leave in any 12-month period to care for a family member who sustained an injury or illness in the line of active military duty.
4. Notice & Verification: Employees who want to take FMLA leave ordinarily must provide the District with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If the need is not foreseeable, the employee should give as much notice as is practicable. The employee notice shall contain the reason for the leave, the anticipated timing of the leave and the expected duration of the leave. In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification of the serious health condition within 15 days after the request or as soon thereafter as is seasonably possible. The District may also require a second or third opinion (at the District's expense), periodic recertification of the serious health condition (as frequently as every 30 days), and, when the leave is a result of the

employee's own serious health condition, a fitness for duty report to return to work. The District may deny leave to employees who do not provide proper advance leave notice or medical certification within established time frame.

5. District Communication Requirements: Upon receiving notice of an employee need for FMLA leave the District must provide the employee with a detailed notice specifying the employee's rights and obligations in connection with the law and District policy and explain any consequences of a failure to meet these obligations. The District notice shall include:
  - a. A statement that the leave will be counted against the employee's annual FMLA leave entitlement;
  - b. Requirements for the employee to furnish medical certification of a serious health condition and the consequences for failing to do so;
  - c. The requirement for the employee to use accrued paid leave,
  - d. Any requirements for the employee to make or participate in the payment of insurance premiums, and the methods for doing so;
  - e. Any requirement of the employee to present a fitness for duty certificate in order to return to work;
  - f. The employee reinstatement rights to the same or equivalent job;
  - g. The employee's status as a "key employee" and the conditions under which reinstatement may be denied, and
  - h. The employee's potential liability for health insurance premiums paid by the District during the leave if the employee does not return to work.
6. Method of Leave Usage: The leave may be taken intermittently or on a reduced leave schedule without the District's approval when medically necessary; therefore Supervisors shall take an active role in verifying medical necessity, especially in the case of emergencies and short notice situations. Medically necessary FMLA leave may be taken in half-hour, hourly, daily or weekly blocks of time, but may not be taken intermittently for any other non-medical purpose.
7. Employee Entitlements: Employees taking qualified FMLA leave are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In addition, the District shall reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms as previously provided. The District's obligation

under FMLA to reinstate an employee returning from leave ceases once the employee has used up their 12/26 week entitlement and continues on another form of leave, paid or unpaid. Also, the District may deny reinstatement if it can be demonstrated that the employee would not otherwise have been employed at the time the reinstatement request is made, such as when an employee's position is eliminated due to a layoff.

8. Accrued Benefit Impact: Employees use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during a FMLA leave for the employee's own serious health condition or for a seriously ill family member. In addition, the employee must first use any accrued paid vacation or compensatory time, but not sick leave, during FMLA leave to care for a newborn or newly placed child, and no more than 5 paid sick days may be included in FMLA leave taken to care for a seriously ill family member (see sick leave policy). In calculating the number of leave days used as part of the 12/26 week FMLA limit, all paid leave shall be included.
9. Defining 12 month period: The District shall use a rolling 12-month period measured backward from the date an employee uses any FMLA leave.
10. Return to Work
  - a. Upon returning to work, an employee whose FMLA leave was due to the employee's own serious health condition shall provide a release to return to work from his health care provider. In addition, an employee who has been absent due to illness or injury may also be required to undergo a Return to Work / Fitness for Duty Evaluation through a District-appointed physician. In such event, the district shall cover the cost of such examination.
  - b. If the employee has not exhausted their FMLA or other leave, the employee shall be restored to the same position held before the FMLA leave or to an equivalent position with equivalent pay and benefits, unless the employee has been identified as a "key employee."
11. Temporary Work Assignments: Where medical necessity dictates the need to use scheduled intermittent leave or a reduced work schedule, the District may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of leave than the employee's regular position. In addition, the District may transfer an employee to a part-time job with the same hourly rate of pay and benefits as long as the employee is not required to take more leave than is medically necessary.

12. Record Keeping Requirements: Records retention for FMLA purposes must be maintained in accord with record keeping requirements of the Fair Labor Standards Act (FLSA). Records must be kept for a minimum of three years, which includes the following information:
- a. Basic payroll records;
  - b. Dates that FMLA leave is taken;
  - c. Hours of FMLA leave;
  - d. Copies of employee notification given to employer;
  - e. Copies of employer notices regarding employee rights and obligations;
  - f. Copies of District policies and procedures describing benefits and leave provisions;
  - g. Premium payments of employee benefits;
  - h. Documents pertaining to disputes regarding designation of FMLA leave. All records relating to medical information must be kept in separate, confidential medical files.

**Q. Retirement**

The District is a participant in the Public Employee and Fire Fighters' retirement programs of the Utah Retirement Systems (URS) and does not contribute to Social Security. In lieu of Social Security payments, part-time employees are enrolled in a qualified 457 retirement program through the District. The district will contribute a percentage of the employee's gross wages based on the current social Security rate; part-time employees will contribute a minimum of 5% of their gross wages to their 457 account. Full-time, post retired, employees will receive a contribution to a 401(k) retirement plan in lieu of Social Security at ~~a rate of at least 7.5%~~ the current Social Security of their gross wages as per IRS regulations.

Qualifying suppression personnel participate in the URS Tier I or Tier II, Division "B", Firefighters Retirement System. Qualifying Administrative and EMS personnel participate in the Tier I or Tier II Public Employees Noncontributory Retirement System.

The District endorses the concept that performance, not age should be the standard for retaining qualified employees. There shall be no set retirement age from District employment. Contributions into the retirement system shall be made for all employees working full time.

1. Employees, at their discretion, may choose to retire any time after they are eligible under provisions of the Retirement Act.
2. Employees over retirement age, as defined by the Social Security Administration, can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.
3. The retirement system provides a number of benefits to the employee, including retirement benefits, death benefits, and survivor's allowances. Contributions are made by the employer as allowed by the retirement system.
4. All employees who have previously participated with URS prior to July 1, 2011 shall be enrolled in the Tier I retirement.
5. Effective July 1, 2011, all existing employees who have not participated and all newly hired employees shall be enrolled with the URS Tier II retirement unless previously enrolled within a URS retirement system.
6. Employees working less than full time but at least 20 hours per week and receiving any other non-mandated benefit from the District will also be enrolled in the District Retirement program.
7. Retirement credit will continue to accrue while an employee is receiving short-term disability.
- 7.8. Retirement credit will not accrue while an employee is receiving long-term disability or when an employee is on unpaid leave and has exhausted all FMLA entitlement.

**R. HOUSING ALLOWANCE**

1. Full-time personnel who reside within the jurisdictional boundaries of the PCFSD shall receive a monthly housing allowance as determined by the Board.
2. The housing allowance shall be considered an employee benefit; accordingly the amount of the benefit shall be considered as income and reported to the Internal Revenue as such.
3. In order for an employee to qualify for the housing allowance, employee must provide proof of primary residency within the District boundaries. This proof may consist of a Summit County tax notice, mortgage statement or voter registration card. A local mailing address must be provided for proof and use for all District correspondence.
4. In the event the employee moves outside of the District, Human Resources shall be notified immediately of the address change.

