

ORDINANCE NO. 215-8
AN ORDINANCE TO PURCHASE LIABILITY INSURANCE
FOR THE CITY OF BANEERRY, TENNESSEE

Whereas, the City of Baneberry, Tennessee adopted ordinance 87-5 to purchase liability insurance for the City of Baneberry, and later passed resolution 2009-02 to participate in the Tennessee Municipal League (TML) Risk Management Pool to purchase Liability Insurance for the City; and

Whereas, the language in Ordinance 87-5 and Resolution 2009-2 are nearly identical, both serving the same purpose; and

Whereas, Ordinance 215-2 repealed City Ordinance 87-5 and City Resolution 2009-2; and

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 Inter-local Cooperation Act; and

Whereas, the Cities of Athens and Hendersonville have heretofore entered into an agreement under said Inter-local 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; and

Whereas, said agreement authorized any political subdivisions of the State of Tennessee to become a participant in said agreement by adoption of an appropriate ordinance or resolution; and

Whereas, the Board of Commissioners of the City of Baneberry has determined that said municipality will benefit from its participation in said agreement with the Cities of Athens and Hendersonville and such other municipalities as may participate therein; and

Whereas, it has been proposed that the City of Baneberry enter into a contract with the TML Risk Management Pool, a copy of said contract being attached hereto and incorporated herein as fully as though copied; and,

Whereas, the Board of Commissioners of the City of Baneberry have 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 ORDAINED by the City of Baneberry as follows, that:

Section 1. The City of Baneberry 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 subdivisions of the State of Tennessee to obtain risk management, insurance, self-insurance, or any combinations thereof, for any and all areas of liability or insurability.

Section 2. The form, content and provisions of the contract, a copy of which is attached hereto and incorporated herein as fully as though copied, are hereby approved.

Section 3. The City Manager is empowered and directed on behalf of the City of Baneberry to enter into said 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 this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. All other ordinances or parts of ordinances found to be in conflict herewith is hereby repealed.

And be it further ordained that this ordinance shall take effect fifteen (15) days from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Baneberry requiring it.

This ordinance is complete in two (2) pages of text and the TMP Inter-local Agreement, numbering seventeen (17) pages.

Clint Hurley, Mayor

ATTEST: _____
Janice Hobson, City Manager

Passed first reading: _____

Passed second reading: _____

Public Hearing: _____