RESOLUTION NO. 81-91

City of Winterset

A RESOLUTION PROVIDING FOR MEMBERSHIP IN THE IOWA MUNICIPALITIES WORKERS COMPENSATION ASSOCIATION AND FOR PARTICIPATION IN THE WORKERS COMPENSATION FUND ESTABLISHED THEREUNDER

WHEREAS, the city is required to make payment for workers' compensation and the employer liability claims related to workers' compensation of its employees injured in the line and scope of their duties; and

WHEREAS, the laws of the State of Iowa permit cities to meet this obligation by jointly forming an association to pool the risks of workers compensation; and

WHEREAS, the Iowa Municipalities Workers' Compensation Association is such an association and the Workers' Compensation Fund established thereunder is a group self-insurance fund for workers' compensation and employer liability related to workers' compensation, and is available to member cities of the League of Iowa Municipalities; and

WHEREAS, it is desirable for the city to join the Association and participate in the fund in order to more efficiently provide coverage for workers' compensation and employer liability related to workers' compensation.

NOW THEREFORE BE IT RESOLVED that the city join the Iowa Municipalities Workers' Compensation Association and participate in the Workers' Compensation Fund established thereunder; and that the mayor and the city clerk are hereby authorized to execute the documents necessary for the city to join and participate therein.

Passed this 21st day of December, 1981.

Mayor

I hereby certify that this resolution was properly adopted.

City Clerk

CITY SEAL WINTERSET

Compared

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $12.00

AN AGREEMENT FORMING THE

IOWA MUNICIPALITIES WORKERS COMPENSATION ASSOCIATION

The undersigned municipalities hereby jointly form an association under the provisions of Chapter 28E, The Code, and all amendments thereto, with all the rights, powers and privileges vested in and conferred upon such an association under the laws of the State of Iowa, and hereby adopt, execute and acknowledge the following articles of agreement.

ARTICLE I

NAME-PLACE OF BUSINESS

Section 1. The name of this association shall be Iowa Municipalities Workers Compensation Association.

Section 2. The principal place of business of this association shall be located in Des Moines, Polk County, Iowa, and the initial address of the association shall be: Suite 100, 900 Des Moines Street, Des Moines, Iowa 50316.

ARTICLE II

PURPOSES-POWERS-MEMBERS

Section 1. The purpose of this agreement is to establish an association whereby Iowa municipalities may jointly comply with the provision of Chapter 87, The Code, by pooling the risks of their workers compensation liabilities.

Section 2. In order to carry out these purposes, the association shall exercise and enjoy all of the powers, privileges and authority exercised or capable of exercise by a municipality of this state, in meeting its obligations under Chapter 87, The Code; provided, specifically that this association shall have no power to levy taxes.

Section 3. Membership in this association shall be limited to Iowa municipalities which are members of the League of Iowa Municipalities.

ARTICLE III

EFFECTIVE DATE-DURATION-TERMINATION-DISPOSAL OF ASSETS

Section 1. The effective date of this agreement shall be the date these Articles are approved by the Iowa Commissioner of Insurance, and the agreement is filed with the Secretary of State of Iowa and recorded with the county recorder of Polk County and of each county in which an undersigned municipality is located.

Section 2. This agreement becomes effective as to any other municipality on the date the resolution authorizing the municipality to become a member is approved by the association and a copy of such resolution and approval is filed with the secretary of state and recorded with the county recorder in the county in which the municipality is located; a copy of this agreement shall also be recorded in said county if said agreement has not previously been so recorded.

Section 3. This agreement shall continue in effect until terminated by the Board of Directors, provided that the termination shall not be effective until written notice thereof has been filed with the Iowa Commissioner of Insurance and the manner and method of disposing of outstanding claims has received the approval of the commissioner.

Section 4. Upon the termination of this agreement, any assets of the association not required to be maintained in a reserve for the payment of claims, and any assets remaining after all claims have been settled and disposed of, shall be returned to the participant cities.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. The business and affairs of this association shall be managed and conducted by a Board of Directors consisting of such number as may be designated in the By-Laws of the association.

Section 2. The names and address of the initial Board of Directors are as follows:

Name	Position	Address
Carolyn Farrell	Executive Board - LIM	Dubuque, Iowa
E. J. Giovannetti	Executive Board - LIM	Urbandale, Iowa
Neal Berlin	City Manager	Iowa City
William Dillon	Purchasing Officer	Davenport, Iowa
Ken Kew	Mayor	Mason City, Iowa
Darrel Rensink	City Manager	Sioux Center, Iowa
Ray Youngers	Mayor	Sheldon, Iowa

Section 3. A director shall receive no compensation for serving as a director of the association.

Section 4. A director and any officer of the Association, as a condition of accepting said office, shall be reimbursed by the association for expenses actually and necessarily incurred in serving as a director, and shall be indemnified against expenses actually and necessarily incurred in connection with the defense of any action, suit or proceeding in which the director is made a party by reason of having been or being a director or officer of the association.

ARTICLE V

EXECUTION OF INSTRUMENTS

Section 1. Deeds, mortgages, contracts, conveyances and other instruments creating, conveying, granting or releasing any interest in real estate and all other instruments or contracts having or requiring the acknowledgement of this corporation shall be sufficiently executed if signed by the President and Secretary or by the Vice-President and the Secretary.

Section 2. The By-Laws as adopted by the Board of Directors or a special resolution may provide for other methods of execution of any instruments referred to in this Article V.

