



Board Actions and Resolutions 2023

Board Actions and Resolutions

2023

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**Action 2023-01 Salt Lake City PEHP Refund Request
January 19, 2023**

The Board voted to approve the Salt Lake City refund request from their risk pool for \$27,815.27 to pay for taxes on wellness incentives earned by city employees.

**Action 2023-02 Strategic and Tactical Plans – Real Assets
January 19, 2023**

The Board voted to approve the changes to the Real Assets Strategic Plan as presented.

**Action 2023-03 Strategic and Tactical Plans – Absolute Return
January 19, 2023**

The Board voted to approve the changes to the Absolute Return Strategic Plan as presented.

**Action 2023-04 Strategic and Tactical Plans – Private Equity
January 19, 2023**

The Board voted to approve the changes to the Private Equity Strategic Plan as presented.

**Action 2023-05 Proxy Voting Instructions Discussion and Approval
January 31, 2023**

The Board voted to approve the Glass Lewis Proxy Voting instructions as presented.

**Action 2023-06 PEHP Annual Administrative Fee Adjustment
February 9, 2023**

The Board voted to approve a 5.5% PEHP Administrative Fee increase, beginning July 1, 2023.

**Action 2023-07 Defined Benefit IPS Update
February 16, 2023**

The Board voted to approve the Defined Benefit IPS updates as presented.

**Action 2023-08 FTE Requests
March 9, 2023**

The Board voted to approve the following new FTEs and the associated budget increase:

- Finance – PEHP Assistant Controller
- HR – HR Coordinator
- Investments – Investment Analyst

**Action 2023-09 2023-2024 Final Contribution Rates Approval
March 9, 2023**

The Board voted to give final approval of the Contribution Rates for 2023-2024 fiscal year as presented in the Board Meeting materials.

**Action 2023-10 Findings of Fact and Conclusions of Law and Judgment 20-02S
March 9, 2023**

The Board voted to approve the Findings of Fact and Conclusions of Law and Judgment 20-02S as submitted by the Adjudicative Hearing Officer.

**Action 2023-11 Proxy Voting Update
March 16, 2023**

The Board voted to approve the updated customized proxy voting instructions for Glass Lewis as presented.

**Action 2023-12 Stipulated Order of Voluntary Dismissal 20-08H
April 20, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 20-08H as submitted by the Adjudicative Hearing Officer.

**Action 2023-13 Stipulated Order of Voluntary Dismissal 21-12H
April 20, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 21-12H as submitted by the Adjudicative Hearing Officer.

**Action 2023-14 PEHP Rate Renewals
April 20, 2023**

The Board voted to approve the PEHP Rate Renewals, effective July 1, 2023, with the understanding that the LGRP July medical final aggregate rate may be different due to agency migration or rate adjustments arising from the renewal process, as follows:

- State of Utah Medical/Rx 7.25% increase
- State of Utah Dental 0.9% increase
- Salt Lake City Medical/Rx 2.9% increase
- Salt Lake City Dental -2.1% decrease
- LGRP July Medical 4.4% increase
- LGRP July Dental 0.5% increase

**Action 2023-15 Salt Lake City Premium Holiday
April 20, 2023**

The Board voted to approve the Salt Lake City Premium Holiday for one full pay period and one partial pay period.

**Action 2023-16 PEHP IPS Update
April 20, 2023**

The Board voted to approve the PEHP IPS updates as presented.

**Action 2023-17 Proxy Voting Update
April 20, 2023**

The Board voted to approve the updates to the Proxy Voting instructions for Glass Lewis as presented.

**Action 2023-18 URS/PEHP Employee Medical/Rx and Dental Insurance Budget
2023-2024
May 11, 2023**

The Board voted to approve the proposed budget for the URS/PEHP Employee Medical/Rx, Dental, and LTD insurance premiums for the July 1, 2023 to June 30, 2024 fiscal year.

**Action 2023-19 PEHP Financial Report
May 11, 2023**

The Board voted to rescind, as of January 1, 2023, the Board Policy Regarding Accounting Treatment of Software dated September 20, 2019.

**Action 2023-20 Stipulated Order of Voluntary Dismissal 20-16D
May 11, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 20-16D as submitted by the Adjudicative Hearing Officer.

**Action 2023-21 Stipulated Order of Voluntary Dismissal 23-04H
May 11, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 23-04H as submitted by the Adjudicative Hearing Officer.

