

STATE OF UTAH



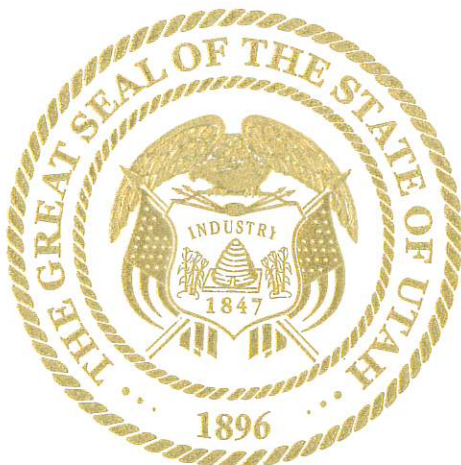
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of creation for HERRIMAN CITY FIRE SERVICE AREA located in HERRIMAN CITY, August 23, 2021 complying with Section 17B-1-215, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the HERRIMAN CITY FIRE SERVICE AREA located in HERRIMAN CITY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 23rd day of August, 2021 at Salt Lake City, Utah.



A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor

LIEUTENANT GOVERNOR OF THE STATE OF UTAH
Utah State Capital Complex, Suite 200
350 North State Street
Salt Lake City, Utah 84114

NOTICE OF IMPENDING BOUNDARY ACTION
(Creation of Local District)

HERRIMAN CITY FIRE SERVICE AREA
Located in
HERRIMAN CITY, UTAH

Lt. Governor Henderson,

The undersigned, as Mayor of the responsible body of the municipality in which the proposed local district is located pursuant to Utah Code Ann. §§ 17B-1-215 and 671a-6.5, hereby submits the following Notice of Impending Boundary Action for the Herriman City Fire Service Area and respectfully requests that you issue a Certificate of Creation for this boundary action (the creation of a local district) as described in Utah Code Ann. § 67-1a-6.5.

SECTION 1

Utah Code Ann. § 67-1a-6.5(3)(b)

The name of the local entity created by the attached resolution shall be the HERRIMAN CITY FIRE SERVICE AREA. The boundaries of the new local entity shall be the entire area within the municipal boundary of Herriman City as more thoroughly described in the attached final local entity plat, which has been approved and signed by the appropriate parties.

SECTION 2

Utah Code Ann. § 67-1a-6.5(3)(c)

The boundary action for which the certificate is sought is the creation of the Herriman City Fire Service Area which is a new local district created as a service area under the Service Area Act, Title 17B, Chapter 2a, Part 9 of the Utah State Code.

SECTION 3

Utah Code Ann. § 67-1a-6.5(3)(d)

Attached hereto is a letter from the Utah State Retirement Office stating that the local entity shall comply with the Utah State Retirement and Insurance Benefit Act and setting forth other matters related thereto.


SECTION 4

Utah Code Ann. § 67-1a-6.5(3)(e)(i)

With his signature below, the Mayor, as the approving authority and indicated by the attached resolution, hereby certifies that all of the requirements applicable to this boundary action have been met.

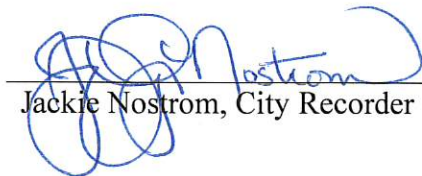
Signed this 15th day of July, 2021.

HERRIMAN CITY COUNCIL



David Watts, Mayor

ATTEST



Jackie Nostrom, City Recorder

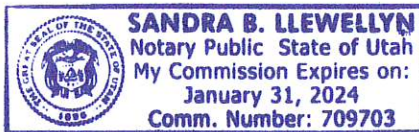


STATE OF UTAH)
)ss
COUNTY OF SALT LAKE)

The foregoing document was acknowledged before me this 15 day of July, 2021, by DAVID WATTS, Mayor of Herriman City, and JACKIE NOSTROM, Herriman City Recorder.