- 5. The status of employees' residency within the District may be reviewed by the District at any time. If it is determined that the employee has lived outside the District boundaries while receiving the housing allowance, the employee shall be required to reimburse the District.

**S. Unemployment Insurance**

The District participates in the State Unemployment Insurance Program; and each person that terminates will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State. Employees terminated for cause shall not be eligible for unemployment benefits from the District.

**T. Education Assistance**

When determined by the Fire Chief that additional training or education is required for the proper performance of a job, the District shall allow rescheduling of work time together with compensation for time spent in training plus associated expenses.

If a full-time employee desires to enhance their own job skills through training or academic pursuits which are viewed by the Fire Chief as being directly related to the job or a position to which one may wish to become promoted, and the employee initiates such a request; the District may give consideration in work schedule accommodations and tuition expenses.

Tuition expenses must be budgeted during the District's regular budget process. Employees requesting tuition reimbursement must be employed, full time, by the District for a minimum of 2 years. The District may choose to participate at a rate of 100% of tuition expenses. Education expenses may be taxable by the IRS. Employees with approved educational assistance must enter into a written agreement that upon termination (voluntary or involuntary, except for reduction in force) they will refund to the District monies received for educational assistance based upon the following schedule:

<u>Time Period Between Date Of Termination &amp; Conclusion of Educational Course(s)</u>	<u>Portion Of Expenses Refunded To District</u>
Less than one Year	100%
One Year, But Less than Two Years	75%
Two Years, But Less than Three Years	50%
Three Years, But Less than Four Years	25%
Greater than Four Years	0%

Employees who participate in this benefit shall maintain a 3.0 grade or better (on a 4.0 scale) in all classes at the end of each term or semester.

**U. Benefit Limitation**

The benefits described in this section constitute the total and complete benefit package offered and available to all District employees who qualify for participation according to eligibility requirements established by this policy manual.



## SECTION 12 - PRODUCTIVE WORK ENVIRONMENT

### A. General Conduct

The very nature of governmental service makes public relations one of the most important aspects of the job. The quality of our interactions impacts all employees of the District and the public perception of the District as a whole. Employees are to take every opportunity through the course of performing their job to create "good will" with the public. Employees are required to be courteous and show understanding in spite of the difficulty of situations which may arise. Reports of a negative nature will be investigated by supervisors, and disciplinary actions could result.

1. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
2. Employees are expected to make prudent and frugal use of District funds, equipment, building and supplies.
3. Employees are expected to observe work place rules.
4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks.
5. Employees are expected to practice dress and grooming habits which are consistent with the District's purpose and beneficial in promoting a favorable public image. The Fire Chief is responsible for determining what creates a professional business environment in the District.

### B. Uniform & Grooming Standards

The purpose of this policy is to establish a standard for professional appearance. This policy applies to all employees of the District, while on duty or while representing the District in related activities. In order to portray a positive public image and demonstrate pride and professionalism, it is the policy of the District to maintain high standards regarding employee appearance, dress, and grooming.

1. All employees shall adhere to good personal hygiene practices, including neat and clean appearance, well-groomed hair, and proper attention to oral hygiene, absence of offensive body odors, and attire that is appropriate to their line of work. Employees' general appearance while on-duty and/or in uniform must reflect a positive and professional image at all times.
2. Uniform items are provided by the District for all employees. Replacement of uniform items shall be on an as needed basis, and shall be monitored by District officers.

- a. **Administrative Personnel - Individuals** in administrative or support staff positions shall be well-groomed and attired in clothing items that are professional and business-like in nature, as set forth in Procedural Order Operational Policies and Procedures Chapter 12 Section 1.0. III-E-701.
  - b. **Suppression Personnel** - Suppression personnel are to dress according to the uniform standards set forth in Operational Policies and Procedures Chapter 12 Section 1.0. Procedural Order III-E-701. Suppression personnel are to be appropriately attired at the start of the shift until they are relieved from duty following the conclusion of their shift.
  - c. **Ambulance Personnel** - Ambulance personnel are to dress according to the uniform standards set forth in Operational Policies and Procedures Chapter 12 Section 1.0. Procedural Order III-E-701. Ambulance personnel are to be appropriately attired and ready to respond at the beginning and to the conclusion of their assigned shift adhering to all hygiene protocols as set forth in section 12.B.1. above.
  - d. **Safety Uniform/Turnout Gear (Suppression personnel)** -- Protective clothing and equipment is provided to all suppression personnel for use as required when working in a hazardous environment, during firefighting activities or during any other similar conditions during training activities. The District shall provide a complete ensemble of personal protective equipment for structural and wildland firefighting to all suppression employees. The components of the turnout gear are set forth in the Operational Policies and Procedures Chapter 12 Section 1.0. Procedural Order III-E-701.
  - e. **Physical Training Uniforms (Suppression and Ambulance personnel)** -- The physical training (PT) uniform may be worn during physical training activities, but shall not be worn out of the station when responding to emergency scenes unless it is fully covered by a duty uniform. The components of the PT uniform shall be outlined in the Operational Policies and Procedures Chapter 12 Section 1.0. Procedural Order III-E-701.
  - e.f. **No other insignia, emblem, advertising button, ribbon, jewelry or device shall be worn or attached to the uniform without authorization of the Fire Chief.**
3. Employee uniforms must be properly fitted, clean, pressed, and in good condition. Shoes or boots shall be shined and in good condition. All shirts

shall be tucked into the uniform pants. District issued insignias, belt buckles, and badges shall be polished and worn in the proper place.

4. Employees are responsible for laundering and maintenance of all uniform items. Worn, torn, or faded uniforms shall not be permitted to be worn. It is the responsibility of the employee to notify their Battalion Chief or supervisor in the event that a uniform item is in need of repair or replacement.
5. **Tattoos/Branding/Body Piercing** -- Tattoos, brandings, and body piercings shall not be visible while in uniform and working in the public eye. Compliance may not be achieved by the ongoing use of bandaging to cover a tattoo.
6. The following additional guidelines apply to **Suppression and Ambulance personnel**:
  - a. **Hair** – Hair must be properly cut so as to present a neat appearance at all times. Employees' hair shall be cut so as not to hang below the bottom of the collar line, or it must be pulled back and secured at all times and for Suppression employees, in such a way that allows for full coverage by the protective safety hood. Any hair ties, combs, or barrettes must be neutral in color. Mohawks, spiked hair, unnatural hair coloring, and/or radical hairstyles that draw unnecessary attention are not appropriate on-duty or at District-related functions.
  - b. **Facial Hair** –
    - 1) Suppression employees will be freshly showered and clean-shaven when reporting for duty. Mustaches and sideburns will not obstruct and/or interfere with the wearing of uniforms or breathing apparatus facemasks. Moustaches shall not extend over the upper lip or more than one half inch past the corners of the mouth or one quarter inch below the corners of the mouth. Sideburns shall be neatly trimmed and may not extend down below the lower part of the ear opening, shall be of even width, not flared, and shall end with a clean horizontal line. Beards, goatees, or any facial hair on the chin, cheeks, underneath the lower lip or throat shall not be allowed.
    - 2) Ambulance employees will be freshly showered when reporting for duty. Mustaches, sideburns, beards, goatees, or any facial hair will be neatly trimmed. Ambulance employees filling shifts on the Park City Ambulance or participating in Standby events will adhere to section 6.b.1). above.

