

STATE OF UTAH



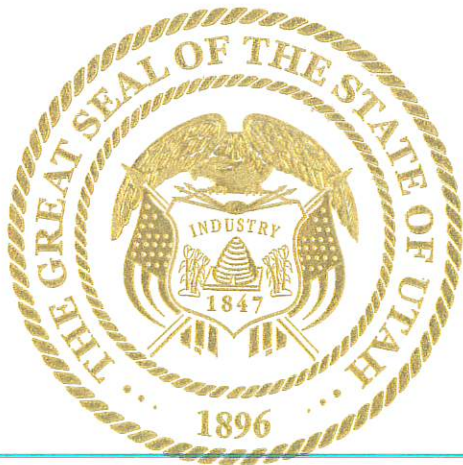
OFFICE OF THE LIEUTENANT GOVERNOR

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 the UPPER MESA SPECIAL SERVICE DISTRICT located in HILDALE CITY, dated AUGUST 6, 2024, complying with §67-1a-6.5, Utah Code Annotated, 1953, as amended.

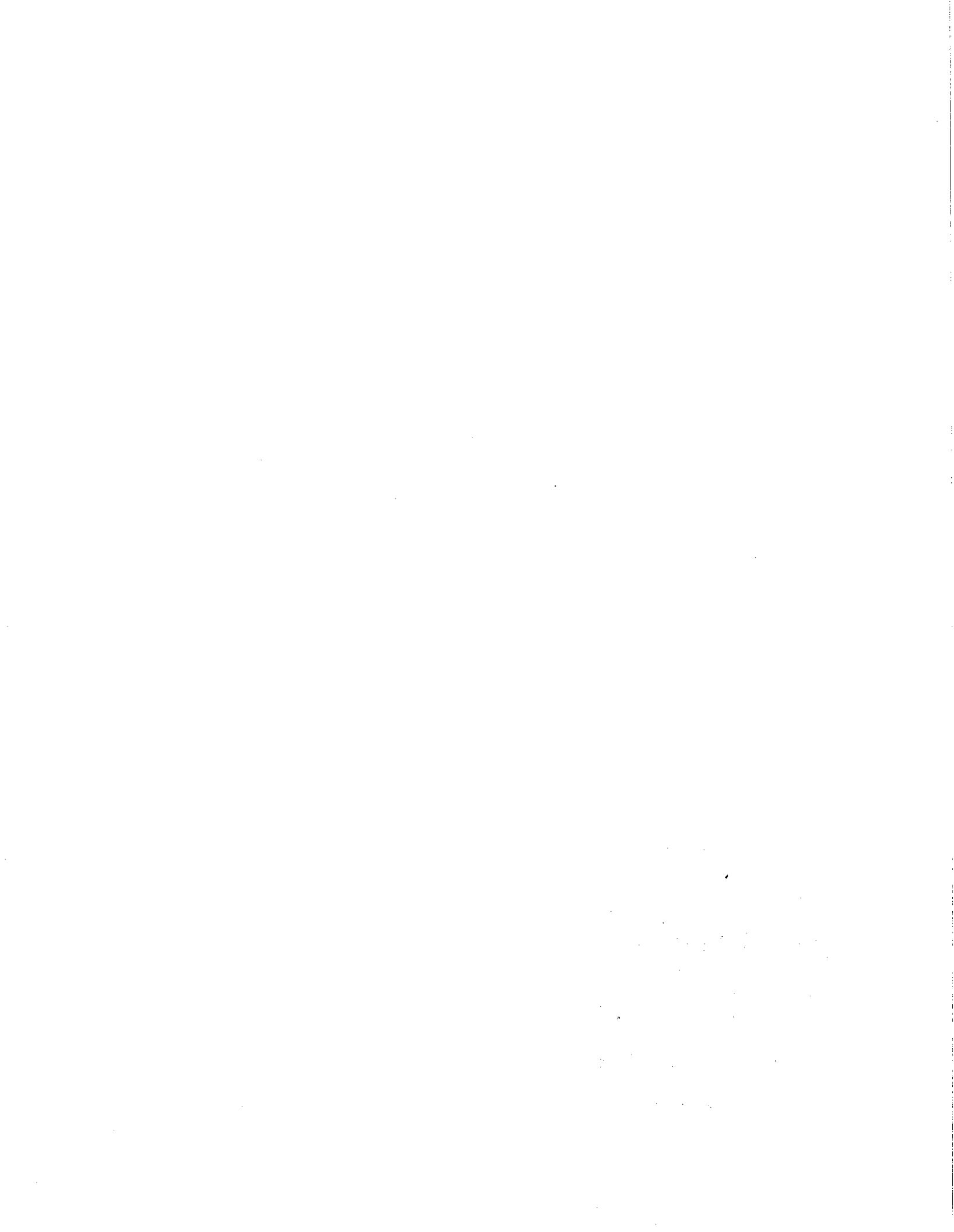
Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the UPPER MESA SPECIAL SERVICE DISTRICT, located in WASHINGTON COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 14th day of August, 2024 at Salt Lake City, Utah.



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

DEIDRE M. HENDERSON
Lieutenant Governor







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

August 7, 2024

Sent Via Email to: manager@hildalecity.com

Upper Mesa Special Service District
Eric Duthie, City Manager
320 E. Newel Ave.
Hildale, UT 84784

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

Dear Mr. Duthie:

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 Upper Mesa Special Service District, a newly created special service district.