NOTARY PUBLIC



SANDRA B. LEWELLYN
Notary Public, State of Utah
My Commission Expires on
January 31, 2014
Comm. Number: 993703



HERRIMAN, UTAH
RESOLUTION NO. R21-2021

**A RESOLUTION OF THE HERRIMAN CITY COUNCIL TO APPROVE THE
CREATION OF THE HERRIMAN CITY FIRE SERVICE AREA TO FUND FIRST
RESPONDER SERVICES WITHIN HERRIMAN CITY**

WHEREAS, the Herriman City Council (“Council”) met in regular session on July 14th, 2021, to consider, among other things, approving a resolution to create a local district to be known as the Herriman City Fire Service Area (“HCFSA”) to fund fire and emergency medical services (collectively the “First Responder Services”) within Herriman City; and

WHEREAS, Herriman City obtains its First Responder Services from Unified Fire Authority (“UFA”) under the terms and conditions of an Interlocal Agreement executed between Salt Lake County, UFA, and other municipalities within Salt Lake and Utah Counties; and

WHEREAS, until December 31, 2020, Herriman City First Responder Services from UFA were funded through property taxes collected by Unified Fire Service Area (“UFSA”), a local district, from residents within Herriman City;

WHEREAS, Herriman City withdrew its municipal territory from the UFSA service area boundaries; and

WHEREAS, the Herriman City Council finds that it is in the best interest of the residents of Herriman that First Responder Services be funded through the payment of property taxes levied by a local district which exists solely within the municipal territory of Herriman City; and

WHEREAS, Herriman City has thoroughly reviewed the feasibility of withdrawing Herriman City from UFSA and establishing a local service district to levy property tax for the payment of First Responder Services; and

WHEREAS, on October 8, 2020, and pursuant to Utah Code Ann. § 17B-1-203, the Herriman City Council adopted Resolution R35-2020 to initiate the process by which Herriman City would consider the creation of a new local district to fund First Responder Services; and

WHEREAS, Utah Code Ann. § 17B-1-210 requires that Herriman City hold a public hearing following public notice to consider the merits of whether to proceed with the creation of HCFSA and to commence the protest period described in Utah Code Ann. § 17B-1-213; and

WHEREAS, the Herriman City Council held a properly noticed public hearing at Herriman City Hall regarding the creation of HCFSA on November 5, 2020 consistent with Utah Code Ann. § 17B-1-210; and

WHEREAS, on December 9, 2020, and pursuant to Utah Code Ann. § 17B-1-221, the Herriman City Council adopted Resolution R43-2020 confirming that Herriman City would not be providing the First Responder Services proposed to be provided by HCFSA; and

WHEREAS, the Herriman City recorder did not receive any protests to the creation of HCFSAs, consistent with Utah Code Ann. § 17B-1-213, within 60 days after the November 5, 2020 public hearing; and

WHEREAS, Herriman City Council finds that it has complied with the statutory requirements and process to create a local district under Utah law; and

WHEREAS, the Herriman City Council also finds that approving the creation of HCFSAs is in the best interest of the residents of Herriman City; and

NOW, THEREFORE, BE IT RESOLVED by the Herriman City Council as follows:

1. The Herriman City Council hereby approves the creation of a local district Utah Code Ann. § 17B-2a-901 et seq., to provide the service of assessing, levying, and collecting ad valorem property taxes and other revenues authorized by law to pay for First Responder Services, which First Responder Services include fire protection, emergency medical services, ambulance, and search and rescue. The service area shall include the entire municipal territory of Herriman City, as depicted on the boundary map attached hereto as Exhibit A and by reference made a part hereof.

2. The name of the local district approved by this Resolution shall be the HERRIMAN CITY FIRE SERVICE AREA.

3. The HERRIMAN CITY FIRE SERVICE AREA shall be funded through a property tax levy and may include member assessments, revenues generated by its operations, revenues received from Herriman City, and such other revenues that are authorized by law.

4. The HERRIMAN CITY FIRE SERVICE AREA shall be governed by a Board of Trustees composed of five members who are also the Herriman City Council, including the mayor of Herriman City. The Mayor shall serve as the Chief Executive and Administrative Officer of the local district. Members of the Board of Trustees shall serve terms of appointment which match the election schedule which governs the Member's election to the City Council. Such Members of the Board of Trustees shall be appointed by Resolution of the Herriman City Council.