- c. **Earrings or other visible body piercing items**– Earrings or other visible body piercing items shall not be worn by employees while on duty.
  - d. **Rings/Jewelry** – It is strongly recommended that for safety purposes, rings not be worn while on duty. If a suppression or ambulance employee chooses to wear a ring, it must not protrude above the band; additionally, it is highly suggested that it be modified so that it will break away when snagged. Any ring that interferes with required safety protective equipment shall not be worn. For suppression or ambulance personnel, Necklaces may be worn but must be worn under the clothing and not visible.
  - e. **Cosmetics** – Employees wearing cosmetics shall ensure that the appearance is conservative and in good taste.
- 7. Supervisors may request a uniform inspection at any time and employees shall be required to display all uniform items at that time.
  - 8. The wearing of District-issued uniform items, including footwear, while off-duty is prohibited without prior approval of a Chief Officer, with the exception of when an employee is traveling to and from work or is attending a district related training or event.
  - 9. Employees wearing any PCFSD identifying items while off-duty shall recognize that the wearing of such identifies them with the PCFSD, thus, their behavior while wearing such items shall reflect positively on the District.
  - 10. Only current District employees shall wear any District-issued uniform items unless prior permission from the Fire Chief has been received.
  - 11. Any uniform elements issued by the District or purchased with District-issued uniform allowance monies shall remain as District property. Thus, when an employee terminates, all uniform items shall be returned, clean and in good condition. The cost of uniform items not returned may be deducted from the employee's final paycheck.

**C. Driving Requirements**

To ensure District employees meet driving standards as set forth in this policy and are in compliance with state and local laws. This policy applies to all prospective and current employees, including all full-time, part-time, volunteer and temporary personnel.

1. **Driver's License Verifications** - The District will conduct driver's license verifications for each employee required to drive, or who has the potential to drive, District-owned vehicles. Verifications will be done initially upon post-offer of employment, prior to approval of driving privileges, and on an annual basis thereafter.
2. Driving Requirements
  - a. All employees are required to possess a valid Utah Driver's License to operate any District vehicle or use their personal vehicle for District business. (License must be carried on the person when operating a vehicle.)
  - b. Employees must be twenty-one years of age or older to operate a District vehicle.
  - c. All emergency responders must complete the District's emergency vehicle operation course prior to being approved to operate emergency vehicles.
  - d. While operating a District vehicle or while operating any vehicle on District business, employees must comply with any and all restrictions placed on his/her driver's license.
  - e. Any change in status of a driver's license must be reported to the Fire Chief or Deputy Chief within 24 hours. Change in status means that an individual's previously valid driver's license is subsequently expired, refused, cancelled, revoked, suspended, or restricted by the Department of Public Safety, Driver License Division.
  - f. Any arrest, charge (including citation)<sup>1</sup> and/or conviction for a violation of driving under the influence (DUI) of drugs or alcohol must be reported to the Deputy Chief over Operations or Fire Chief prior to the employee's next scheduled shift or within twenty-four (24) hours, whichever is sooner. In order to comply with District policies and to protect the interests of the District and the public the District serves, internal disciplinary action may be taken prior to adjudication by the court.
3. An individual in a driving position who has a status change in his/her driver's license will be removed immediately from all driving responsibilities and may be reassigned or placed on paid leave pending an internal investigation. A license suspension or revocation may cause disciplinary action up to and including dismissal.
4. Unusual circumstances with individual cases will be evaluated on their own

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<sup>1</sup> See EMS rule R426-8-2700

merits.

**D. Outside Employment**

District employment shall be the principal vocation of full-time employees. An employee may engage in outside employment, receive honoraria, or paid expenses, subject to the following conditions.

1. The outside employment must not interfere with efficient performance of the employee's District position. In the event the Fire Chief determines that the outside employment is interfering with the employee's District position, the Fire Chief shall notify the employee in writing that the outside employment must cease. Interference would include (but is not limited to) conducting the outside employment during District paid hours and using District equipment.
2. The outside job must not conflict with the interests of the District.
3. The outside employment must not be the type that would reasonably give rise to conflicting interests or duties.
4. The employee is required to ~~sign a statement concerning outside employment~~, notify the Fire Chief and gain approval for acceptable outside employment, prior to accepting the employment. The employee ~~will acknowledge in the signed statement that they should~~ understand any injuries occurring while conducting outside employment will not qualify for District worker's compensation coverage.
5. If the Fire Chief determines that either the employment or payment could reasonably present a real or potential conflict of interest, the Fire Chief shall deny permission. The Fire Chief's decision may not be grieved. Failure to notify the employer and to gain approval is grounds for disciplinary action. Employees may jeopardize their employment with the District through unsatisfactory performance reviews affected by outside employment.

**E. Conflict Of Interest**

Employees shall not use their District position or any influence, power, authority, confidential information derived there from, or District time, equipment, property, or supplies for private gain. Employees shall not receive outside compensation for their performance of District duties except in cases of:

1. Awards for meritorious public contribution publicly awarded.
2. Receipt of honoraria or expenses paid for papers, speeches, or appearances made by employees with the approval of the Fire Chief, or on their own time for which they are not compensated by the District, nor

prohibited by these rules.

3. Receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts as established by state law (*see* Section 17, Paragraph B). When an employee's responsibilities require an action or a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict. The Fire Chief may then determine and notify the employee of the status of the potential conflict, either approving of the activity or listing the objections of the District.

**F. Political Activity**

Except as otherwise provided by law or by rules and regulations promulgated by the State of Utah or the federal government for federally aided programs, District employees may voluntarily participate in political activity subject to the following provisions:

1. No person shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
2. No person employed by the District may be dismissed from service as a result of political opinion or affiliation.
3. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as county party officers and as state or county delegates.
4. No employee may directly or indirectly coerce, command, advise or solicit any employee covered under the personnel system to pay, lend, or contribute part of their salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No supervisor, captain, employee, Board member or the Fire Chief, may attempt to make any employee's employment status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.
5. No employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from District employees during hours of employment. Hours of employment are those hours for which the employee is receiving compensation from the District. The use of District equipment or resources for political activity is also prohibited. Nothing in this section shall preclude voluntary contributions by a District employee to the party or candidate of the employee's choice, or participation on the employee's own time.
6. Nothing contained in this section shall be construed to permit partisan

political activity by any District employee who is prevented or restricted from engaging in such political activity by the provisions of the Federal Hatch Act.

