



LONE PEAK PUBLIC SAFETY DISTRICT MINUTES

Wednesday, October 20, 2021

7:30 am

Highland City Hall, 5400 West Civic Center Drive, Highland, Utah 84003

Approved November 10, 2021

7:30 AM REGULAR MEETING

Call to Order: Brittney P. Bills, Chair

Invocation: Board Member Troy Stout

The meeting was called to order by Chair Brittney P. Bills as a regular meeting at 7:36 am. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Board Member Lon Lott.

PRESIDING: Chair Brittney P. Bills

BOARD MEMBERS

PRESENT: Rod Mann, Kurt Ostler, Lon Lott

STAFF PRESENT: LPPSD Executive Director Nathan Crane, LPPSD Assistant Executive Director Shane Sorensen, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Recorder Stephanie Cottle, Attorney Rob Patterson, Finance Director Tyler Bahr

OTHERS PRESENT: Amanda Jolley, Brian Hodson, Darci Brunson, Nancy Jones, Jake Beck

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

There were no unscheduled appearances.

2. APPROVAL OF MEETING MINUTES *Administrative*

Regular LPPSD Board Meeting – September 8, 2021

Board Member Rod Mann MOVED that the Board approve the minutes for September 8, 2021.

Board Member Lon Lott SECONDED the motion.

The vote was recorded as follows:

<i>Board Member Rod Mann</i>	<i>Yes</i>
<i>Board Member Kurt Ostler</i>	<i>Yes</i>
<i>Board Member Troy Stout</i>	<i>Absent</i>
<i>Board Member Lon Lott</i>	<i>Yes</i>

The motion passed 3:0.

3. DISCUSSION: ETHICAL BEHAVIOR STATEMENT *Administrative*

The Board will discuss implementation of an ethical behavior statement as recommended by the State Auditor's Fraud Risk Assessment. This item is being presented for discussion only to fulfill requirements of the State Auditor's Office, formal action will not be taken.

Finance Director Tyler Bahr explained that the ethical behavior statement was one of the requirements for the Fraud Risk Assessment. Mr. Bahr gave a brief description of the Fraud Risk Assessment and the point system associated with it. The Ethical Behavior Statement is an annual document which should be signed by staff and officials. Mr. Bahr reviewed the items on the statement. He expressed his gratitude to work with individuals who reflect integrity. Mayor Mann asked if Alpine has a similar code of ethics in their municipal code. Shane Sorensen said they have something similar. Nathan Crane suggested they amend that part on the Ethical Behavior Statement to reflect Alpine's code as well or strike that paragraph entirely which references to Highland City code.

4. DISCUSSION: HOLIDAY PAY/LEAVE AMENDMENT - *Fire Chief Brian Patten*

Chief Brian Patten stated that holidays are typically not allowed to be taken off. Full time staff works on holidays. Firefighters are given holiday time which they will use throughout the year, similar to vacation. In December, they will bid for vacation time for the following year. Holiday time is included with that vacation time. We currently have 15 full time firefighters, and each receives 90 days per year in holiday time. Staffing is difficult; we need to have 8 people per day. After speaking with other cities fire departments, there are two ways for holiday pay: pay it out or give it as time off. Chief Patten suggested hybrid program. Each employee has holiday time, employee can burn the time or at the end of the year have it paid out. This will help us not have to back fill. It was estimated that if everyone took the payout, it would cost \$7000 more. Kurt Ostler questioned how the overtime and vacation time payout would be. Chief Patten explained that it is very difficult to determine the backfill overtime cost. Excess holiday time would be paid out in November. Board Member Kurt Ostler asked what would happen if we paid out an employee and then someone left. Chief Patten said that would be a risk. Mayor Mann said they could offset the difference in their final check. Mayor Rod Mann said he liked this idea because it decreases our liability. Chief Patten requested that fire employees be able to bid in this next year. Executive Director Nathan Crane said this policy would be drafted and brought back to the board in the November meeting. The first payout would be November or December 2022.