**Action 2023-22 2023-2024 Final Contribution Rate Change
June 8, 2023**

The Board voted to approve the final 2023-2024 contribution rates as presented.

**Action 2023-23 Board Resolution #2023-01 Retirement Effective Date
June 8, 2023**

The Board voted to approve Board Resolution #2023-01 Retirement Effective Date.

**Action 2023-24 Board Resolution #2023-02 Long-Term Disability Pilot Program
June 8, 2023**

The Board voted to approve Board Resolution #2023-02 Long-Term Disability Pilot Program.

**Action 2023-25 PEHP Rate Renewals
June 8, 2023**

The Board voted to ratify the PEHP rate renewal increase of 7.5% for Medical/Rx for West Jordan City, effective July 1, 2023.

**Action 2023-26 PEHP Rate Renewals
June 8, 2023**

The Board voted to ratify the PEHP rate renewals, effective September 1, 2023, as follows:

- Jordan School District – Medical/Rx: 0.0% rate hold
- Salt Lake City School District – Medical/Rx: 10.0% increase
- Park City School District – Medical/Rx: 3.8% increase
- Utah School Board Association – Medical/Rx: 2.7% increase

**Action 2023-27 New Employer – Magna Metro Township
June 8, 2023**

The Board voted to approve Magna Metro Township as a participating employer in the Public Employees' Retirement System.

**Action 2023-28 Stipulated Order of Voluntary Dismissal 20-13D
June 8, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 20-13D as submitted by the Adjudicative Hearing Officer.

**Action 2023-29 Findings of Fact and Conclusions of Law and Order and
Judgment 21-08R
June 8, 2023**

The Board voted to approve the Findings of Fact and Conclusions of Law and Order and Judgment 21-08R as submitted by the Adjudicative Hearing Officer.

**Action 2023-30 Stipulated Order of Voluntary Dismissal 20-17R
June 8, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 20-17R as submitted by the Adjudicative Hearing Officer.

**Action 2023-31 Stipulated Order of Voluntary Dismissal 20-18R
June 8, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 20-18R as submitted by the Adjudicative Hearing Officer.

**Action 2023-32 Findings of Fact, Conclusions of Law, and Order of Dismissal
with Prejudice 20-12R
August 10, 2023**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order of Dismissal with Prejudice 20-12R as submitted by the Adjudicative Hearing Officer.

**Action 2023-33 Findings of Fact, Conclusions of Law, and Order of Dismissal
with Prejudice 19-17D
August 10, 2023**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order of Dismissal with Prejudice 19-17D as submitted by the Adjudicative Hearing Officer.

**Action 2023-34 Employee Compensation Package
August 10, 2023**

The Board voted to approve the 2023-2024 Employee Compensation Package of 4.0% COLA and 1.0% Merit.

**Action 2023-35 FTE Requests
August 10, 2023**

The Board voted to approve the following 19 new FTEs and the associated budget increase:

- 1 – Finance, Accounts Receivable Specialist II
- 1 – Finance, Deputy Finance Director
- 2 – Investments, Investment Operations Associate
- 1 – Investments, Investment Administrative Assistant – Real Estate
- 1 – Investments, Investment Analyst Intern
- 1 – Investments, Investment Analyst
- 2 – Investments, Investment Analyst – Real Estate
- 1 – Investments, Portfolio Manager – Real Estate
- 2 – PEHP, Medical Claims Adjuster I
- 6 – PEHP, Health Benefits Advisor I
- 1 – PEHP, Life/Accident Claims Specialist

**Action 2023-36 New Employer – Glen Canyon Special Service District of Big
Water
August 10, 2023**

The Board voted to approve Glen Canyon Special Service District of Big Water as a participating employer in the Public Employees' Retirement System.

**Action 2023-37 GRS Actuarial Report
August 10, 2023**

The Board voted to accept the GRS Annual Actuarial Valuation report and Experience Study including the actuarial assumptions as contained in the Utah Retirement Systems Actuarial Valuation Report as of January 1, 2023. This includes retaining the assumed 6.85% investment return rate.

**Action 2023-38 GRS Actuarial Report
August 10, 2023**

The Board voted to resume the Contribution Rate Management Plan.

**Action 2023-39 Approval of FY 2024-2025 Preliminary Contribution Rates
August 10, 2023**

The Board voted to adopt the preliminary contribution rates for the 2024-2025 fiscal year as contained in Utah Retirement Systems Actuarial Valuation Report as of January 1, 2023, on pages 63-65 of the Board Book, subject to legislation in the 2024 General Session.