**G. Discrimination Based on Protected Categories**

1. Discrimination in any form is a serious offense which will not be tolerated.
2. Employees may use the **HOTLINE AT 435-336-3050** for any complaints. If this method is used, the caller must be specific as to who is involved, the date and time of the occurrence(s). Please see paragraph 5 below.
3. Discrimination based on a protected class is defined as discrimination of any person because of race, color, religious creed, sex, national origin, age, military status, disability, sexual orientation, gender identification or any other factor protected by law.
  - a. Examples of discrimination may include but is not limited to:
    - i) Using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics,
    - ii) Recruiting or hiring practices,
    - iii) Promotion opportunities, and
    - iv) Adverse employment actions.
4. Discrimination may result in disciplinary action up to and including termination of employment.
  - a. Employees or officials who willfully report a false claim may be subject to disciplinary action.
5. Reporting and Investigating Claims:
  - a. If an employee believes they have been subjected to discrimination they should:
    - i) Make a written record of the date, time and nature of the incident, and the names of any witnesses,
    - ii) Report the incident immediately to any of the following: A supervisor in the employee's chain of command, the Human Resource Officer, Fire Chief, the County Personnel Director, or the County Attorney's Office, Civil Division.

- iii) All incidents must be reported regardless of their seriousness. There shall be no retaliation against an employee who in good faith reports an incident of discrimination or against anyone who provides information about violations. Complaints may be submitted by any individual irrespective of whether the complainant was personally subjected to the offending behavior.
  - a. Supervisors who knowingly allow or tolerate any discrimination are in violation of this policy and are subject to disciplinary action up to and including termination of employment. Supervisors must deal quickly and fairly with allegations of discrimination whether or not there has been a formal complaint. They are responsible to:
    - i) Make sure the District's policy is communicated to employees; and
    - ii) Any complaint received by a supervisor shall be immediately reported to the Fire Chief, Human Resource Officer and County Personnel Director so that the matter can be investigated.
  - b. The County Personnel Director, or their designee, will conduct a fair and impartial review of the discrimination complaint. All such complaints will be handled with as much confidentiality as possible in order to encourage reporting and to protect the privacy of the parties.
  - c. An employee accused of discrimination and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before disciplinary action may be taken per Section 13 of these policies.
6. Resolution.
- a. The complainant shall be notified if any disciplinary action has been taken or not taken as a result of the official complaint. If either party to the complaint is not satisfied with the action taken or not taken they may file a written appeal with the Administrative Control Board through the County Personnel Director within ten (10) working days of receiving official notification of the case resolution from the Fire Chief or County Personnel Director.
  - b. If the complainant is not satisfied with the Board's decision they have a statutory right to request an investigation by the Utah

Division of Antidiscrimination and Labor.

**H. Sexual Harassment**

The giving or withholding of job benefits based on the granting of sexual favors and any behavior or conduct of a sexual or gender based nature which is demeaning, ridiculing or derisive and results in a hostile, abusive, or unwelcome work environment constitutes sexual harassment. (See paragraph 7 below.)

Employees may use the **HOTLINE AT 435-336-3050** for any complaints. If this method is used, the caller must be specific as to who is involved, the date and time of the occurrence(s). Please see Paragraph 8, subparagraph b 1.

It is the Policy of the District that:

1. Unlawful discrimination/harassment of coworkers of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
2. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigation proceeding or hearing under this policy.
3. False or bad faith claims regarding sexual harassment shall result in disciplinary action against the accuser.
4. An employee accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before disciplinary action may be taken.
5. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
6. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievances procedures during orientation and annually during in service training.
7. Prohibited Conduct: Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited. There are two major categories of sexual/gender harassment:
  - a. Quid Pro Quo the granting or conditioning of tangible job benefits on the grant of sexual favors, and

- b. Creating a hostile or unwelcome work environment. Creation of a hostile work environment can occur through any or all of the following general means:
  - 1) Level One: Sex Role Stereotyping
    - a) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
    - b) Comments or written material reinforcing traditional historic perception regarding gender.
  - 2) Level Two: Gender Harassment/Discrimination
    - a) Intentional or unintentional behavior/conduct of a visual, verbal, nature directed at a specific gender which is demeaning, ridiculing or derisive of that gender.
    - b) Creating an environment that demonstrates a demeaning, ridiculing or derisive attitude toward a specific gender.
  - 3) Level Three: Targeted or Individual Harassment
    - a) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.
    - b) Offensive conduct may be verbal, visual or physical and includes unwanted physical touching.
  - 4) Level Four: Criminal Touching
    - a) The intentional unwanted touching of the breasts, buttocks, or genitals of another.
    - b) Forcible sexual abuse.
- 8. Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below.
  - a. Informal Process: Employees who are experiencing an unwelcome or hostile work environment at levels 1-3 as described above may, if they so desire, choose to address that unwelcome

behavior/conduct informally by notifying the individual responsible for the behavior that the behavior is objectionable. That the conduct/behavior is unwelcome and that future similar behavior will result in a formal complaint.

b. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.

- 1) This notification may be: orally in person; in writing signed or unsigned; through a supervisor either orally or in writing.
- 2) The victim may ask the supervisor for assistance in determining what to say and how to approach the offending employee; request the supervisor to accompany the victim when the victim gives the offending employee notice; ask the supervisor to give notice to the offending employee, accompanied by the victim; ask the supervisor alone to provide notice to the offending employee.
- 3) If circumstances involve the immediate supervisor, the employee shall seek assistance through the Human Resource Officer, Fire Chief, County Personnel Director or the County Attorney's Office, Civil Division.

c. Formal Process: Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level 4 as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.

- 1) Complaints shall be in writing and specify the identity of the victim; the identity of the offending employee; the offensive behavior that the offender engaged in; the frequency of the offensive behavior; damage the victim suffered as a result of the offensive behavior; How the victim would like the matter settled; and what the victim would like to see happen.
- 2) The victim will be allowed a reasonable amount of time during work hours to prepare a formal complaint. The victim should submit formal written complaints to any of the following:
  - a) The District Human Resource Officer
  - b) The Fire Chief;

- c) The County Personnel Director, or
  - d) County Attorney's Office, Civil Division.
9. Remedies: Employees found guilty of sexual harassment shall face disciplinary action ranging from a letter of reprimand to termination based on all the circumstances of the case, as well as the offending employee's prior work history. Information contained in the complaint and/or investigation files shall be released only with the written authorization of the victim and the County Personnel Director.
10. Records: Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment complaint files. This information shall not be placed or maintained in any employee's personnel file.
11. Victim Protection: Individual complaints, either verbal or written, are confidential. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to and including termination. Retaliation is an additional and separate disciplinary offense. Retaliation may consist of, but is not limited to:
- a. Open hostility;
  - b. Exclusion or ostracism;
  - c. Special or more closely monitored attention to work performance;
  - d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.
- I. **Drug Free Work Place**
- A healthy and productive work force, safe working conditions free from the effects of drugs and alcohol is essential to the maintenance of quality operations and all services provided to the public. It is the policy of the District that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, drug paraphernalia and/or alcoholic beverage in the workplace is expressly prohibited. All processes, procedures, actions and requirements undertaken or imposed by the District shall be in conformance with Utah Code §34-41-101 *et. seq.* Drug and Alcohol Testing and the Omnibus

Transportation Employee Testing Act of 1991, revised as of February 15, 1994. In order to achieve a drug-free work place all individuals who are extended a conditional offer of employment with the District and employees in safety sensitive positions shall be required to participate in controlled substances testing.