5. DISCUSSION: DISCIPLINARY ACTION APPEAL PROCESS AMENDMENT

- *Executive Director Nathan Crane*

Executive Director Nathan Crane explained that they are working on updating the personnel policies for the district. One of the issues is the post disciplinary appeal process. Currently the appeal process goes through the executive director and the assistant executive director. Mr. Crane proposed that the district hire a hearing officer to provide neutrality. He stated it allows us to be involved and following procedure through HR. He presented a policy to the board, which may be adopted at the next meeting. Mayor Mann asked if this was like the appeal authority. Mr. Crane said this is rare enough that we wouldn't need a contract, just case by case basis. Kurt Ostler

asked how many times we have needed this service, Mr. Crane said only once. The board agreed this is a good idea.

6. DEPARTMENT REPORTS

a. Police Department

Police Chief Brian Gwilliam said they are fully staffed. He spoke about the wage war. Right now the average starting salary in Salt Lake County is \$27. Lone Peak Police is starting at \$21.90 for officers. Chief Gwilliam would like to bring something back in November about wages. Mayor Mann asked if the mobile task force to which Chief Gwilliam said yes at least through 2022. ULCT adopted a resolution supporting law enforcement and their efforts to be inclusive. This was part of the Love, Listen, Lead group. Chief Gwilliam said there will be several bills around law enforcement this year.

b. Fire Department

Fire Chief Brian Patten reported that last month they held a recruit camp with Lehi, American Fork, and Lone Peak. It was a huge success. Lone Peak Fire was deployed 5 days ago and had pump trouble. They will be back this afternoon and will begin repairing the problem. Staffing is always an issue, especially with second calls. Over the last few months, we have been trying to staff for those second calls, so we are having to use other agencies less. Kurt Ostler asked how they were able to reduce using other agencies. Chief Patten explained that they have moved the transport engine in Alpine back in as a unit. They also changed the dispatch zones. Kurt Ostler asked how many times we help other agencies to which Chief Patten said it's about 3 Highland calls to 1 outside agency call. Lone Peak Fire helps other agencies when they have bigger incidents. American Fork has 5 ambulances, Lehi has 3, Lone Peak has 2. Nathan Crane explained that American Fork has the transport license. Chief Patten clarified that Lehi has the transport license out of Mountain Point and they have 4 ambulances. Kurt Ostler asked about staffing in the different cities. Chief Patten explained that American Fork staffs 16 out of the 2 stations. Lehi staffs 19. Chief Patten said they are still working to find a truck. This has been particularly difficult. Many dealerships have dropped the government contract. He said he is looking at a couple of trucks right now. Mayor Mann asked about burn permits and basing that on weather. Lot Lott said Alpine was going to discuss this in their next council meeting, but right now they are not issuing permits. Mayor Mann suggested that with the wetter weather maybe we could allow burn permits during the last 2 weeks in October. It was suggested that we defer to Chief Patten.

7. CLOSED SESSION

The Lone Peak Public Safety Board may convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotate as provided by Utah Code Annotated §52-4-205.

At 8:07 am Board Member Lon Lott MOVED that the Lone Peak Public Safety District Board recess to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated § 52-4-205.

Board Member Rod Mann SECONDED the motion.

The vote was recorded as follows:

<i>Board Member Rod Mann</i>	<i>Yes</i>
<i>Board Member Kurt Ostler</i>	<i>Yes</i>
<i>Board Member Lon Lott</i>	<i>Yes</i>
<i>Board Member Troy Stout</i>	<i>Absent</i>

The motion passed 3:0.

Board Member Rod Mann MOVED to adjourn the CLOSED SESSION and Board Member Lon Lott SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 8:25 am.

ADJOURNMENT

Board Member Rod Mann MOVED to adjourn the regular meeting and Board Member Lon Lott SECONDED the motion. All voted in favor and the motion passed unanimously.

The meeting adjourned at 8:25 am.

