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 ADAM GARDINER  
 RECORDER, SALT LAKE COUNTY, UTAH  
 MILLCREEK CITY

OFFICE OF THE LIEUTENANT GOVERNOR BY: KRP, DEPUTY - MI & P.

CERTIFICATE OF CREATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the MILLCREEK COMMUNITY REINVESTMENT AGENCY, dated March 26<sup>th</sup>, 2018, complying with Section 17C-1-201.5, 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 MILLCREEK COMMUNITY REINVESTMENT AGENCY, 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 30<sup>th</sup> day of April, 2018 at Salt Lake City, Utah.

SPENCER J. COX  
 Lieutenant Governor



**UTAH LIEUTENANT GOVERNOR SPENCER J. COX**  
**NOTICE OF IMPENDING BOUNDARY ACTION**  
**CREATION OF THE MILLCREEK COMMUNITY REINVESTMENT AGENCY**

The undersigned as Mayor of a community legislative body in which a proposed community reinvestment agency is created pursuant to Utah Code Ann. §§ 17C-1-201.5 and 67-1a-6.5, hereby submits to the Lieutenant Governor this Notice of Impending Boundary Action for the Millcreek Community Reinvestment Agency.

**SECTION ONE**

The name of the new local entity shall be the Millcreek Community Reinvestment Agency (“Agency”).

**SECTION TWO**

The boundary action for which an applicable certificate is sought is the creation of the Agency which is a new community reinvestment agency created pursuant to Title 17B of the Utah Code.

**SECTION THREE**

The boundaries of the Agency are, and shall always be, coterminous with the boundaries of Millcreek the entity that created the Agency. A copy of the approved local entity plat will be submitted by the Salt Lake County Surveyor.

**SECTION FOUR**

Pursuant to Utah Code Ann. § 67-1a-6.5(3)(d) attached is the required letter from the Utah State Retirement Office.

**SECTION FIVE**

Pursuant to Utah Code Ann. § 67-1a-6.5 (3)(e), the Mayor hereby certifies all requirements applicable to the boundary action have been met.

Signed and dated this 26<sup>th</sup> day of March, 2018.

Jeff  
Jeff Silvestrini, Mayor

State of Utah)  
§  
County of Salt Lake)

SUBSCRIBED AND SWORN to before me this 26 day of March, 2018 by

Jeff Silvestrini

Witness my hand and official seal

Telitha Elyse Greiner  
Notary Public



**MILLCREEK, UTAH**  
**ORDINANCE NO. 18-19**

**AN ORDINANCE CREATING THE MILLCREEK COMMUNITY REINVESTMENT  
AGENCY**

**WHEREAS**, the Millcreek Council (“Council”) met in regular session on March 26, 2018, to consider, among other things, approving an ordinance creating the Millcreek Community Reinvestment Agency; and

**WHEREAS**, Utah Code Ann. § 17C-1-201.5 authorizes the legislative body of a municipality to create a community reinvestment agency; and

**WHEREAS**, the Council is a legislative body of a municipality as contemplated in Utah Code Ann. § 17C-1-2015 and is authorized to create a community reinvestment agency; and

**WHEREAS**, the Council finds that it is in the best interests of the inhabitants of the City to create a community reinvestment agency.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

1. Pursuant to Utah Code Ann. § 17C-1-201.5 the Council hereby creates a community reinvestment agency (“Agency”).

2. The Agency shall be created and take effect upon completion of all proceedings required by law and approval and certification by the Utah Lieutenant Governor in accordance with Utah Code Ann. § 67-1a-6.5 and shall operate on a fiscal year from July 1 to the following June 30.

3. The name of the Agency shall be the Millcreek Community Reinvestment Agency.

4. The Agency’s boundaries are, and shall always be, coterminous with the boundaries of Millcreek.

5. The Agency will be vested with all the powers set forth in Utah Code Ann. § 17C-1-101 et seq.

6. The governing board of the Agency may adopt rules of order and procedure for the operation and governance of the Agency.

7. The Mayor is hereby authorized and directed to sign and verify a notice of impending boundary action certifying that all statutory requirements applicable to the creation of the Agency have been satisfied. A copy the Notice of Impending Boundary Action is attached hereto.

PASSED AND APPROVED this 26th day of March 2018.



MILLCREEK

By: Jeff Silvestrini  
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner  
Elyse Greiner, CMC, City Recorder

Roll Call Vote:		
Silvestrini	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Marchant	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Jackson	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Catten	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Uipi	<input checked="" type="radio"/> Yes	<input type="radio"/> No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:  
ORDINANCE 18-19: AN ORDINANCE CREATING THE MILLCREEK COMMUNITY REINVESTMENT AGENCY  
was passed and adopted the 26 day of March 2018 and certifies that copies of the foregoing Ordinance 18-19 were posted in the following locations within the municipality this 27 day of March, 2018.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner  
Elyse Greiner, City Recorder

## 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

April 11, 2018

Millcreek Community Reinvestment Agency  
c/o John Brems  
3330 South 1300 East  
Millcreek, UT 84106

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

Dear Millcreek Community Reinvestment Agency:

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 the Millcreek Community Reinvestment Agency, a newly created Utah Community Reinvestment Agency.

Based upon the information provided, the Office has determined that Millcreek Community Reinvestment Agency is an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a limited purpose local government entity under Utah Code Title 17C. Accordingly, the Millcreek Community Reinvestment Agency must comply with the participation requirements of the Retirement Act.

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

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

Once the Millcreek Community Reinvestment Agency 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. If the Millcreek Community Reinvestment Agency 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 Millcreek Community Reinvestment Agency 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 the Millcreek Community Reinvestment Agency is admitted into the System, URS provides education about the requirements with which Millcreek Community Reinvestment Agency must comply as a participating employer.

Additionally, please be aware that should the Millcreek Community Reinvestment Agency fail to participate with URS while offering another retirement benefit to its employees, Millcreek Community Reinvestment Agency'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,



Matthew K. Judd  
Employer Services Director  
Utah State Retirement Office