Section 3. This association shall not have a seal.

ARTICLE VI

MEETINGS-OFFICERS-BY-LAWS

Section 1. This association shall have an annual meeting of its Board of Directors and may have such other and special meetings at such times and places, and with such notice as it provided by the By-Laws.

Section 2. This association may have such officers and assistant officers as may be deemed necessary by the Board of Directors and the number, manner of selection or election, term of office, and other related matters shall be provided in the By-Laws.

Section 3. The association may adopt By-Laws for the regulation and management of the affairs of this association not inconsistent with these Articles or the laws of the State of Iowa.

ARTICLE VII

FUND

Section 1. The association shall finance this joint undertaking through a Workers Compensation Fund consisting of the contributions of all participant members, the money earned from the lawful investment of these contributions, and all other moneys which shall be received by the association in connection with the administration of the Fund.

Section 2. The board at its annual meeting shall approve a budget for the coming year based on anticipated receipts from all sources and anticipated expenses including reserves required to be maintained during the coming year. The initial budget for the first year of operation, or partial year, shall be approved by the board at its initial organizational meeting.

Section 3. The association may use the fund to pay all lawful expenses of the association, and shall make all payments which it considers reasonable in administering the fund, including but not limited to, direct payments of workers compensation claims, the payment of premiums for insurance and re-insurance policies, the establishment of such reasonable reserves as it may be required to maintain, and the return of excess contribution to its members.

Section 4. The association shall be obligated to return to the participating municipalities the excess of contributions and other income over costs, expenses, losses and such reasonable reserves as may be required by law to be maintained.

Section 5. The association shall establish rules and regulations, in accordance with the laws of the State of Iowa, for the payment of workers compensation benefits and related employer liability claims against any participating municipality. Each participant municipality agrees to comply with these rules and regulations, and further agrees that the association, its administrator and service agent will have full authority to handle, investigate and dispose of all claims for workers compensation and related employer liability made against the municipality.

Section 6. The association shall appoint the League of Iowa Municipalities as administrator of the fund. The administrator shall have power and authority to implement the policy of the association and to supervise the fund, pursuant to applicable state and federal laws, rules and regulations. The administrator shall be entitled to such fees for its services as may be agreed to by the association and the administrator.

Section 7. The association may appoint a Service Agent to advise the administrator in all matters relating to the supervision of the fund, including but not limited to determining of the amount of annual contributions required to be made by the participant municipalities; handling, investigating and disposing of claims against the participant municipalities; advising the administrator on the proper establishment and maintenance of necessary reserves; recommending the proper amount of reinsurance; providing the reports and accountings necessary to be filed with the insurance commissioner; and presenting programs to the members relating to the elimination of safety hazards. The service agent shall be entitled to such fees for its services as may be agreed to by the association and the service agent.

Section 8. The fund shall obtain excess insurance coverage in accordance with state laws, rules and regulations, for maintaining the integrity of the fund.

Section 9. Each participating municipality agrees that, to the extent admitted by Iowa law, it will be responsible for its pro-rata share of any excess workers compensation or related employer liability losses which the fund may experience; provided that such pro-rata share shall not be required to be paid until and unless the fund has exhausted all other means of paying such losses.

Section 10. The association shall determine the contributions of each municipality by applying experience modification to the standard rates for the exposure to the risk. The standard rates are to be compiled by the National Council on Compensation Insurance and are to be approved by the Iowa Commissioner of Insurance. Each municipality agrees to make prompt payment of these contributions.

Section 11. In the event the fund pays any claim against a municipality, the fund shall be subrogated to the extent of such payment to all the rights of the municipality against any person or other entity legally responsible for such loss, and the municipality agrees to render all reasonable assistance to effect recovery.

Section 12. The liability of this fund to the employees of the municipality shall be specifically limited to such obligations as are imposed by Iowa law against the employer for workers compensation and employer's liability related to workers compensation.

Section 13. The association shall determine whether an applicant shall be admitted to membership, and whether a member shall be expelled from the fund in accordance with its rules and regulations.

ARTICLE VIII

APPROPRIATE ACTION

Section 1. Each of the undersigned municipalities affirms that the council has by resolution authorized and directed the mayor and clerk to execute this agreement, and further states that a certified copy of its resolution will be filed with the Iowa Commissioner of Insurance and the Iowa Secretary of State with this agreement.

Section 2. None of the municipalities jointly creating this association are required to participate in the fund established by the association, but may do so subject to the same conditions and restrictions as are placed on other cities.

ARTICLE IX

AMENDMENT

Section 1. These Articles may be altered, amended or repealed and new Articles may be adopted by the directors at any annual or special meeting of the directors, provided that before any change becomes effective, it must first be approved by sufficient members constituting a majority of the paid in dollar volume of contributions to the fund during the current fiscal year and by the Iowa Commissioner of Insurance and filed in the manner provided for filing these Articles.

The undersigned cities execute this Agreement on the date hereafter stated.

CITY OF SHELDON

Ray Youngers
MAYOR

Dorothy Mitchell _____
CLERK DATE

CITY OF URBANDALE

E.J. Giovannetti
MAYOR

Margaret Parsons 7/2/81
CLERK DATE

CITY OF DUBUQUE

D. Michael King
MAYOR

Mary A. Davis 7/1/81
CLERK DATE

CITY OF IOWA CITY

John R. Balmer
MAYOR

Abbie Stolfus 6/30/81
CLERK DATE