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

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

Upper Mesa Special Service District 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 Upper Mesa Special Service District. By law, it is Upper Mesa Special Service District's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.

Upper Mesa Special Service District 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 Upper Mesa Special Service District 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, Upper Mesa Special Service District 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 Upper Mesa Special Service District is admitted into the system, URS provides education about the requirements with which Upper Mesa Special Service District must comply as a participating employer.

Additionally, please be aware that should Upper Mesa Special Service District fail to participate with URS while offering another retirement benefit to its employees, Upper Mesa Special Service District'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





☎ 435-874-2323
☎ 435 874 2603
🌐 www.hildalecity.com

SECTION 5. The name is "Upper Mesa Special Service District."


SECTION 6. The boundary of the District consists of the property within the City described on Exhibit A attached hereto and depicted on the map attached as Exhibit B hereto.

SECTION 7. The District is authorized to provide culinary water and sanitary wastewater services.

Page | 2

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the City Council of Hildale City, Utah, this 10th day of July 2024.

HILDALE CITY, UTAH

By: 

Donia Jessop, Mayor

ATTEST:



Sirrene Barlow, City Recorder



☎ 435-874-2323
☎ 435-874-2603
🌐 www.hildalecity.com

Mayor: Donia Jessop
Councilmembers: JVar Dutson, Brigham Holm, Luke Merideth, Terrill Musser, Darlene Stubbs
City Manager: Eric Duthie



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NOTICE OF IMPENDING CREATION

UPPER MESA SPECIAL SERVICE DISTRICT

The Honorable Deidre Henderson
Lieutenant Governor of the State of Utah
Utah State Capitol Complex
P.O. Box 14235
Salt Lake City, Utah 84114-2325

Dear Lieutenant Governor,

As required by Utah Code Ann. § 67-1a-6.5(3)(e)(i), I, Donia Jessop, Mayor of Hildale City, hereby give notice to the Lieutenant Governor of the State of Utah and certify that Hildale City complied with all requirements applicable to create the "Upper Mesa Special Service District." A copy of the Hildale City Council Resolution approving the creation is enclosed.

Accordingly, we request that you issue a certificate of creation for the Agency under Utah Code Ann. §§ 17D-1-209 and 67-1a-6.5(2). Hildale City respectfully requests that the Lieutenant Governor issue a certificate of creation for Upper Mesa Special Service District.

Date this 6th day of August, 2024.

Hildale City


Donia Jessop, Mayor



☎ 435-874-2323
☎ 435-874-2603
🌐 www.hildalecity.com

Mayor: Donia Jessop
Councilmembers: JVar Dutson, Brigham Holm, Luke Merideth, Terrill Musser, Darlene Stubbs
City Manager: Eric Duthie



RESOLUTION NO. 2024-07-001

A RESOLUTION OF THE CITY COUNCIL OF HILDALE CITY, UTAH, CREATING THE UPPER MESA SPECIAL SERVICE DISTRICT.

WHEREAS, the City Council (the "Council"), of the Hildale City, Utah (the "City"), after due discussion and deliberation, found that the public health, convenience and necessity require the creation of a special service district (the "District") under and pursuant to the Utah Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated (the "Act"), for the purpose of providing culinary water and sanitary wastewater services within the proposed boundaries of the District; and

WHEREAS, the Council desires to adopt this Resolution for the purpose of creating the District, consistent with the requirements of the Act.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hildale, Utah as follows:

SECTION 1. The Council held a public hearing on the proposed creation of the Upper Mesa Special Service District on Thursday, May 9, 2024, at 6pm, at 320 E. Newel Avenue, Hildale, Utah.

SECTION 2. The Council directed City staff, including legal counsel, to cause to be prepared and published a notice of such public hearing. Such public notice conformed with the requirements of Section 17D-1-205 of the Act, and was (i) published once each week for four (4) consecutive weeks, with the last publication being not fewer than five (5) days nor more than twenty (20) days before the public hearing, in the *Spectrum*, a newspaper of general circulation within the District boundaries, and (2) posted on the *Utah Public Notice Website* at least 35 days before the date of the public hearing.

SECTION 3. A protest period of sixty (60) days followed the public hearing. No protests were filed.

SECTION 4. The Council hereby declares that public health, convenience, and necessity require the District, and hereby declares the Upper Mesa Special Service District created.





SECTION 5. The name is "Upper Mesa Special Service District."

SECTION 6. The boundary of the District consists of the property within the City described on Exhibit A attached hereto and depicted on the map attached as Exhibit B hereto.

SECTION 7. The District is authorized to provide culinary water and sanitary wastewater services.

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the City Council of Hildale City, Utah, this 10th day of July 2024.

HILDALE CITY, UTAH

By: *Donia Jessop*

Donia Jessop, Mayor

ATTEST:

Sirrene J. Barlow

Sirrene Barlow, City Recorder





Utah Retirement Systems

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Daniel D. Andersen
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R. Chet Loftis
Managing Director

August 7, 2024

Sent Via Email to: manager@hildalecity.com

Upper Mesa Special Service District
Eric Duthie, City Manager
320 E. Newel Ave.
Hildale, UT 84784

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

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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



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