5. The HERRIMAN CITY FIRE SERVICE AREA shall be subject to all laws that are applicable to a service area. Additionally, the Board of Trustees may enter into interlocal agreements with Herriman City, or any other public entity, for administration of the budget and for other lawful services.

6. The Mayor is hereby authorized and directed to sign and verify a notice of impending boundary action certifying that all statutory requirements applicable to the creation of the HERRIMAN CITY FIRE SERVICE AREA have been satisfied. A copy of the Notice of Impending Boundary Action is attached hereto.

7. The HERRIMAN CITY FIRE SERVICE AREA shall take effect upon completion of all proceedings required by law; upon approval and certification by the Utah Lieutenant Governor in accordance with Utah Code Ann. § 67-1a-6.5 and shall commence operation of the enumerated and authorized services upon the date of certification described above.

PASSED AND APPROVED by the Herriman City Council this 14th day of July 2021.

HERRIMAN


Mayor David Watts

ATTEST


Jackie Nostrom, City Recorder



Herriman City

RESOLUTION NUMBER: R21-2021

SHORT TITLE: RESOLUTION APPROVING THE CREATION OF THE HERRIMAN CITY FIRE SERVICE AREA TO FUND FIRST RESPONDER SERVICES WITHIN HERRIMAN CITY

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
David Watts	X		X		
Jared Henderson			X		
Sherrie Ohrn		X	X		
Steve Shields			X		
Clint Smith			X		
	TOTALS		5		

This resolution was passed by the City Council of Herriman City, Utah on the 14th day of July, 2021, on a roll call vote as described above.



Utah Retirement Systems

Retirement Office

560 East 200 South | Salt Lake City, UT 84102-2021
801-366-7700 | 800-365-8772 | Fax: 801-366-7734
www.urs.org

Daniel D. Andersen
Executive Director

PEHP Health & Benefits

560 East 200 South | Salt Lake City, UT 84102-2004
801-366-7500 | 800-365-8772 | Fax: 801-366-7596
www.pehp.org

R. Chet Loftis
Managing Director

June 29, 2021

Sent Via Email to: jnstrom@herriman.org

Jackie Nostrom, District Clerk
Herriman City Fire Safety Area
5355 West Herriman Main Street
Herriman, UT 84096

Re: Eligibility for Participation of a Newly Created Entity in the Utah State Retirement Systems

Dear Ms. Nostrom:

When a governmental entity is being incorporated or created, Utah law requires the Utah State Retirement Office ("Office") to provide a letter to that entity identifying the potential provisions under Utah Code Title 49, Utah State Retirement and Insurance Benefit Act ("Retirement Act"), with which it shall comply. See Utah Code Ann. § 67-1a-6.5(3)(d). This letter serves as the official notice for the Herriman City Fire Safety Area ("HCFSA"), a newly created local district.

Based upon the information provided, the Office has determined that HCFSA is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a local district. Accordingly, HCFSA must comply with the participation requirements of the Retirement Act.

This does not mean that HCFSA must provide retirement benefits to its employees. However, at the present time and throughout the future, **HCFSA is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.**

HCFSA may not currently have employees or may have not yet elected to provide a retirement benefit to its employees. Please be aware, it is not the obligation of the Office to monitor the activities of HCFSA. **By law, it is HCFSA's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.**

Once HCFSA begins participation with URS, its public employees will be covered under either the Tier I or Tier II public employee retirement systems, as described in the Retirement Act. If HCFSA employs public safety or firefighter service employees, those employees will be covered under the separate Tier I or Tier II systems for public safety and/or firefighter service employees described in the Retirement Act. To be eligible to participate in the Firefighters Retirement System, HCFSA must employ a Fire Chief that is a full-time employee of the fire department who has been trained in firefighter techniques, is assigned to hazardous duty, and performs such service for HCFSA at least 2,080 hours of regularly scheduled paid employment per year.

In addition, participating employers of URS are required by Utah Code Ann. § 49-11-606 to “cover all employees eligible for service credit under this title.” As such, once admitted as a participating employer, HCFSA will be required to cover all eligible employees, pursuant to the eligibility rules found in the Retirement Act.

