

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF INCORPORATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of incorporation of the city of ERDA, dated January 3, 2022, complying with Section §10-2a-306, 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 incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CITY OF ERDA, located in Tooele County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 3<sup>rd</sup> day of January, 2022 at Salt Lake City, Utah.



*Deidre M. Henderson*

DEIDRE M. HENDERSON  
Lieutenant Governor



The City of Erda  
Jess Bird  
City Council Chair/Acting Mayor  
801-540-4699  
jbird@erda.gov

Received

DEC 16 2021

Deidre M. Henderson  
Lieutenant Governor

Dec 15, 2021

Utah Lieutenant Governor Diedre Henderson  
350 North State Street, Suite 220  
P.O. Box 142325  
Salt Lake City, Utah 84114-2325

RE: Erda Incorporation Materials

To whom it may concern:

Attached to this cover letter are 3 documents:

- Utah Retirement System Letter
- Notice of Impending Boundary Action
- Final Local Entity Plat for the City of Erda

Please be aware that the attached local entity plat is only a copy. The signed original pursuant to Utah Code 17-23-20 is as of this writing being reviewed by the Tooele County Surveyor. An electronic copy of this map had been previously submitted to the county surveyor on the 10<sup>th</sup>. We had hoped that the review and approval process would be complete by Dec 16<sup>th</sup>, but such is not the case. The City of Erda requests a continuance to allow time for the county to finish their processing of the map, that it may be submitted to the lieutenant governor.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Jess Bird

A handwritten signature in cursive script that reads "Jess Bird".

**UTAH LIEUTENANT GOVERNOR DIEDRE HENDERSON  
NOTICE OF IMPENDING BOUNDARY ACTION  
INCORPORATION OF THE CITY OF ERDA**

The undersigned as the duly elected City Council Chair (“Mayor”) of the City of Erda, pursuant to Utah Code Sections 10-2a-217 and 67-1a-6.5(3), hereby submits to the Lieutenant Governor the following Notice of Impending Boundary Action for the City of Erda. The type of boundary action for which an applicable certificate is sought is to establish the boundary of an incorporation further described as the City of Erda.

**SECTION ONE**

The name of the city shall be the City of Erda.

**SECTION TWO**

The initial corporate boundaries of the City of Erda shall be as described on the attached approved final local entity plat.

**SECTION THREE**

The powers of a government shall be vested in a council consisting of five-members, one of which is a mayor, pursuant to Utah Code Section 10-3b-401.

**SECTION FOUR**

Pursuant to Utah Code Section 10-2-301 the initial classification for the City of Erda, based on its current population, shall be a city of the fifth class.

**SECTION FIVE**

Pursuant to Utah Code Section 67-1a-6.5 (3)(e), the Mayor elect as the approving authority certifies all requirements applicable to incorporation of the City of Erda have been met.





## 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](http://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](http://www.pehp.org)

R. Chet Loftis  
*Managing Director*

December 10, 2021

**Sent Via Email to: [jmartin@erda.gov](mailto:jmartin@erda.gov)**

Erda City  
c/o Joshua K. Martin  
987 Tanglewood Rd.  
Edra, UT 84074

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

Dear Mr. Martin:

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 Erda City, a newly created municipal corporation.

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

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

Erda City 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 Erda City. By law, it is Erda City's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.

Once Erda City 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 Erda City 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.

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