1. Testing
  - a. When an applicant has been extended a conditional offer of employment but before beginning work;
  - b. When there is a reasonable suspicion to believe that an employee is in an impaired state;
  - c. When an employee has been involved in an on duty accident or has been injured on duty
  - e. On a random basis for employees in safety sensitive positions;
  - f. Return to duty testing (as defined by paragraph 2(k) below));
  - g. Follow up testing.
2. Definitions:
  - a. Alcohol - Alcohol is defined as an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
  - b. Controlled Substance - Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or any other substances which are included in the, Utah Controlled Substances Act (Utah Code §58-37-1 *et. seq.*).
  - c. Drug - Any substance recognized as a drug in the United States Pharmacopeia or other drug compendia, including the Utah Controlled Substances Act, (Utah Code §58-37-1 *et. seq.*) or supplement to any of those compendia.
  - d. Drug Testing - The scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this policy.
  - e. Random Testing - The unannounced drug testing of an employee

in a Safety Sensitive Position who was selected for testing by using a method uninfluenced by any personal characteristics other than job category.

- f. Reasonable Suspicion - Knowledge sufficient to induce an ordinarily prudent and cautious individual under the circumstances to believe that a prohibited activity is occurring.
  - g. Reasonable Suspicion Testing - An articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this drug-free workplace policy.
  - h. Positive test - Any test result showing a blood alcohol content of 0.02 or greater or the presence of any controlled substance, its metabolites in the test subject or a sample that has been tampered with.
  - i. Refusal to Submit to Testing - Failure to provide adequate breath or urine sample without a valid or verified medical explanation, after the employee has received notice they are being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.
  - j. Safety Sensitive Position - shall include any position which involves emergency response or driving of District Vehicles, or any position involved in the operation of Dangerous Equipment.
  - k. Return to duty testing - The drug/alcohol testing with a verified negative test result for controlled substances or their metabolites, of an employee who has been released back to work after seeking help from a rehabilitation program.
  - l. Follow-up testing - The drug/alcohol testing of an employee who has sought professional help from a rehabilitation program. The employee shall be tested monthly while under the care of the Substance Abuse Professional and upon release from a rehabilitation program. The employee shall be tested a minimum of six (6) times in the following twelve (12) months following their return to duty. Employees may be subjected to follow up drug/alcohol testing for a period not to exceed sixty (60) months.
    - 1) Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.
3. If the employee seeks help prior to discovery, then confidentiality, job

security, and promotional opportunities will be protected. But if the employee does not attempt to seek help and the problem comes to the attention of the District, the employee will be terminated per paragraphs 16 and 18 below. Discovery begins with the notification when an employee has been notified of a random drug test.

4. The extent of District assistance, if an employee comes forward prior to discovery, shall be limited to referral to a community resource program with financial limitations as provided in the District health and medical insurance plan.
5. If an employee is under treatment with a drug that alters their ability to perform the essential functions of a specific position, the employee shall be reassigned if a current job opening exists which the employee is qualified.
6. The District shall require a final applicant selected for a position with the District to undergo a drug screen test to detect the presence of illegal drugs, controlled substances or their metabolites in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant, who tests positive for a controlled substance or its metabolites, as defined in the definitions of this policy, shall be denied employment with the District.
7. Employees shall not use, be under the influence of or be in possession of alcohol while on duty, on District premises or while in District vehicles. District premises include buildings, parking lots, grounds and vehicles owned by District or personal vehicles while being used for District business. Under the influence is defined as having blood alcohol content in excess of .02%.
8. If an employee in a safety sensitive position is called to work outside the regularly scheduled work period, the employee has the right to refuse to go to work if the employee has used alcohol or consumed legally prescribed medication and feels that they may be impaired. The employee must notify their supervisor if they have consumed any alcohol in the last four hours prior to being called in. Employees exercising this option shall have job security and promotional opportunities protected.
9. Employees trafficking, selling, using, possessing or being at the work place under the influence of alcohol, illegal or illegally obtained controlled substances shall be subject to immediate suspension and such conduct may be grounds for termination of employment.
10. When a supervisor makes a determination that there is a reasonable suspicion to believe that an employee is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.

12. Employees performing in safety sensitive positions are subject to random drug/ alcohol tests.
13. The District maintains the right to conduct unannounced inspections of District owned property, vehicles, work stations, equipment, desks, cabinets, etc.
14. The District maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
15. Failure to cooperate with these detection methods or inspections is grounds for termination of employment.
16. Upon required testing due to an accident or reasonable suspicion, the employee tested shall not engage in the operation of any District equipment or engage in any employment related duties, which their supervisor deems dangerous to themselves or others until the results of the tests are received and the employee is released back to work by the District. If presumptive testing indicates negative results, employee may return to duty pending official testing results.
17. If any alcohol test result shows a blood alcohol content of 0.04% or greater, the employee shall be terminated.
18. If an employee test result shows an alcohol concentration of greater than 0.02% but less than 0.04%, the employee shall not be permitted to perform in a Safety Sensitive Position for at least twenty-four (24) hours.
19. If an employee has self-disclosed prior to discovery (*see* paragraph 3 above) and tests positive for a controlled substance or the test results show a blood alcohol content of 0.04% or greater, the employee may be referred to a Substance Abuse Professional who shall perform an evaluation at the District's expense, to determine whether the employee has a drug/alcohol problem. This employee may also be provided with information about drug or alcohol treatment programs in the area. The District shall have no obligation or duty to pay for or provide financial assistance for a drug/alcohol treatment program. Referral to treatment creates no protections from other disciplinary actions.
20. If a drug test result shows that the employee has tested positive for a controlled substance, the employee shall be terminated.
21. Employees may direct any questions regarding this policy to the Human Resource Officer.

22. In order to ensure fitness for duty, all employees in a safety-sensitive position have the responsibility to report the use of any prescription or over-the-counter medications that causes impairment or may produce side effects that could alter one's ability to perform the duties of their job. Such a report shall be made to the Human Resource Officer for submission to the District's physician for consideration. The physician will determine whether any work restriction or limitation is indicated and inform the District and the individual of such restriction.