Please note that the above-referenced laws are those used to determine eligibility for participation and are not the only laws with which a participating employer must comply. Participating employers are required to “inform themselves of their rights and obligations” under Title 49 and should become familiar with all provisions of the Retirement Act. Once HCFSA is admitted into the system, URS provides education about the requirements with which HCFSA must comply as a participating employer.

Additionally, please be aware that should HCFSA fail to participate with URS while offering another retirement benefit to its employees, HCFSA’s employees may have a claim against it for service credit under the Retirement Act, which the Office is required to enforce. Under the Retirement Act, such a claim would include all past employer contributions, interest, and in some cases, penalties. See Utah Code Ann. § 49-11-601(3).

Please do not hesitate to contact me if you have any questions.

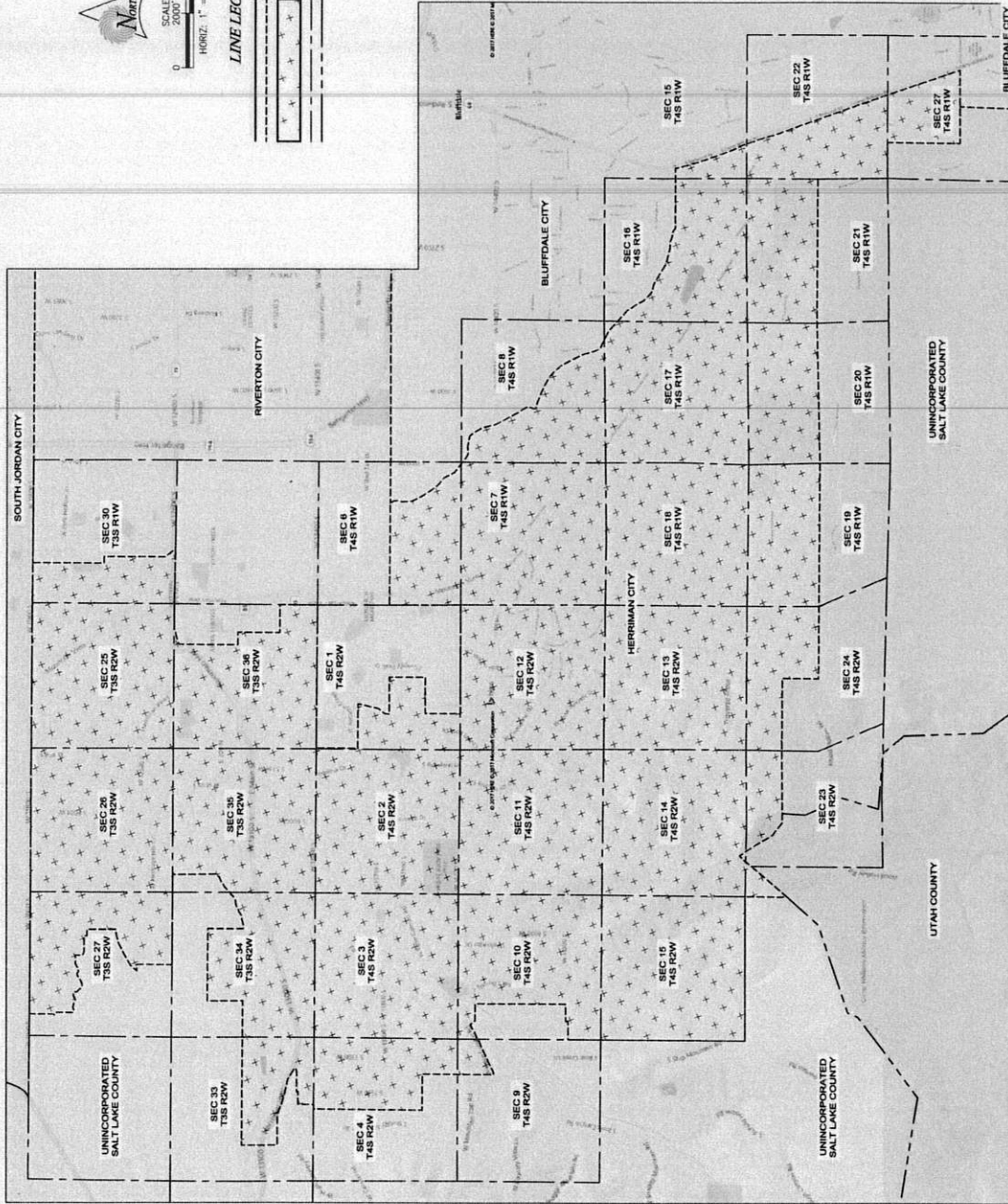
Sincerely,

/s/ Daniel D. Andersen

Daniel D. Andersen
Executive Director
Utah State Retirement Office

cc: Travis Dunn, Herriman City HR Manager, tdunn@herriman.org
Dee Larsen, URS General Counsel, dee.larsen@urs.org
Matt Judd, URS Employer Services Director, matt.judd@urs.org

FINAL LOCAL ENTITY PLAT - HERRIMAN CITY FIRE SERVICE AREA
 SITUATED IN SECTION 30 T3S R1W SLM; SECTIONS 25-27 & 33-36, T3S R2W SLM;
 SECTIONS 6-8, 15-22 & 27 T4S R1W SLM; AND SECTIONS 1-4, 9-15, 22-24 T4S R2W SLM
 SALT LAKE COUNTY, UTAH
 JULY 2021



HERRIMAN CITY COUNCIL
 HEREBY APPROVES THIS PLAT AS SHOWN AND
 DESCRIBED HEREON.
 THE 14th of July, 2021
