

## **RESOLUTION 2009-175**

**WHEREAS**, Chapter 282 of the Tennessee Public Acts of 1979 grants governmental entities the specific power to secure risk management, insurance, or self-insurance for themselves and their employees in different areas of liability and insurability through joint and cooperative action with other municipalities under Section 12-801 et seq., Tennessee Code Annotated, as amended, known as the Interlocal Cooperation Act;

**WHEREAS**, the Cities of Athens and Hendersonville have heretofore entered into an agreement under said Interlocal Cooperation Act to create and establish the TML Risk Management Pool, a not-for-profit corporation, for the purpose of organizing and operating an insurance pool offering risk management and other related services in addition to basic insurance coverages;

**WHEREAS**, said agreement authorized any political subdivision of the State of Tennessee to become a participant in said agreement by adoption of an appropriate ordinance or resolution;

**WHEREAS**, the Board of Mayor and Aldermen of Dyer, Tennessee has determined that said municipality will benefit from its participation in said agreement with the City of Athens and Hendersonville and such other municipalities as may participate therein;

**WHEREAS**, it has been proposed that the City of Dyer enter into a contract with the TML Risk Management Pool, a copy of said contract being attached hereto as Exhibit A and incorporated herein as fully as though copies; and,

**WHEREAS**, the Board of Mayor and Aldermen of Dyer, Tennessee has reviewed the provisions of said contract and has determined it to be in the best interests of said municipality and its citizens that appropriate steps be taken to enter into said contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Mayor and Board of Aldermen as follows:

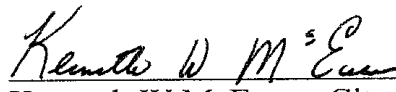
1. The City of Dyer shall participate in the agreement between the Cities of Athens and Hendersonville and such other municipalities as participate therein, said agreement being to cooperate in creating establishing and contracting with the TML Risk Management Pool, a not-for-profit Tennessee corporation organized to provide a method for political subdivision of the State of Tennessee to obtain risk management, insurance, self-insurance or any combination thereof for any and all areas of liability or insurability.
2. The form, content and provisions of the contract, a copy of which is attached hereto as Exhibit A and incorporated herein as fully as though copied, and hereby approved.

3. The Mayor is empowered and directed on behalf of the City of Dyer to enter into contract with the TML Risk Management Pool for certain services of risk management and insurance in accordance with Chapter 282 of the Tennessee Public Acts of 1979, and to take such steps as may be necessary to implement and carry out the intent of the Resolution.
4. This resolution shall become effective upon its passage, the public welfare requiring it.

APPROVED AND ADOPTED this 12<sup>th</sup> day of October, 2009.

  
Walton Thompson, Mayor

ATTEST:

  
Kenneth W McEwen, City Recorder

**INTERLOCAL COOPERATION AGREEMENT**  
**RELATIVE TO PARTICIPATION IN THE**  
**TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL**

**INTERLOCAL COOPERATION AGREEMENT**  
**RELATIVE TO PARTICIPATION IN THE**  
**TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL**

**This agreement is entered into by the undersigned political subdivision of the State of Tennessee pursuant to the Interlocal Cooperation Act, Tennessee Code Annotated, Section 12-9-101, et seq., and the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated, Section 29-20-101, et seq.**

**Each political subdivision entering into this Interlocal Cooperation Agreement agrees to exercise its powers, privileges, authority, and financial and administrative resources jointly with other political subdivisions to provide a method for obtaining risk management, self insurance, insurance and reinsurance, or any combinations thereof, for any and all areas of their liability or insurability, including, but not limited to, property insurance, the liabilities created by the Tennessee Governmental Tort Liability Act, liabilities under the Workers' Compensation Law, and any other areas of liability or insurability authorized by Tennessee Code Annotated, Section 29-20-401. The Agreement to establish the TML Insurance Pool, an Interlocal Cooperation Agreement between the Tennessee cities of Athens and Hendersonville, became effective in 1979 and the corporation was created. The name of the corporation was changed to Tennessee Municipal League Risk Management Pool in 1984. The Corporations political subdivisions who have participated in the Tennessee Municipal League Risk Management Pool (TML Pool) pursuant to the 1979 Agreement ratify that Agreement, and amend it by substituting this Agreement. The power and authority conferred by the 1979 Agreement are carried forward and continued in this Agreement.**

**Any other political subdivision of the State of Tennessee may become a participant in this Agreement by passage of an ordinance or resolution as may be legally appropriate. This Agreement shall be completely terminated only upon the action of all but one participating political subdivision to repeal, revoke, or rescind that action authorizing and effectuating their participation unless otherwise terminated by the board of directors. If the Agreement is completely terminated, the property of the Corporation shall be disposed of as provided in the Charter.**

**In order for this political subdivision to increase the advantages of exercising its powers, privileges, authority, and financial and administrative resources jointly with other political subdivisions and to effectuate this Agreement, it approves the creation, establishment, and operation of the not-for-profit Tennessee corporation known as the Tennessee Municipal League Risk Management Pool, whose charter and amendments are in Exhibit A, attached to and incorporated in this agreement, with the powers, purposes, and attributes set forth in them.**

After joining the Interlocal Cooperation Agreement, each political subdivision may enter in to plans, agreements, or contracts with the TML Pool for the provision of any or all of the services the TML Pool is created to provide upon terms agreed to by the political subdivision and the TML Pool. Terms shall include the nature and scope of services to be provided; the method by which contributions or premiums shall be levied and paid, and any other necessary terms.

The TML Pool shall be financed from the contributions or premiums paid by participating political subdivisions, to the TML Pool, in accordance with the terms of their plans, agreements, or contracts with the TML Pool.

Establishment and maintenance of a budget for the Corporation shall be the responsibility of the Board of Directors.

The powers of the corporation shall be exercised by the Board of Directors in accordance with its charter.

The Corporation may do all acts authorized by the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated, Section 29-20-101, et seq., and as it may be amended, and as authorized by the Tennessee Non-profit Corporation Act, Tennessee Code Annotated, Section 48-51-101, et seq., and as it may be amended.

### INTERLOCAL COOPERATION AGREEMENT

#### SIGNATURE SECTION

Signed By: Walter Thompson  
Name

MAYOR  
Title

CITY OF DYER  
Entity

Attest: Kenneth W McEwen  
Name

CITY RECORDER  
Title

Date: 10-12-2009