

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certifies that there has been filed in my office a notice of creation for the MOUNT OGDEN PUBLIC INFRASTRUCTURE DISTRICT NO. 2, located in WEBER COUNTY, dated DECEMBER 7, 2022, 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 MOUNT OGDEN PUBLIC INFRASTRUCTURE DISTRICT NO. 2, located in WEBER COUNTY, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 7<sup>th</sup> day of December, 2022 at Salt Lake City, Utah.

A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON  
Lieutenant Governor

## NOTICE OF AN IMPENDING BOUNDARY ACTION

### To the Lieutenant Governor, State of Utah

Pursuant to the provisions of Utah Code Ann. §17B-1-215 and § 67-1a-6.5, Weber County ("County"), a body politic and political subdivision of the State of Utah, hereby gives notice to the Utah Lieutenant Governor that a petition has been submitted to the County to create a public infrastructure district in accordance with the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated; which would be named the **Mount Ogden Public Infrastructure District No. 2**. The District is proposed to provide financing and construction of public infrastructure improvements to facilitate the expansion of the existing Snowbasin ski resort into a first-class, year-round destination resort. The petition has been certified by the County clerk under Section 17B-1-209.

The County hereby certifies that all of the legal requirements necessary for the creation of the Mount Ogden Public Infrastructure District No. 1 have been completed and respectfully requests the issuance of a Certificate of Creation pursuant to Utah Code Ann. § 67-1a-6.5.

Accompanying this Notice is a copy of the certified petition pursuant to Section 17D-4-201(2)(d); a letter from the Utah State Retirement Office pursuant to Section 67-1a-6.5(3)(d); and a copy of an approved final local entity plat prepared and certified by a licensed surveyor and approved by the Weber County Surveyor pursuant to Section 17-23-20.

Dated this 1st day of December 2022.

BOARD OF WEBER COUNTY  
COMMISSIONERS

  
\_\_\_\_\_  
Gage Froerer, Vice Chair

ATTEST

  
\_\_\_\_\_  
Ricky Hatch, County Clerk





## 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 1, 2022

**Sent Via Email to: [bquinney@co.weber.ut.us](mailto:bquinney@co.weber.ut.us)**

Mount Ogden Public Infrastructure District No. 2  
c/o Brandan Quinney  
Deputy Weber County Attorney  
2380 Washington Blvd., Suite 230  
Ogden, UT 84401

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

Dear Mr. Quinney:

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 Mount Ogden Public Infrastructure District No. 2, a newly created public infrastructure district.

Based upon the information provided, the Office has determined that Mount Ogden Public Infrastructure District No. 2 is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a public infrastructure district. Accordingly, Mount Ogden Public Infrastructure District No. 2 must comply with the participation requirements of the Retirement Act.

This does not mean that Mount Ogden Public Infrastructure District No. 2 must provide retirement benefits to its employees. However, at the present time and throughout the future, Mount Ogden Public Infrastructure District No. 2 is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.

Mount Ogden Public Infrastructure District No. 2 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 Mount Ogden Public Infrastructure District No. 2. By law, it is Mount Ogden Public Infrastructure District No. 2's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.

Once Mount Ogden Public Infrastructure District No. 2 begins participation with URS, its public employees will be covered under either the Tier 1 or Tier 2 public employee retirement systems, as described in the Retirement Act. If Mount Ogden Public Infrastructure District No. 2 employs



public safety or firefighter service employees, those employees will be covered under the separate Tier 1 or Tier 2 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 participating employer, Mount Ogden Public Infrastructure District No. 2 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 Mount Ogden Public Infrastructure District No. 2 is admitted into the system, URS provides education about the requirements with which Mount Ogden Public Infrastructure District No. 2 must comply as a participating employer.

Additionally, please be aware that should Mount Ogden Public Infrastructure District No. 2 fail to participate with URS while offering another retirement benefit to its employees, Mount Ogden Public Infrastructure District No. 2’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: Dee Larsen, URS General Counsel  
James D. Hammer, URS Employer Services Director