 ATTEST:
 Mayor
 APPROVAL AS TO FORM AND CONTENT
 THE 14th of July, 2021
 HERRIMAN CITY ATTORNEY
 COUNTY SURVEYOR APPROVAL
 Approved this 22nd day of July, 2021 as a Final
 Local Entity Plat by the Salt Lake County Surveyor.
 SALT LAKE COUNTY SURVEYOR

NARRATIVE
 THE PURPOSE OF THIS PLAT IS TO PROVIDE AN ACCURATE
 GRAPHIC ILLUSTRATION OF THE BOUNDARY OF THE HERRIMAN
 CITY FIRE SERVICE AREA.
 NO FIELD MEASUREMENT WERE TAKEN, NO MONUMENTS WERE
 FOUND OR SET.
 IT IS INTENDED FOR THE BOUNDARIES OF THE HERRIMAN CITY
 FIRE SERVICE AREA TO BE THE CURRENT BOUNDARY OF
 INCORPORATED HERRIMAN CITY.
LEGAL DESCRIPTION
 ALL OF THAT LAND SITUATED IN THE MUNICIPAL BOUNDARY OF
 HERRIMAN CITY, SALT LAKE COUNTY, UTAH ON JULY 15th, 2021

SURVEYOR'S CERTIFICATE
 I, Dale J. Robinson, am a duly Licensed Professional Engineer
 under the Utah Professional Engineer Act, License No. 22000.
 I am duly Licensed under the Utah Professional Land Surveyor
 Act, License No. 22000. This plat was prepared by me or under
 my direct supervision and in accordance with Section 17-23-20,
 hereon in a true and correct representation of said Final Local
 Entity Plat.

DATE	07/27/21
BY	DJR
FOR	0
FINAL DRAFT	0
COMMENTS	

SUNRISE ENGINEERING
 12222 SOUTH BUSINESS PARK DRIVE, SUITE 220
 SALT LAKE CITY, UT 84119
 PHONE: 801-533-0999
 WWW.SUNRISE-ENG.COM

FINAL LOCAL ENTITY PLAT
 HERRIMAN CITY FIRE SERVICE AREA
 IN T3S R1W, T3S R2W, T4S R1W & T4S R2W, SLM

SHEET NO.	1	OF	1
DATE	07/27/21	BY	DJR
CHECKED		DATE	
DATE		BOOK	
PAGE		PAGE	

RECORDED:
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND
 FILED AT THE REQUEST OF:
 DATE: TIME: BOOK: PAGE:
 FEE: SALT LAKE COUNTY RECORDER