

STATE OF UTAH



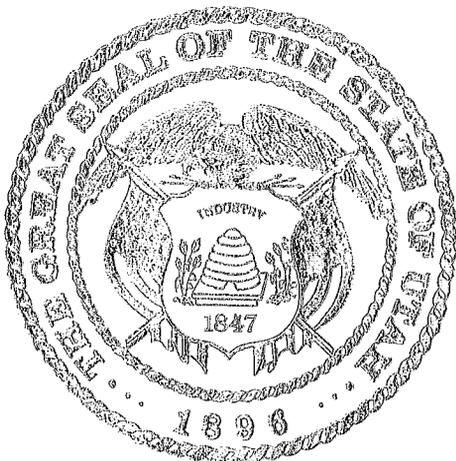
OFFICE OF THE LIEUTENANT GOVERNOR

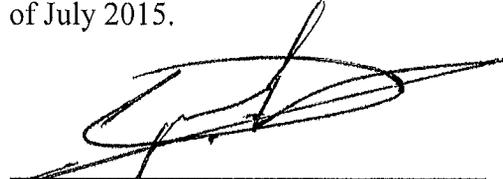
CERTIFICATE OF INCORPORATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a Notice of Impending Boundary Action for the incorporation of DUTCH JOHN, dated July 28<sup>th</sup>, 2015, complying with Section 10-2-306, 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 Impending Boundary Action for the incorporation, referred to above, on file with the Office of the Lieutenant Governor pertaining to DUTCH JOHN, located in Daggett County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 31<sup>st</sup> day of July 2015.



  
SPENCER J. COX  
Lieutenant Governor

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PO Box 158

Dutch John, Utah 84023

Mayor:

Council Members:

William (Bud) Rogers  
PH #: 801 599 7886

Ryan Kelly  
Sandy Kunkel  
Harriett Dickersen  
Dave McDonald

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**Notice of Impending Boundary Change  
And  
Certificate of Compliance**

To the office of the Honorable Lieutenant Governor of the State of Utah,

Pursuant to Utah Code Sections 10-2a-3 and 67-1a-6.5, the understanding, as Newly Elected Mayor of the Town of Dutch John, hereby gives notice of Impending Boundary Action for the Town of Dutch John. The name of the new entity is "DUTCH JOHN TOWN" and it shall be incorporated within the Incorporation Boundary as described and depicted on the accompanying Plat.

HEREBY CERTIFIES that all the requirements for incorporation of the Town of "Dutch John" (within the Boundary as shown on the accompanying Plat) as required by Utah Code 10-2a-3 et seq., including all notices, petitions, public hearings, feasibility studies, Election to incorporate, Election of Council and Mayor have been complied with.

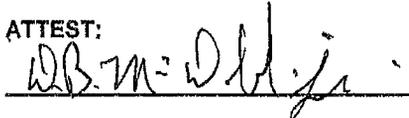
Included herewith is a copy of the approved boundary Plat for the Town of "Dutch John" and a "New Entity Letter" from URS as required by 67-1a-6.5(3)(d).

Dated this 28 Day of July, 2015



William Rogers  
Mayor – Town of Dutch John

ATTEST:



David B McDonald – Town Council Member

## Utah Retirement Systems

**Retirement Office**  
560 East 200 South  
Salt Lake City, UT 84102-2021

(801) 366-7700  
(800) 365-8772 Toll Free  
(801) 366-7734 Fax  
www.urs.org

DANIEL D. ANDERSEN  
Executive Director

**Public Employees Health Program**  
560 East 200 South  
Salt Lake City, UT 84102-2004

(801) 366-7500  
(800) 365-8772 Toll Free  
(801) 366-7596 Fax  
www.pehp.org

R. CHET LOFTIS  
Director

July 21, 2015

Dutch John Town  
Attn: Dave McDonald, Town Council  
P.O. Box 158  
Dutch John, UT 84023

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

Dear Dutch John Town:

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 Dutch John Town, which is in the process of incorporating as a Utah town.

Based upon the information provided, the Office has determined that Dutch John Town, upon successful incorporation, will be an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as an incorporated town created under Utah Code Title 10. Accordingly, the Town must comply with the participation requirements of the Retirement Act.

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

The Town 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 the Town. **By law, it is Dutch John Town's obligation to apply for membership with URS if and when it chooses to provide a retirement benefit to its employees.**

Once the Town begins participation with URS, its public employees and elected officials

will be covered under either the Tier I or Tier II public employee retirement systems, as described in the Retirement Act. If the Town 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 section 49-11-606 to "cover all employees eligible for service credit under this title." As such, once admitted as a participating employer, the Town 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 Dutch John Town is admitted into the system, or upon request, URS will provide education about the requirements with which the Town must comply as a participating employer.

Additionally, please be aware that should Dutch John Town fail to participate with URS while offering another retirement benefit to its employees or elected officials, the Town's employees and elected officials 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,



Daniel D. Andersen  
Executive Director  
Utah State Retirement Office

