

THE LOCAL GOVERNMENT WORKERS' COMPENSATION FUND

WHEREAS, Section 29-20-401, Tennessee Code Annotated, as amended, grants governmental entities the specific power to enter into an agreement with one another for joint or cooperative action pursuant to the provisions of Sections 12-9-101 through 12-9-109, inclusive, Tennessee Code Annotated, as amended, in order to pool their financial and administrative resources for the purpose of providing to the participating governmental entities risk management, insurance, reinsurance, self-insurance, loss prevention or any combination thereof for any and all of the areas of liability or insurability or both, for such governmental entities, arising under the workers compensation law, and unemployment compensation law;

WHEREAS, the power to enter into joint and cooperative agreements for the purposes set forth in Section 29-20-401, Tennessee Code Annotated, as amended, specifically includes the power to establish a separate legal entity to effectuate such agreements pursuant to Sections 12-9-101 through 12-9-109, inclusive, Tennessee Code Annotated, as amended;

WHEREAS, it is necessary and desirable and in the interest of Weakley County to enter into such an agreement for the purpose of providing adequate liability protection at an affordable cost for any or all of its elected or appointed officials and its employees;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WEAKLEY COUNTY, TENNESSEE, AS FOLLOWS:

1. That Weakley County (the "County") through its Board of County Commissioners shall enter into that certain First Amendment to Agreement to Establish the Tennessee County Services Selective Self-Insurance Fund (the "Amended Agreement") whereby the Agreement to Establish The Tennessee County Services Selective Self-Insurance Fund (the "Original Agreement") is amended to be entitled the Agreement to Establish The Local Government Workers Compensation Fund (the Amended Agreement and the Original Agreement to be hereinafter referred to as the "Agreement"), which is attached hereto and incorporated herein as fully as though copied.

2. That pursuant to said Agreement each participant to the Agreement agrees to cooperate in establishing, and contracting with a not-for-profit Tennessee corporation to be known as The Local Government Workers Compensation Fund (the "Fund") organized in substantially the form set forth in Exhibit A to the Agreement with the powers, purposes and attributes set forth therein, including the ability to do all acts authorized by Sections 29-20-309 and 29-20-401, Tennessee Code Annotated, as amended, specifically including the ability to compromise and settle any action for damages or relief brought under the workers compensation law and the unemployment compensation law, the ability to

Pool losses by receiving contribution from one governmental entity and using them to pay claims against, or with respect to, any of the other participating governmental entities, and the ability to enter into contracts with other entities, persons or corporations to provide administrative and claims services.

3. That any governmental entity of the State of Tennessee may become a participant in the Fund upon adoption of an appropriate ordinance or resolution.

4. That the County through its Board of County Commissioners and each participant to the Agreement shall enter into such plans, agreements or contracts (the "Application for Membership") with the Fund for the provision of any or all of the services which the Fund is created to provide upon such terms as are agreed by the County and the Fund.

5. That the Agreement shall be financed from contributions, premiums or assessments paid by the County and by participating governmental entities to the Fund which shall be determined and assessed in the manner provided by the Fund.

6. That the form, content and provisions of the Agreement are hereby approved.

7. That the County Executive is hereby authorized, empowered and directed on behalf of the County to execute said Agreement and Application for Membership in the Fund and to take such other steps as may be necessary to implement and carry out the intent of this Resolution for any or all of its elected or appointed officials and its employees.

8. That all prior actions of this Board of County Commissioners concerning the Fund are hereby ratified and confirmed.

9. This Resolution shall be effective upon its passage, the public welfare requiring it.

PURSUANT TO THE RULES OF THE COUNTY COMMISSION, THIS RESOLUTION IS SPONSORED BY THE FOLLOWING COUNTY COMMISSIONERS:

John A. Brey

Johnny Vincent

Motion was made by Commissioner V. J. Shanklin that the foregoing resolution be approved. Seconded by Commissioner Vernon Dunn. Upon being put to a roll call vote, motion carried.

APPROVED AND ADOPTED this the 16th day of October, 1989.

ATTEST:

Faye Butts
FAYE BUTTS, COUNTY CLERK

Kerry S. Killebrew
KERRY S. KILLEBREW, COUNTY EXECUTIVE