**Action 2023-40 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2022-2023 final actual fiscal year ended expenditures as presented.

**Action 2023-41 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2023-2024 budget as presented.

**Action 2023-42 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2024-2025 preliminary budget as presented.

**Action 2023-43 URS/PEHP Annual Budet Report
September 18, 2023**

The Board voted to approve the 2025-2026 preliminary budget as presented.

**Action 2023-44 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2022-2023 final actual fiscal year ended capital expenditures as presented.

**Action 2023-45 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2023-2024 capital projects budget as presented.

**Action 2023-46 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2024-2025 preliminary capital projects budget as presented.

**Action 2023-47 URS/PEHP Annual Budget Report
September 18, 2023**

The Board voted to approve the 2025-2026 preliminary capital projects budget as presented.

**Action 2023-48 January PEHP Rate Renewals
October 19, 2023**

The Board voted to approve PEHP rate renewals effective January 1, 2024, with the understanding that the LGRP January medical final aggregate rate may be different due to agency migration or rate adjustments arising from the renewal process as follows:

- | | |
|--------------------------------|----------------|
| • LGRP January 2024 Medical/Rx | 2.8% increase |
| • LGRP January 2024 Dental | -0.3% decrease |
| • Medicare Supplement | 0.0% rate hold |
| • Medicare Part D | 0.0% rate hold |
| • Medicare Dental | -5.0% decrease |

**Action 2023-49 Board Governance Policy Update
October 19, 2023**

The Board voted to approve the Board Governance Policy updates as presented and amended.

**Action 2023-50 URS Membership Council Charter Amendments
October 19, 2023**

The Board voted to approve the URS Membership Council Charter updates as presented and amended.

**Action 2023-51 Stipulated Order of Voluntary Dismissal 18-06R
October 19, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 18-06R as submitted by the Adjudicative Hearing Officer.

**Action 2023-52 DC IPS Revision
October 19, 2023**

The Board voted to approve the DC IPS Revision as presented.

**Action 2023-53 New Employer – Tropic Town
November 16, 2023**

The Board voted to approve Tropic Town as a participating employer in the Public Employees' Retirement System.

**Action 2023-54 New Employer – Wolf Creek Water and Sewer Improvement
District
November 16, 2023**

The Board voted to approve Wolf Creek Water and Sewer Improvement District as a participating employer in the Public Employees' Retirement System.

**Action 2023-55 January PEHP Rate Renewals
November 16, 2023**

The Board voted to ratify the PEHP Medical/Rx rate renewals, effective January 1, 2024, as follows:

- Canyons School District 0.9% increase
- Salt Lake County 10.0% increase

**Action 2023-56 PEHP LGRP Annual Review Refund
November 16, 2023**

The Board voted to approve the LGRP annual review refund range of \$5.5 million to \$6.5 million.

**Action 2023-57 Internal Audit Work Plan Approval
November 16, 2023**

The Board voted to approve the Internal Audit Four-Year Plan as discussed.

**Action 2023-58 Defined Benefit IPS Update
November 16, 2023**

The Board voted to approve the Defined Benefit IPS Update as presented.

**Action 2023-59 New Employer – Jensen Water Improvement District
December 14, 2023**

The Board voted to approve Jensen Water Improvement District as a participating employer in the Public Employees' Retirement System.

**Action 2023-60 New Employer – Big Water Municipal Corporation
December 14, 2023**

The Board voted to approve Big Water Municipal Corporation as a participating employer in the Firefighters' Retirement System.

**Action 2023-61 Defined Contribution Administrative Fee Review
December 14, 2023**

The Board voted to approve the Defined Contribution Administrative Fee change as presented.

**Action 2023-62 Board Resolution #2023-03 Required Minimum Distribution
December 14, 2023**

The Board voted to approve Board Resolution #2023-03 Required Minimum Distribution.

**Action 2023-63 Board Resolution #2023-04 Final Average Salary and Years of
Service Fiscal Year
December 14, 2023**

The Board voted to approve Board Resolution #2023-04 Final Average Salary and Years of Service Fiscal Year.

**Action 2023-64 Oaths of Office – Board Governance Policy Update
December 14, 2023**

The Board voted to approve changes to the Board Governance Policy for Oaths of Office.

**Action 2023-65 Order and Judgment 22-05H
December 14, 2023**

The Board voted to approve the Order and Judgment 22-05H as submitted by the Adjudicative Hearing Officer.

