

MARGARET H. OLSON
COUNTY ATTORNEY

Criminal Division

PATRICIA S. CASSELL
Chief Prosecutor

JOSEPH HILL
Prosecuting Attorney

IVY TELLES
Prosecuting Attorney

JANET ELLEDGE
Prosecuting Attorney



Civil Division

DAVID L. THOMAS
Chief Deputy

HELEN E. STRACHAN
Deputy County Attorney

RYAN P.C. STACK
Deputy County Attorney

LYNDA L. VITI
Deputy County Attorney

To: Summit County Council, Governing Board for the North Summit Fire Service District

From: Ryan P.C. Stack

Date: March 2, 2022

Re: North Summit Fire Service District – admission into Utah Retirement Systems

The North Summit Fire Service District (“the District”) is currently engaged in recruiting a new full time Fire Chief. The District budgeted and plans for this to be a full time position with benefits. Until now, the District has had no affiliation or relationship with Utah Retirement Systems (“URS”). The District must seek and be granted admission into URS before it can offer a retirement benefit to the new chief. This process requires the Governing Board to adopt a resolution requesting admission into the relevant retirement systems. Liza Eves, counsel for URS, provided a model ordinance utilized by many public entities across the state that request admission into URS. The resolution before the Governing Board is based on this model ordinance.

Through the resolution, the District seeks admission into the following retirement systems: 1) Tier 1 Public Employees Noncontributory Retirement System, 2) Tier 1 Firefighters Retirement System, 3) Tier 2 systems and plans for Public Employees for District personnel, and 4) Tier 2 systems and plans for Firefighters for District firefighter personnel. Enrolling in each of these systems will not presently obligate the District to any financial commitment apart from that associated with its new full time chief. This will, however, lay the groundwork for any future District employees to participate in a URS retirement plan.

While the resolution technically seeks admission into four different systems, it would effectively establish two different plans – one for firefighters and one for non-firefighter employees. But each

Civil Division: PO BOX 128 · 60 North Main Street · Coalville Utah 84017 · Telephone (435) 336-3206 · Facsimile (435) 336-3287

Criminal Division: 6300 Justice Center Road · Park City Utah 84098 · Telephone (435) 615-3828 · Facsimile (435) 608-4462

Email: (first initial)(last name)@summitcounty.org

plan must be established under both Tier 1 and Tier 2, to cover future employees who started work in the system prior to July 1, 2011, and may have service credit under Tier 1 (changes to state code left Tier 1 unavailable to new public employees hired after July 1, 2011).

The resolution also authorizes the District as an employer to pick-up all 2.7% of employee salary as member contributions for employees in Tier 2. This is consistent with the County's practice, as well as that of Mountain Regional Water, Park City Fire District, and Snyderville Basin Recreation. This percentage is currently the entire pick-up amount, but by including the set percentage instead of agreeing to "all," the Governing Board and the District are protected in case the rate for "all" ever increases. This reserves discretion to the Governing Board and the District to then decide whether to absorb the increase or pass it on to the employee.

With the District's hiring process proceeding in earnest, time is of the essence to engage with URS. State code requires that every application to participate in retirement benefits with URS be approved by the URS Board of Directors. This Board meets on the second Thursday of each month, so its next meeting will be March 10. Legal is currently working with the Personnel Director on filling out the rest of the application materials and will have those submitted to URS by March 2.

The Administrative Control Board met in special session on Monday, February 28, and unanimously voted to forward a positive recommendation on Ordinance 2022-05 to the Council as Governing Board.

The Governing Board at this time may vote to either:

- (1) Approve and adopt the recommended resolution requesting admission to the stated retirement systems,
- (2) Return the recommended resolution to the legal department for further revisions consistent with the Governing Board's direction, or
- (3) Continue the item to a future agenda to request additional information or allow the Governing Board additional time to consider the item.

A RESOLUTION REQUESTING ADMISSION TO THE FIREFIGHTERS RETIREMENT SYSTEM AND THE PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the North Summit Fire Service District is a special service district of Summit County, over which the Summit County Council sits as Governing Board; and

WHEREAS, the North Summit Fire Service District (“the District”) is authorized to employ both personnel and public safety personnel on a full-time basis; and

WHEREAS, it is in the public interest to provide benefits authorized by Utah state law for both personnel and public safety personnel by the District and its Governing Board, the Summit County Council; and,

WHEREAS, it is the intent of the Summit County Council, acting as Governing Board for the District, to approve and authorize coverage under the following retirement systems and plans:

- Tier 1 Public Employees Noncontributory Retirement System,
- Tier 1 Firefighters Retirement System,
- Tier 2 systems and plans for Public Employees for District personnel, and
- Tier 2 systems and plans for Firefighters for District firefighter personnel.

NOW THEREFORE, BE IT RESOLVED, that the Summit County Personnel Director and the Summit County Attorney’s Office are authorized to take all of the necessary actions to enroll the District in the benefit programs of both the Public Employees Retirement System and the Firefighters Retirement System offered by Utah Retirement Systems (“URS”), including the retirement coverage and death benefit coverage for qualified employees under the laws and regulations of the Utah Retirement Systems.

IT IS FURTHER RESOLVED that the Summit County Personnel Director and the Summit County Attorney's Office are authorized to take all of the necessary actions to enroll the District as an employer authorized to pick-up 2.7% of employee salary as member contributions. The District is additionally authorized to hire and retain personnel who may meet qualifications in the firefighters systems administered by URS as firefighter service employees.

APPROVED, ADOPTED, and ordered published by the Summit County Council, this 2nd day of March, 2022.

NORTH SUMMIT FIRE
SERVICE DISTRICT
SUMMIT COUNTY, STATE OF UTAH

ATTEST:

Evelyn Furse
County Clerk

By: _____
Christopher F. Robinson
Chair, Governing Board

APPROVED AS TO FORM:

Ryan P.C. Stack
Deputy County Attorney

VOTING:

Council Member Armstrong Aye ___ Nay ___
Council Member Clyde Aye ___ Nay ___
Council Member Robinson Aye ___ Nay ___
Council Member Stevens Aye ___ Nay ___
Council Member Wright Aye ___ Nay ___