21:23. Reporting Violations - All employees have the responsibility to immediately report unsafe working conditions or hazardous activities that may jeopardize their safety, the safety of fellow employees and the safety of the public we serve. This includes the responsibility to immediately report any violations of this Drug and Alcohol policy.

**J. Nonsmoking Policy**

It is the policy of the District to comply with all applicable federal, state, and local regulations regarding smoking and the use of tobacco products (including e-cigarettes or vaporless cigarettes) in the work place and to provide a work environment that promotes productivity and the well-being of its employees.

1. The District recognizes that smoking in the work place can adversely affect employees. Accordingly, smoking is restricted at all District facilities.
2. Smoking is prohibited inside all District facilities and vehicles. The Supervisors are responsible for implementing and monitoring smoking regulations, and supervisors/department managers are expected to enforce such regulations. The smoking policy applies to employees during working time and to customers and visitors while on District premises.
3. Employees who wish to smoke may do so outside of District facilities and vehicles, as long as, they are at least 25' from any entry way, exit, open or closed window or air intake.
4. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers as regards the smoking policy. However, smokers have a special obligation not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible. Employees who violate the policy will be subject to disciplinary action.
5. The District does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time or off of the District's premises.

**K. Serious & Communicable Diseases**

It is the policy of the District that employees with infectious, long-term, life threatening, or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees or customers of District services.

1. Serious diseases for the purposes of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, drug resistant tuberculosis, chronic fatigue syndrome, human immune deficiency virus ("HIV") and acquired immune deficiency syndrome ("AIDS").
2. The District will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
3. Employees afflicted with a serious disease are to be treated no differently than any other employee. However, if the serious disease affects their ability to perform assigned duties, such employees are to be treated like other employees who have disabilities that limit their job performance and will be provided reasonable accommodation as long as there is no undue hardship on District operations.
4. Employees who are diagnosed as having a serious disease and who want an accommodation shall inform their supervisor, the Fire Chief or the Human Resource Officer of their condition as soon as possible. Anyone receiving such a report shall respond with compassion and understanding. In addition, they shall review with the employee District policy on such issues as employee assistance, leaves and disability, infection control, requesting and granting accommodations, the District's continuing expectation regarding the employee's performance and attendance, and available benefits.
5. Employees who have a serious disease and who want an accommodation shall provide the Fire Chief and Human Resource officer with any pertinent medical records needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The District may also require a doctor's certification of an employee's ability to perform job duties safely. Additionally, the District may request that an employee submit to a medical examination if it believes the employee is a health or safety threat to themselves or others.
6. The District will maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless otherwise required by law. Information relating to an employee's serious disease will not be disclosed to other employees unless the information is, in the opinion of the Fire Chief, necessary to protect the health or safety of the employee,

coworkers, or others.

7. The District will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls, and personal protective equipment will be utilized to limit the spread of diseases in the work place.

Employees concerned about being infected with a communicable disease by a coworker, customer, or other person shall convey this concern to their supervisor, the Fire Chief or the Human Resource Officer. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination. In addition, where there is little or no evidence of risk of infection to the concerned employee, that employee may be assigned to work with or perform services for any other employee or customer as required by the District.

**L. Work Place Violence**

It is the policy of the PCFSD that threats or acts of physical violence, including verbal abuse, bullying, intimidation, harassment, and/or coercion which involve or affect District employees or which occur on District property or at District functions shall not be tolerated.

1. Threats or Acts of Violence are defined as conduct against persons or property that is sufficiently severe, offensive or intimidating to alter the condition of District employment, or to create a hostile, abusive or intimidating work environment for one or more District employees.
2. Prohibited workplace violence includes, but is not limited to, the following:
  - a. Threats or acts of violence occurring on District premises, regardless of the relationship of the District with the individual(s) involved.
  - b. Threats or acts of violence not occurring on District premises, but involving someone who is acting in the capacity of a representative of the District.
  - c. Threats or acts of violence not occurring on District premises, but involving an employee of the District if the threats or acts of violence affect the legitimate interests of the District.
3. Any employee who experiences or witnesses such acts, conduct, behavior or communications that would fall within the definition above shall immediately notify their immediate supervisor or another member of management. Failure to report such information according to the guidelines within this policy shall be grounds for disciplinary action.

4. The District shall promptly and thoroughly investigate any report of threats or acts of violence. The identity of the individual making a report shall be protected to the greatest extent possible.
5. Any employee determined to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines shall be subject to disciplinary action, up to and including dismissal.
6. Incidents of workplace violence that involve criminal conduct shall be referred to law enforcement for investigation and handling.
7. At the sole discretion of the Fire Chief, any employee who exhibits any potential warning signs, symptoms, and risk factors may be required to submit to a psychological fitness for duty evaluation. The cost of such evaluation shall be at the expense of the District.

8. Reporting Procedure

- a. If the act of violence constitutes an emergency, an employee who witnesses or is made aware of the situation shall call 911. After contacting 911, the employee shall immediately contact the senior officer on duty. Upon receipt of such a report, the Fire Chief shall be notified as soon as possible.
- b. If a situation of workplace violence occurs but does not constitute an immediate emergency, the employee shall contact his immediate supervisor.
- c. It shall be the responsibility of the Fire Chief to direct the investigation into the allegation and determine any appropriate and necessary action.

**M. Employee Education**

It shall be the policy of the District to conduct regularly scheduled training to ensure the highest quality of service is provided to the residents and visitors of the Park City area and to develop teamwork and efficiency of operations during emergency incidents.

1. The training division will organize, coordinate, and schedule training to meet local, state, and federal guidelines for all Fire, EMS, and Special Operations training. All training shall be documented and records maintained by the Training Officer.

2. The Training Officer will be responsible to ensure compliance with all District Policies, Procedures, Standard Operating Guidelines, and that all safety regulations will be followed during training exercises.
3. Every attempt shall be made to offer quality training in-house. However, from time to time, persons may wish to attend training outside the District. An "Outside Training Request" form must be completed and submitted to the employee's assigned Battalion Chief. Selection of participating applicants will be based on the District's training needs, timeliness of applications, prior outside training of the applicants and seniority.

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# **MINUTES**

## **SUMMIT COUNTY BOARD OF COUNTY COUNCIL**

**MONDAY, APRIL 26, 2021**

PRESENT:

**Glenn Wright, Chair**

**Chris Robinson, Council Vice-Chair**

**Roger Armstrong, Council Member**

**Doug Clyde, Council Member**

**Malena Stevens, Council Member**

**Amir Caus, Planner**

**Brett Hollberg, Applicant**

**Gus Sharry**

**Robert Jex**

**Trail Ridge MPD Subdivision located at 46 East Cherry Canyon, , UT 84017**

**Site visit to Trail Ridge MPD Subdivision site in Cherry Canyon; Amir Caus**

The Council met with Planning Staff and the applicant for a site visit to Trail Ridge MPD Subdivision located at 46 East Cherry Canyon, Wanship, Utah to better understand the layout of the Trail Ridge subdivision.