**Action 2023-66 Stipulated Order of Voluntary Dismissal 19-32H
December 14, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 19-32H as submitted by the Adjudicative Hearing Officer.

**Action 2023-67 Stipulated Order of Voluntary Dismissal 23-08R
December 14, 2023**

The Board voted to approve the Stipulated Order of Voluntary Dismissal 23-08R as submitted by the Adjudicative Hearing Officer.

**RESOLUTION #2023-01 Retirement Effective Date
(Supersedes Resolution #1993-19)**

June 8, 2023

WHEREAS, Title 49 requires that a member selects the retirement date for their defined benefit allowance that is the 1st or 16th day of the month, must be on or after the date of their termination from employment with all Utah Retirement Systems (URS) participating employers, and may not be more than 90 days before or after the date the retirement application is received by the Office. Utah Code Annotated §§ 49-12-401(2)(a), 49-13-401(2)(a), 49-14-401(2)(a), 49-15-401(2)(a), 49-16-401(2)(a), 49-17-401(2)(a), 49-18-401(2)(a), 49-19-401(3), 49-22-304(2)(a) and 49-23-303(2)(a);

WHEREAS, Utah Code Annotated § 49-11-203(1)(k) requires the Utah State Retirement Board (Board) to “develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board’s policymaking functions . . .”;

WHEREAS, the Board acknowledges that in making the decision to retire, a member may wish to make changes to their elections or rescind their retirement application on file with the Office, but within the statutory timeframes found in Title 49 and outlined above;

WHEREAS, the following rules provide the Office with the ability to timely process retirement applications and give members direction regarding when a change or rescission may take place;

NOW, THEREFORE, BE IT RESOLVED, that the following rules are applicable to Retirement Applications received by the Office:

1. A member who submits a Retirement Application to the Office between 90 days prior to and up to 6 days before the member’s retirement date may make changes to their elections or rescind their Retirement Application at any time during this period.
2. A member who submits a Retirement Application to the Office between 5 days prior to the member’s retirement date and up to 90 days after the member’s retirement date, may only make changes to their elections or rescind their Retirement Application within 10 days of the Office’s receipt of their Retirement Application.
3. Any changes to a member’s Retirement Application elections or a rescission of their Retirement Application must be made in writing to the Office.

BE IT FURTHER RESOLVED, a member’s change shall be disallowed if the Office determines that the member’s change is the result or an expression of adverse selection (as that term is commonly understand in an economic context) or the Office determines that the change would unfairly advantage the member at the expense of the Retirement Investment Fund.

This resolution shall be effective on June 8, 2023.

RESOLUTION #2023-02 Long-Term Disability Pilot Program defining “mental objective medical impairment” under Section 49-21-401

June 8, 2023

WHEREAS, House Bill 105 (2023) created a pilot program within the PEHP LTD Program to allow an eligible employee to receive ongoing disability benefits due to “mental objective medical impairment” if they begin to receive ongoing LTD benefits during the pilot period between July 1, 2023 and June 30, 2026; and

WHEREAS, Utah Code Ann. §49-11-404 allows an employer to enter into a benefit protection contract with the Utah State Retirement Office to grant service credit to those receiving long-term disability benefits if those benefits are “substantially equivalent” (See, Utah Code Annotated § 49-11-404(1)(c)(iv)) to the statutory PEHP LTD Program benefits found in Utah Code Title 49, Chapter 21; and

WHEREAS, pursuant to Utah Code Annotated §49-21-105 employers may elect a disability plan administered by the PEHP LTD Program that differs from the benefit plan specified by the statute; and

WHEREAS, Utah Code Annotated §49-21-105 requires that the PEHP Long-Term Disability Program “shall be administered by the [retirement] office, under policies and rules adopted by the board[;]” and

WHEREAS, Utah Code Annotated § 49-11-203(1)(k) grants the Board broad policymaking authority, “including the specific authority to interpret and define any provision or term under this title when the board or office provides written documentation which demonstrates that the interpretation or definition promotes uniformity in the administration of the systems or maintains the actuarial soundness of the systems, plans, or programs[;]” and

WHEREAS, the Board is required to maintain the actuarial soundness of the Program; and allowing employers unlimited options to opt-in to the program would be actuarially unsound; and

WHEREAS, “objective medical impairment” is a term defined by Utah Code Annotated § 49-21-102(7)(2023); and

WHEREAS, the Board has determined that to administer the pilot program and the Program’s existing benefits properly and uniformly, and to reconcile that administration of the pilot program with the Program’s existing benefits, the Board needs to define the terms “mental objective medical impairment”, “physical objective medical impairment”, “objective”, “mental”, “physical” and “impairment.”

