

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2024-28

A RESOLUTION REQUESTING THE TOWN OF APPLE VALLEY TO COVER A PORTION OF THE INCREASE TO THE FIREFIGHTERS UTAH RETIREMENT SYSTEM (URS)

WHEREAS, the Town of Apple Valley (“Town”) is authorized to employ a full-time Fire Chief personnel; and

WHEREAS, it is in the public interest to provide benefits authorized by Utah state law for a full-time Fire Chief personnel by the Town; and

WHEREAS, it is the intent of the Town Council to approve and authorize coverage under Firefighters Retirement Systems for full-time Fire Chief personnel.

WHEREAS, the rate schedule for the Firefighter Tier II Contributory Retirement System includes an employee portion; and

WHEREAS, it is the desire of the Town to cover all benefits for employees enrolled in the Firefighter Tier II Contributory Retirement System administered by the Utah Retirement Systems; and

WHEREAS, in accordance with federal and state law, including Section 414(h)(2) of the Internal Revenue Code, employers may take formal action to pick up required employee contributions, which will be paid by the employer in lieu of employee contributions; and

WHEREAS, the Town desires to formally pick up employee contributions at 4.73% to be paid under Subsection 49-23-301(2)(c), as enacted in S.B. 56, Public Safety and Firefighter Tier II Retirement Enhancements (2020 General Session), for all employees participating in said system; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called noticed and held on the 26th day of June, 2024, and upon motion duly made and seconded:

BE IT FURTHER RESOLVED that the 4.73% of contributions designated as employee contributions for state law purposes, will be paid by the Town of Apple Valley.

BE IT FURTHER RESOLVED that the picked-up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Utah Retirement Systems, so that the contributions are treated as employer contributions pursuant to Section 414(h)(2) of the Internal Revenue Code.

BE IT FURTHER RESOLVED that the picked-up contributions are a supplement and not a salary reduction to the Town employees who are eligible for and participating members in the Firefighter Tier II Contributory Retirement System.

BE IT FURTHER RESOLVED that from and after the date of this pick up, a Town employee may not have a cash or deferred election right with respect to the designated employee contributions, including that the employees may not be permitted to opt out of the pick-up and may not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the Town on behalf of its employees to the Utah Retirement Systems.

APPROVED by the Town Council of Apple Valley, Utah, this 26th day of June, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____