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**Glenn Wright, Chair**

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**Kellie Robinson, Chief Deputy Clerk**

# MINUTES

## **SUMMIT COUNTY** **BOARD OF COUNTY COUNCIL** **WEDNESDAY, APRIL 28, 2021**

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. §52-4-207(4), the Summit County Council Chair has issued written determinations supporting Summit County Council's decision to convene electronic meetings of the Council without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, members of the public should not attend Council meetings in person. However, members of the public are invited and encouraged to view and participate in the Council's electronic meetings as described below.

**To view Council meeting, live, visit the "Summit County, Utah" Facebook page.**

**OR**

**To participate in Council meeting: Join Zoom Meeting at <https://zoom.us/j/772302472>**

**OR**

**To listen by phone only: Dial 1-301-715-8592, Meeting ID: 279-421-350**

### **PRESENT:**

**Glenn Wright, Chair**

**Chris Robinson, Council Vice-Chair**

**Roger Armstrong, Council Member**

**Malena Stevens, Council Member**

**Doug Clyde, Council Member**

**Margaret Olson, Attorney**

**Tom Fisher, Manager**

**Janna Young, Deputy Manager**

**Annette Singleton, Executive Assistant**

**Kellie Robinson, Chief Deputy Clerk**

### **Council Members log into Zoom meeting**

The Council was called to order at 12:12 p.m.

**Council Member Clyde made a motion to convene in closed session to discuss Security. Council Member Robinson seconded and all voted in favor, 4-0.**

The Summit County Council met in closed session from 12:12 p.m. to 12:34 p.m. to discuss security. Those in attendance were:

**Glenn Wright, Chair**

**Chris Robinson, Council Vice-Chair**

**Malena Stevens, Council Member**

**Roger Armstrong, Council Member**

**Doug Clyde, Council Member**

**Tom Fisher, Manager**

**Annette Singleton, Executive Assistant**

**Janna Young, Deputy Manager**

**Margaret Olson, Attorney**

**Dave Thomas, Chief Civil Deputy Attorney**

**Jami Brackin, Deputy Attorney**

**Rich Bullough, Health Director**

**Phil Bondurant, Health Department**

**Derek, Siddoway, Communications**

**Council Member Clyde made a motion to leave session to discuss Security and convene in closed session to discuss Property Acquisition. Council Member Armstrong seconded and all voted in favor, 5-0.**

The Summit County Council met in closed session from 12:34 p.m. to 1:00 p.m. to discuss Property Acquisition. Those in attendance were:

**Glenn Wright, Chair**  
**Chris Robinson, Council Vice-Chair**  
**Malena Stevens, Council Member**  
**Roger Armstrong, Council Member**  
**Doug Clyde, Council Member**

**Tom Fisher, Manager**  
**Annette Singleton, Executive Assistant**  
**Janna Young, Deputy Manager**  
**Margaret Olson, Attorney**  
**Dave Thomas, Chief Civil Deputy Attorney**  
**Jami Brackin, Deputy Attorney**  
**Derrick Radke, Public Works Director**  
**Caroline Rodriguez, Transportation Director**  
**Pat Putt, Community Development Director**

**Council Member Clyde made a motion to leave session to discuss Property Acquisition and convene in closed session to discuss Personnel. Council Member Stevens seconded and all voted in favor, 5-0.**

The Summit County Council met in closed session from 1:00 p.m. to 1:40 p.m. to discuss Personnel. Those in attendance were:

**Glenn Wright, Chair**  
**Chris Robinson, Council Vice-Chair**  
**Malena Stevens, Council Member**  
**Roger Armstrong, Council Member**  
**Doug Clyde, Council Member**

**Tom Fisher, Manager**  
**Annette Singleton, Executive Assistant**  
**Janna Young, Deputy Manager**  
**Margaret Olson, Attorney**  
**Dave Thomas, Chief Civil Deputy Attorney**  
**Jami Brackin, Deputy Attorney**  
**Ryan Stack**

**Council Member Clyde made a motion to leave session to discuss Personnel and convene in closed session to discuss Litigation. Council Member Armstrong seconded and all voted in favor, 5-0.**

The Summit County Council met in closed session from 1:40 p.m. to 1:58 p.m. to discuss Litigation. Those in attendance were:

**Glenn Wright, Chair**  
**Chris Robinson, Council Vice-Chair**  
**Malena Stevens, Council Member**  
**Roger Armstrong, Council Member**  
**Doug Clyde, Council Member**

**Tom Fisher, Manager**  
**Annette Singleton, Executive Assistant**  
**Janna Young, Deputy Manager**  
**Margaret Olson, Attorney**  
**Dave Thomas, Chief Civil Deputy Attorney**  
**Jami Brackin, Deputy Attorney**

**Council Member Stevens made a motion to leave session to discuss Litigation and convene in open session. Council Member Robinson seconded and all voted in favor, 5-0.**

**Work Session Continued**

**Pledge of Allegiance**

**Update from Summit County Weed Control Advisory Board, Dave Bingham and Sara Jo Dickens**

Dave Bingham and Sara Jo Dickens gave the following presentation and update from the Summit County Weed Control Advisory Board.

**Discussion regarding Weber Watershed Community Collaborative effort; Janna Young, Scott Morrison, Jessica Kirby, Lizzie Marsters, and Daniel Jauregui**

Janna Young, Scott Morrison, Jessica Kirby, Lizzie Marsters, and Daniel Jauregui gave the following staff report and presentation regarding Weber Watershed Community Collaborative effort.

**Discussion regarding county government emergency recovery efforts; Tom Fisher, Janna Young, and David Warnock**

Tom Fisher, Janna Young, and David Warnock gave the following staff report regarding county government emergency recovery efforts

**Discussion regarding proposal for employee compensation; David Warnock and Matt Leavitt**

David Warnock and Matt Leavitt gave the following staff report regarding proposal for employee compensation Lisa Hoffman and Scott Morrison

Council Members discussed their concerns with the proposed COLA and merit increases. Asked questions as to why employees were leaving and why it is hard to retain good employees. Council directed staff to do a salary comparison. Staff will bring recommendations for budget amendments before the Council in May.

**Convene as the Governing Board of Mountain Regional Water Special Service District**

**Council Member Stevens made a motion to convene as the Governing Board of Mountain Regional Water Special Service District with Council Member Clyde seconding, all voting in favor, 5-0**

**Discussion and possible approval of amendment to Mountain Regional Water Special Service District Personnel Policies to include a Telecommuting Policy; Lisa Hoffman and Scott Morrison**

Lisa Hoffman and Scott Morrison presented the following staff report regarding the possible amendment to Mountain Regional Water Special Service District Personnel Policies to include a Telecommuting Policy.