NOW, THEREFORE, BE IT RESOLVED, that the PEHP LTD Program will inform and allow participating employers a one-time opportunity to opt-in to the pilot program prior

to July 1, 2023, and that participating employers that opt-in will pay the actuarially required increased premium rate during the pilot period;

BE IT FURTHER RESOLVED, that in order to maintain the actuarial soundness of the PEHP LTD Program, employers will not be allowed to opt-in to the pilot program after July 1, 2023, or with any effective date other than July 1, 2023;

BE IT FURTHER RESOLVED, that the Office shall not consider “pilot program” disability benefits, such as the benefits allowed under HB 105 (2023), when determining whether a private disability plan is “substantially equivalent to the long-term disability programs offered under Chapter 21, Public Employees’ Long-Term Disability Act” under Utah Code Ann. § 49-11-404 in determining whether an employer’s private disability plan qualifies for a benefit protection contract;

BE IT FURTHER RESOLVED, that the term “objective medical impairment” as used in Utah Code Annotated Title 49, Chapter 21 and as defined in Utah Code Annotated §49-21-102(7) includes “objective mental impairment” and “objective physical impairment” as each of those terms and their constituent words are defined herein, that “objective mental impairment” as defined herein means “mental objective medical impairment” as that term is used in Utah Code Annotated Title 49, Chapter 21, and “objective physical impairment” as defined herein means “physical objective medical impairment” as that term is used in Utah Code Annotated Title 49, Chapter 21.

BE IT FURTHER RESOLVED, that the term “objective” means clinical evidence, as observed and documented by a competent healthcare professional, of anatomical, physiological, or psychological abnormalities, which is observed and documented through methodologies or techniques recognized and accepted by the American Medical Association or the American Psychiatric Association and which are apart from the claimant’s control, feelings, interpretations, perceptions, prejudices, or reports. ¹

BE IT FURTHER RESOLVED, that “Mental” means pertaining to the mind or the psychological and emotional processes related to cognition, perception, and behavior.

BE IT FURTHER RESOLVED, that “Physical” means pertaining to the tangible aspects of the body’s anatomy, including its structure, organs, tissues, and physiological processes.

¹ The following is a non-exhaustive illustrative list of clinical evidentiary sources for anatomical or physiological abnormalities: documented medical history, physical examination, x-rays, quantitative tests, laboratory findings, or documented observations of qualified healthcare providers.

The following is a non-exhaustive illustrative list of clinical evidentiary sources for psychological abnormalities: documented medical history, documented observations of qualified healthcare providers, standardized psychological assessments, neuropsychological examinations, diagnostic criteria outlined in the WHO Disability Assessment Schedule (WHODAS) assessment, which is used by the DSM-5/DSM-5-TR and the AMA Guides (2023), or the Brief Psychiatric Rating Scale (BPRS) completed by a qualified healthcare provider.

BE IT FUTHER RESOLVED, that “Impairment” means a sufficiently severe and persistent loss, loss of use, derangement of, or decline in mental or physical ability(ies) that it demonstrably impairs the claimant’s capacity to perform essential job functions.

BE IT FURTHER RESOLVED, that PEHP shall create policy(ies) adopting requirements to efficiently and effectively administer the benefits which are the subject of this resolution.

This Resolution is effective July 1, 2023.

RESOLUTION #2023-03 Required Minimum Distributions
(Amends Resolution #2021-01)

December 14, 2023

WHEREAS, the Utah State Retirement Board (Board) “shall ensure that the systems, plans, programs, and funds are administered according to law.” Utah Code Annotated § 49-11-203(1)(c);

WHEREAS, the Board or Utah State Retirement Office (Office) “may take actions necessary to protect the tax qualified status of the systems, plans, and programs under its control . . .” Utah Code Annotated § 49-11-801(5);

WHEREAS, the systems, plans, and programs administered by the Utah Retirement Systems (URS) are intended to be administered as qualified systems, plans and programs under the Internal Revenue Code (IRC) and must therefore comply with requirements applicable to such systems, plan, and programs in order to maintain the qualified status that protects the resulting tax advantages of provided benefits;

WHEREAS, Utah Code Annotated § 49-11-203(k) requires the Board to “develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board’s policymaking functions . . .”;