I, Stephannie Cottle, Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 20, 2021. This document constitutes the official minutes for the Lone Peak Public Safety District Board Meeting.



Stephannie Cottle
Recorder

LONE PEAK PUBLIC SAFETY DISTRICT

POST-DISCIPLINARY APPEALS BOARD POLICIES AND PROCEDURES

[DATE]

I. INTRODUCTION

The Lone Peak Fire Department and Lone Peak Police Department previously adopted policies and procedures regarding employees' right to appeal certain disciplinary actions. The District desires to clarify the appeals process, and accordingly adopts this Policy, which supersedes and replaces such provisions related to post-disciplinary appeals, including the following provisions:

Lone Peak Fire Department Policy, Section 9.C. APPEALS BOARD HEARING; and Lone Peak Police Department Policy, Sections 1020.13 – 1020.16, POST-DISCIPLINE APPEAL RIGHTS

II. POST-DISCIPLINE APPEALS POLICY

1. Definitions. The following definitions apply to this policy.
 - a. "Chief" means the Lone Peak Fire Chief, Police Chief, or their designees.
 - b. "Disciplinary action" means a decision or order issued by the Chief to an employee that results in the employee being discharged, transferred to another position with less pay, or suspended without pay for more than two days.
 - c. "District" means the Lone Peak Public Safety District, its Governing Board, the Lone Peak Police Department, or the Lone Peak Fire Department as is appropriate.
 - d. "District policy" means the employment manuals, policies, and procedures adopted by the Lone Peak Police Department and the Lone Peak Fire Department.
 - e. "Employee" means any employee who has a right under Utah State law or District policy to appeal a disciplinary decision. "Employee" does not include any "at-will," part-time, probationary, seasonal, volunteer, or other similar employees.
2. Other Appeal Rights. Where existing Utah State law, bargaining agreements, or civil service commission regulations do not otherwise provide a process to appeal disciplinary actions, employees subject to disciplinary action shall appeal such disciplinary action as set forth herein.
3. Appeal Process.
 - a. Within 10 days from the issuance by the Chief of the order or decision imposing disciplinary action, an employee may appeal the order or decision by filing a written notice of appeal with the Chief. An employee's failure to timely file an appeal shall waive all appeal rights.

- b. The notice of appeal shall describe the claims, arguments, and evidence the employee desires to raise and have considered as part of the appeals process.
 - c. The employee shall have access to all reports, evidence, and other documentation relied on by the District to impose the disciplinary action or that is otherwise relevant to the disciplinary action, except where such materials are required to be kept confidential.
 - d. Within a reasonable time after the notice of appeal is filed, the District's appeal authority shall schedule an appeals hearing. The employee may appear at the appeals hearing in person, may be represented by counsel, may request a public hearing, and may present or examine any presented evidence or witnesses.
4. Appeal Authority.
- a. The District shall appoint one or more qualified persons to serve as the District's appeal authority.
 - b. The appeal authority may make and issue rules governing the appeals hearing and appeals process in conformance with District policies, governing law, and due process. Where more than one person is appointed to serve as an appeal authority board, the consensus of a majority of appointed persons is required to issue any rule or final decision.
 - c. The appeal authority shall issue a final written decision on an employee appeal of disciplinary action within 15 days after the appeals hearing. For good cause, the appeal authority may extend the 15-day period to a maximum of 60 calendar days, if the employee and District both consent.
 - d. The appeal authority shall fully hear and decide all issues raised in the employee's appeal and can affirm, modify, or overturn the employee disciplinary action. If the appeal authority modifies or overturns the disciplinary action, the appeal authority may reinstate any loss of pay or position associated with the disciplinary action.
5. Further Appeal. The final decision of the appeal authority may be appealed to the Court of Appeals by either party within 30 days of the issuance of the final decision. The Court of Appeals' review shall be on the record of the appeal authority and for the sole purpose of determining if the appeal authority abused its discretion or exceeded its authority. Failure to timely appeal to the Court of Appeals shall waive all further rights to challenge or appeal the appeal authority's decision.