**Council Member Stevens made a motion to approve the amendment to Mountain Regional Water Special Service District Personnel Policies to include a Telecommuting Policy, with Council Member Clyde seconding, with all voting in favor, 5-0.**

**Council Member Clyde made a motion to dismiss as the Governing Board of Mountain Regional Water Special Service District, with Council Member Stevens seconding, with all voting in favor, 5-0.**

### **Consideration of Approval**

**Discussion and possible adoption of Resolution 2021-04, a Resolution of the Summit County Council Approving an Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program; Emily Quinton**

Emily Quinton presented the following staff report and Resolution 2021-04, a Resolution of the Summit County Council Approving an Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program.

**County Council Member Robinson made a motion to approve Resolution 2021-04, a Resolution of the Summit County Council Approving an Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program and authorizing Chairman Wright to sign the agreement. Council Member Clyde seconding, all voting in favor, 5-0.**

**Council Member Stevens made a motion to appoint Council Chairman Wright to the Community Renewable Energy Agency Board, with Council Member Clyde seconding, all voting in favor, 5-0.**

**Council Member Robinson made a motion to appoint Emily Quinton to the Community Renewable Energy Agency Board, with Council Member Stevens seconding, all voting in favor, 5-0.**

**Discussion and adoption of Proclamation No. 2021-10, a Proclamation Recognizing Kent Jones for 24 1/2 Years of Public Service to the Citizens of Summit County, Utah**

Chairman Wright presented the following Proclamation No. 2021-10, a Proclamation Recognizing Kent Jones for 24 ½ Years of Public Service to the Citizens of Summit County, Utah.

**Council Member Armstrong made a motion to approve Proclamation No. 2021-10, a Proclamation Recognizing Kent Jones for 24 ½ Years of Public Service to the Citizens of Summit County, Utah. Council Member Robinson seconded, all in favor, 5-0.**

**Discussion and possible action to adopt Ordinance No. 921, an Ordinance Amending the Eastern Summit County Zone District Map, regarding a Rezone and Master Planned Development (MPD) for Mountain Side Storage located at 2361 W SR 248, parcel CD-425; Dan Meyer, applicant, - Kirsten Whetstone, Planner**

Dan Meyer, applicant, Kirsten Whetstone, Planner presented the following staff report for Discussion and possible action to adopt Ordinance No. 921, an Ordinance Amending the Eastern Summit County Zone District Map, regarding a Rezone and Master Planned Development (MPD) for Mountain Side Storage located at 2361 W SR 248, parcel CD-425.

After reviewing the staff report and some discussion the council decided to schedule a work session in May to discuss Ordinance No. 921 an Ordinance Amending the Eastern Summit County Zone District Map, regarding a Rezone and Master Planned Development (MPD) for Mountain Side Storage located at 2361 W SR 248, parcel CD-425 further.

**County Council Minutes dated [April 14, 2021](#)**

**Council Member Armstrong made a motion to approve the minutes of April 14, 2021, with Council Member Stevens seconding and all voting in favor 4-0. Council Member Robinson was excused before the vote as he had another commitment.**

**Council Comments**

- Council Member Armstrong stated he would let Malena give the report from the Behavioral Health meeting, he felt it was a nice report from the University of Utah
- Council Member Stevens stated she and Roger had attended the Behavioral Health committee meeting. May is Mental Health Awareness month. We will have non-profits coming to us with additional information. I would encourage everyone to go to Connect on Summit County's web site where several others and including communities will be hosting virtual and in person events. We are moving forward with the mobile crisis outreach team, we are working out the kinks as it is a new program. Law enforcement from the city and the county along with practitioners are working on it. Discussed how to further support the University as far as reaching people within certain brackets, right now there is no funding available.

Attended a Community Development Block Grant meeting, they are still working on the last round of COVID funding. They have not made any decisions as where to place those funds to support the vulnerable populations in Wasatch and Summit County.

- Council Member Wright stated he had met with a constituent regarding an issue in the South Summit School District. Pat is resolving that.

Dana Jones had discussed complaints about the forest health and trails in Summit Park. He brought her up to speed on the organization of the County and how Basin Rec fits in.

He stated he had been on a zoom call with Kim and Caroline and residents from Silver Springs in regards to Transit. Kim and Caroline did a great job with smoothing the waters. We are not going to make everyone happy.

Friday, he met with Tom, Dave and the developers of a potential wind farm near the Wyoming border. They expressed they needed a CRA We will need to check with bond experts from Zion's to give us some feedback on the benefits of that. There are definitely some tax benefits for the County.

### **Manager Comments**

- County Manager Fisher stated that in reaction to a judgement against Summit County because of a safety issue to some of the stands at the fairgrounds. There will be repairs made to the arena seating at the Fairgrounds. They have decided not to put any money into the Grandstand. It was put out to bid for someone to tear it down. It will be torn down in May.

Staff will be getting Robo calls or emails about Park City's application for a Class 1 landfill, that the County was noticed on. Staff will put together some comments or concerns.

**If you would like to submit comments to Council, please email [publiccomments@summitcounty.org](mailto:publiccomments@summitcounty.org) by 12:00 p.m. on Wednesday, the day of the meeting.**

**If you wish to interact with Council at 6:00 p.m., for public input please follow the "Public Comment Instructions".**

### **Public Input**

Tom Farkas - wanted to discuss the low impact permit for the avalanche control fencing in the Colony. He represents the Save People, Save Wildlife and he was concerned about wildlife getting caught in the fence. In studies he has seen that there is a 3ft space between fences but he felt that was not enough room for deer, elk and moose. He felt 10 ft would be better to protect wildlife. He felt that there was not adequate notice for low impact permit approval appeals.

Blair Frank – owns a ten-acre parcel on old ranch road and was concerned with the TZRO being in effect, that it was slowing down his desire to build an accessory structure that he already has in the permitting. Wondered if he could get permission to continue. Council stated he would have to wait and go through the process that the moratorium is temporary.

The Council meeting adjourned at 7:15 p.m.

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**Glenn Wright, Chair**

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**Kellie Robinson, Chief Deputy Clerk**

## **Public Comment Instructions**

**5/12/2021**

If you would like to make public comments on any item not on the agenda, please email [publiccomments@summitcounty.org](mailto:publiccomments@summitcounty.org) by 12:00 p.m. on Wednesday, May, 12<sup>th</sup>. Your comments will be read to the Council and made part of the meeting record.

If you are wishing to interact with Council during Public Input at 6:00 p.m., please:

1. Go to <https://zoom.us/j/772302472>
2. Enter meeting ID: 772-302-2472
3. Type in your full name, so you are identified correctly.
4. Set up your audio preferences.
5. You will be muted upon entering the meeting.
6. If you would like to comment, press the "Raise Hand" button at the bottom of the chat window.
7. When it is your turn to comment, the moderator will unmute your microphone. You will then be muted again after you are done speaking.