

ORDINANCE NO. Appendix pg 55

AN ORDINANCE OF Simpson COUNTY, KENTUCKY, RELATING TO AND REAFFIRMING PARTICIPATION IN THE KENTUCKY ASSOCIATION OF COUNTIES ALL LINES FUND INSURANCE PROGRAM; REAFFIRMING, APPROVING AND AUTHORIZING A SELF-INSURANCE PROGRAM AGREEMENT, A DECLARATION OF TRUST, BY-LAWS AND INTERLOCAL COOPERATION AGREEMENT AND RELATED MATTERS; ACKNOWLEDGING THAT PENDLETON COUNTY, KENTUCKY, IS ISSUING REVENUE BONDS PURSUANT TO THE KENTUCKY INTERLOCAL COOPERATION ACT TO PROVIDE FUNDS TO ESTABLISH THE PROGRAM; AND REAFFIRMING THE APPROPRIATION OF MONEYS TO PAY THE COUNTY'S PREMIUM UNDER THE PROGRAM

WHEREAS, the Fiscal Court of Simpson County, Kentucky (the "Participant"), is a duly and regularly created, organized and existing county and political subdivision of the Commonwealth of Kentucky, existing as such under and by virtue of the Constitution, statutes and laws of the Commonwealth of Kentucky; and

WHEREAS, the Participant has determined, and hereby determines, that it is in the best interests of the Participant to participate in the Kentucky Association of Counties All Lines Fund Insurance Program (the "Program") and, in order to do so, to enter into the Declaration of Trust, By-Laws and Interlocal Cooperation Agreement for the KACo All Lines Fund (KALF) (the "Declaration of Trust") pursuant to which the Program has been implemented, and to enter into a Self-Insurance Program Agreement (the "Agreement") among the Participant, the Kentucky Association of Counties All Lines Fund ("KACo") and Citizens Fidelity Bank and Trust Company, Louisville, Kentucky, pursuant to which a Coverage Memorandum (the "Coverage Memorandum") (the initial form of which is attached to the Agreement as Exhibit A) will be issued with respect to the Participant; and

WHEREAS, the Participant has appropriated for the current fiscal year and intends to appropriate, on an annual basis, sufficient funds to pay the Premium (as defined in the Agreement); and

WHEREAS, the Declaration of Trust and the Agreement have been previously authorized and approved by official action of the Fiscal Court of the Participant, and it is now the desire and purpose of the Participant to reaffirm such action;

Pg 56

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT
OF COUNTY, KENTUCKY, AS FOLLOWS:

Section 1. The Participant hereby reaffirms, approves and authorizes participation in the Program and further reaffirms, approves and authorizes the Agreement and the Declaration of Trust in substantially the forms previously authorized and approved by official action of the Participant. It is acknowledged and agreed that Pendleton County is the issuer of revenue bonds under authority of the Kentucky Interlocal Cooperation Act (KRS 65.210 through 65.300) and the Declaration of Trust to provide funds to establish the Program.

Section 2. The Participant hereby designates the County Judge/Executive to act as representative of the Participant in connection with the matters provided in this Ordinance and said representative or his designee is authorized and directed to execute and deliver for and on behalf of the Participant the Agreement and the Declaration of Trust and any and all additional certificates, documents or other papers, and to perform all other acts necessary or desirable for the Participant in connection with the Participant's participation in the Program.

Section 3. The Participant has appropriated and authorized payment of, and hereby reaffirms the appropriation and authorization of payment of, moneys sufficient to pay the Premium (as defined in the Agreement) for the initial term of the Coverage Memorandum.

Section 4. If any section, phrase or provision of this Ordinance is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance. To the extent any resolution, ordinance or part thereof is in conflict, the provisions of this Ordinance will prevail and be given effect. This Ordinance will be in full force and effect from and after adoption as provided by law.

INTRODUCED, SECONDED, READ AND GIVEN FIRST-READING APPROVAL:

October 27, 1987.

GIVEN SECOND READING AND ADOPTED: Nov 10, 1987.

Attest:

Kimberly M. Harper
County Judge/Executive

Dakota Remick
Clerk of the Fiscal Court