

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 incorporation of the town of BLUFF, dated July 19th, 2018, 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 town of Bluff, located in San Juan County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 9th day of August, 2018 at Salt Lake City, Utah.



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

SPENCER J. COX
Lieutenant Governor

July 31, 2018

Utah Lt. Governor Spencer J. Cox
Utah State Capitol Complex
Suite 220
P.O. Box 142325
Salt Lake City, Utah 84114-2325

Sent via U.S. Mail

In Re the Incorporation of the Town of Bluff

Dear Lt. Governor Cox,

Bluff's election for the positions of mayor and town council was held on Tuesday, June 26, 2018. While the canvass of the election of town officers was to have occurred between July 3 and July 10, 2018, San Juan County did not complete its canvass until Monday, July 16, 2018. In order to effectuate the pending incorporation, the mayor of the future town has certain legal obligations to complete within 30 days following the canvass. The deadline for these filings is August 9, 2018.

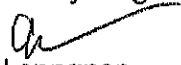
As the Mayor-Elect of Bluff, Utah, pursuant to Utah Code 10-2a-306(1)(a)(i)(ii), I hereby am, within those 30 days, filing with you the following documents:

1. A copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3);
2. A copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
3. A letter from the Utah State Retirement Office that identifies the potential provisions under Title 49, Utah State Retirement and Insurance Benefit Act.

I respectfully request that you find that the documentation provided is sufficient to meet the requirements of

Utah Code 10-2a-306(1)(a)(i)(ii) and that you issue a certificate of incorporation under Section 67-1a-6.5.

If there is anything further that you need, please contact me. And, thank you for your attention to this matter.


Ann K. Leppanen
Mayor-Elect of Bluff
P.O. Box 175
Bluff, Utah 84512
435-672-2241
651-341-9074 (cell)

Enclosures as noted

cc: Luanne Hook, Brant Murray, Jim Sayers, Linda Sosa (w/o enclosures)

UTAH LIEUTENANT GOVERNOR SPENCER J. COX

NOTICE OF IMPENDING BOUNDARY ACTION

INCORPORATION OF THE TOWN OF BLUFF

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

SECTION ONE

The name of the town shall be Bluff.

SECTION TWO

The initial corporate boundaries of Bluff shall be 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 Bluff, based on its current population, shall be a town.

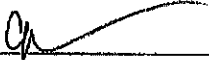
SECTION FIVE

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 Bluff have been met.

SECTION SIX

The canvass of the final election of city officials was conducted on July 16, 2018.

Signed and dated this 19th day of July, 2018.

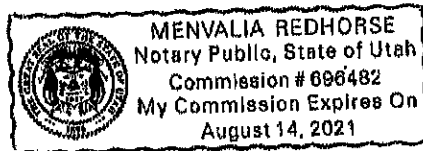


Ann K. Leppanen
Mayor-Elect of Bluff

SUBSCRIBED AND SWORN to before me this 19th day of July, 2018.

My Commission expires:

August 14, 2021 



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.pehnp.org

R. CHET LOTUIS
Director

July 30, 2018

Bluff

Attn: Ann K. Leppanen
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

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

Dear Bluff:

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 Bluff, which is in the process of incorporating as a Utah town.

Based upon the information provided, the Office has determined that Bluff, 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, Bluff must comply with the participation requirements of the Retirement Act.

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

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

Once Bluff 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 Bluff 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.

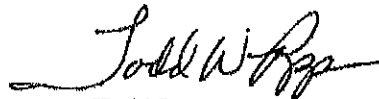
In addition, participating employers of URS are required by section 49-11-606 to "cover all employees eligible for service credit under this title." As such, once admitted as a participating employer, Bluff will be required to cover all eligible employees, pursuant to the eligibility rules found in the 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 Bluff is admitted into the system, or upon request, URS will provide education about the requirements with which Bluff must comply as a participating employer.

Additionally, please be aware that should Bluff fail to participate with URS while offering another retirement benefit to its employees or elected officials, Bluff'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,



Todd Rupp
Deputy Executive Director
Utah State Retirement Office

