

STATE OF UTAH



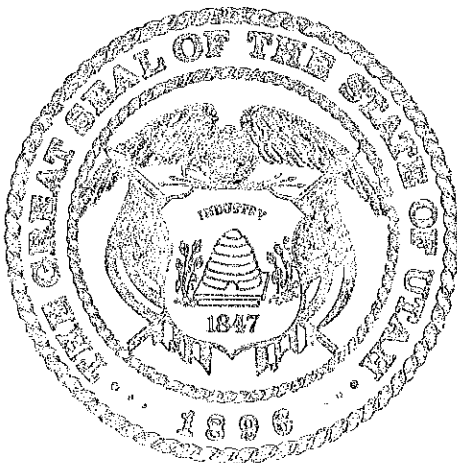
OFFICE OF THE LIEUTENANT GOVERNOR

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 the city of MILLCREEK, dated December 20th, 2016, complying with Section 10-2a-217, 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 the city of MILLCREEK, located in Salt Lake County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 28th day of December, 2016 at Salt Lake City, Utah.



A handwritten signature in cursive script, reading "Spencer J. Cox".

SPENCER J. COX
Lieutenant Governor

UTAH LIEUTENANT GOVERNOR SPENCER J. COX
NOTICE OF IMPENDING BOUNDARY ACTION
INCORPORATION OF MILLCREEK

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

SECTION ONE

The Name of the city shall be Millcreek.

SECTION TWO

The initial corporate boundaries of Millcreek 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 Ann. §10-3b-401.

SECTION FOUR

Pursuant to Utah Code Ann. § 10-2-301 the initial classification for Millcreek, based on its current population, shall be a city of the third class.


SECTION FIVE

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

SECTION SIX

The canvass of the final election of city officials was conducted on November 22, 2016.

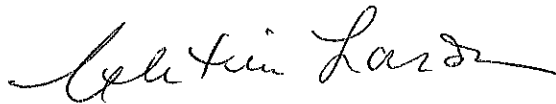
Signed and dated this 20th day of December, 2016.

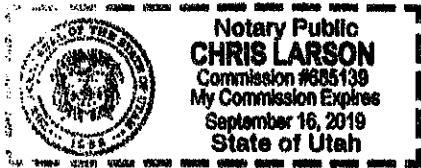


Jeff Silvestrini
Mayor-elect

SUBSCRIBED AND SWORN to before me this 20th day of December 2016.

My Commission expires:





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

December 6, 2016

Jeff Silvestrini
Millcreek City
3932 South 500 East
Millcreek, UT 84107

Re: Application for Participation with the Utah State Retirement Systems

Dear Mr. Silvestrini:

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 Millcreek City, a newly created municipal corporation.

Based upon the information provided, the Office has determined that Millcreek City is also an "employer" under the Retirement Act as a municipal corporation. Accordingly, Millcreek City is eligible and must comply with the participation requirements of the Retirement Act.

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

Once Millcreek 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.

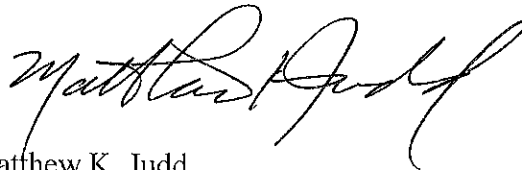
In addition, Participating Employers of URS are required by section 49-11-606 to "cover all employees eligible for service credit under this title." As such, once admitted as a participating employer, Millcreek City will be required to cover all eligible employees, pursuant to the eligibility rules found 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. At any time, URS would be happy to provide additional education about the requirements with which Millcreek City must comply as a participating employer.

Additionally, please be aware that should Millcreek City fail to cover all of its employees or otherwise comply with participation requirements, Millcreek City'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,

A handwritten signature in black ink, appearing to read "Matthew K. Judd". The signature is written in a cursive style with a large, sweeping initial "M".

Matthew K. Judd
Records Management Director
Utah State Retirement Office