WHEREAS, On January 1, 2020, the Setting Every Community Up for Retirement Enhancement (SECURE Act) became federal law. The SECURE Act amended the IRC regarding Required Minimum Distributions (RMD) and the required beginning date (RBD) for an RMD. On December 29, 2022, the Setting Every Community Up for Retirement Enhancement 2.0 (SECURE Act 2.0) became federal law and built upon the SECURE Act. SECURE Act 2.0 further amended the IRC regarding RMDs and RBDs;

WHEREAS, the RMD rules apply to member and participants in the systems and plans administered by URS;

WHEREAS, the Board desires to update the rules governing the administration of RMD rules in light of the changes made to the IRC pursuant to SECURE Act 2.0;

WHEREAS, URS shall administer RMDs according to the following chart:

Applicable RMD Age*	Birthdate
70 ½	Before July 1, 1949
72	July 1, 1949 - December 31, 1950
73	January 1, 1951 - December 31, 1959
75**	On or after January 1, 1960

*These rules do not apply to post-death RMDs and RBDs.

**This is effective beginning January 1, 2033.

RMDs may be delayed if a person is still working with a URS employer past the applicable RMD age;

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Office to update its processes and procedures to facilitate members and participants ability to meet RMD requirements;

BE IT FURTHER RESOLVED, that the Board authorizes and directs the Executive Director to approve the updated policies and procedures of the Office regarding RMD rules; and

THEREFORE BE IT FURTHER RESOLVED, the Board authorizes and directs the Office to provide the approved policies and procedures regarding RMD rules to a person or entity who requests such information.

This Resolution takes effect on December 14, 2023.

RESOLUTION #2023-04 Final Average Salary and Years of Service Fiscal Year

December 14, 2023

WHEREAS, Utah Code Annotated § 49-11-203(1)(k) requires the Utah State Retirement Board (Board) to “develop broad policy for the long-term operation of the various systems, plans, and programs under broad discretion and power to perform the board’s policymaking functions . . .”;

WHEREAS, the Board shall act “consistent with this title [Utah Code Ann. Title 49] for the administration of the systems, plans, and programs in order to carry out the purposes of this title [Utah Code Ann. Title 49].” Utah Code Annotated § 49-11-203(1)(n);

WHEREAS, “Final average salary” is defined by Utah Code Ann. Title 49 as the amount calculated by averaging the highest five or three years (depending on the system the member is retiring from) of annual compensation preceding retirement; Utah Code

Annotated §§ 49-12-102(3)(a), 49-13-102(3)(a), 49-14-102(3)(a), 49-15-102(3)(a), 49-16-102(4)(a), 49-22-102(4)(a) and 49-23-102(5)(a).

WHEREAS, the definition of “Final average salary” provides that the annual compensation used to calculate final average salary “shall be based on a period, as determined by the board, consistent with the period used to determine years of service credit”; Utah Code Annotated §§ 49-12-102(3)(f), 49-13-102(3)(e), 49-14-102(3)(d), 49-15-102(3)(d), 49-16-102(4)(d), 49-22-102(4)(f) and 49-23-102(5)(f).

WHEREAS, “Years of service credit” means a period of 12 months, consecutive or not determined by the board; Utah Code Annotated §§ 49-12-102(7), 49-13-102(7), 49-14-102(10), 49-15-102(10), 49-16-102(14), 49-22-102(8) and 49-23-102(15);

WHEREAS, the Board finds it necessary to establish the period used to determine the years of service credit as used in the definitions provided in the following listed systems for purposes of final average salary²:

- Public Employees’ Contributory Retirement System (Title 49, Chapter 12)
- Public Employees’ Noncontributory Retirement System (Title 49, Chapter 13)
- Public Safety Contributory Retirement System (Title 49, Chapter 14)
- Public Safety Noncontributory Retirement System (Title 49, Chapter 15)
- Firefighters’ Retirement System (Title 49, Chapter 16)
- New Public Employees’ Contributory Retirement System (Title 49, Chapter 22)
- New Public Safety and Firefighter Tier II Contributory Retirement System (Title 49, Chapter 23);

NOW, THEREFORE, BE IT RESOLVED,

The period will be based upon pay periods within the fiscal year from July 1st to the following June 30th; and

BE IT FURTHER RESOLVED, this period will apply to all retirement dates on or after January 1, 2024.

This Resolution takes effect on January 1, 2024.

² Utah Code Ann. § 49-11-401(3)(c) references service credit accrual; however, this is limited to the transfer of service credit and does not apply to the definition of Final Average Salary.