

**RESOLUTION NO. 2024-01**

**A RESOLUTION OF TOWN OF KIMBALL, TENNESSEE, TO AUTHORIZE  
COOPERATIVE PURCHASING AGREEMENTS FOR THE USE AND BENEFIT OF  
ALL TOWN DEPARTMENTS**

**WHEREAS**, *Tennessee Code Annotated (TCA)12-3-1205 (b) (1)* allows for master cooperative purchasing agreements upon the approval and consent of the local legislative body; and

**WHEREAS**, cooperative purchasing agreements allow local governments to purchase goods and services from other local, state, and national cooperative purchasing alliances that have been competitively bid under the same circumstances required by law by the purchasing entity; and

**WHEREAS**, these master cooperative agreements reduce time and personnel resources needed to competitively bid goods and services at the local level, but still allow local governments to take advantage of the lowest and best pricing available for the needed goods and services; and

**WHEREAS**, Tennessee state law was amended for all Tennessee cities to take advantage of cooperative purchasing agreements in effect throughout our state and nation; and

**WHEREAS**, Tennessee Code Annotated, Section *12-3-1205 (b) (1) and (2)*, states as follows:

**(b) (1)** Notwithstanding any other law to the contrary, any municipality, county, utility district, or other local government of the state may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any goods, supplies, services, or equipment with one (1) or more other governmental entities outside this state, to the extent the laws of the other state permit the joint exercise of purchasing authority, in accordance with an agreement entered into between or among the participants; provided, such goods, supplies, services, or equipment were procured in a manner that constitutes competitive bidding and were advertised, evaluated, and awarded by a governmental entity and made available for use by other governmental entities.

**(2)** A municipality, county, utility district, or other local government of the state may participate in a master agreement by adopting a resolution accepting the terms of the master agreement. If a participant in a joint or multi-party agreement is required to advertise and receive bids, then it will be deemed sufficient for those purposes that the purchasing entity or the entity that procured the bid complied with its own purchasing requirements. The participant shall acquire and maintain documentation that the purchasing entity or entities that procured the bid complied with its own purchasing requirements.

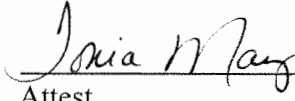
**WHEREAS**, the Town of Kimball desires to take advantage of the newly created law and reduce the taxpayer burden for duplication of services while still taking advantage of the lowest and best pricing under the master cooperative agreements that have been competitively bid under the same circumstances required by law by the purchasing entity.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting this 6<sup>th</sup> day of June, 2024, that it agrees to the terms of the created law and authorizes use of the following master cooperative purchasing agreement:

- 1) North Carolina Sheriff's Association
- 2) Sourcewell

**BE IT FURTHER RESOLVED** that the established list of authorized cooperative purchasing agreements may be amended at any time by the Board of Aldermen of the Town of Kimball, Tennessee.

Adopted this 6<sup>th</sup> day of June, 2024.

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Mayor Rex Pesnell

6-6-2024  
Date

**RESOLUTION NO. 2024- 03**

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF  
THE TOWN OF KIMBALL, TENNESSEE TO ADOPT AN AMENDED  
CAFETERIA PLAN**

The Town of Kimball, Tennessee, a Tennessee Municipal Corporation, by and through its Board of Mayor and Aldermen, does hereby consent to and approves the following actions:

Adoption of the Town of Kimball Cafeteria Plan.

**WHEREAS**, the Town of Kimball, Tennessee (hereinafter "Town") does hereby adopt and approve new plan documents and authorizes the Town of Kimball Cafeteria Plan ("Plan") established under Internal Revenue Code ("Code") § 125 for all eligible employees, to be effective as of 12/01/2024, and has presented to the Board a proposed Plan document.

**RESOLVED**, that the Board hereby approves the Plan Documents and Summary Plan Description and all other attachments as the Plan of the Town, effective as of 12/01/2024, and hereby authorizes and directs the Mayor and Town Recorder to take all actions necessary or appropriate, upon the advice of counsel, to put the Plan into full force and effect, in compliance with the applicable provisions of ERISA and the Code.

**RESOLVED FURTHER**, that the Board of Mayor and Aldermen is hereby designated as the Plan Administrator and hereby delegates to it as set out in the Plan document full authority and discretion to interpret and construe the Plan, including discretion to determine eligibility for participation and benefits under the Plan.

**RESOLVED FURTHER**, that the Board hereby appoints Employee Benefit Specialists, Inc. as the Registered Agent for Service of Process for the plan.

**RESOLVED FURTHER**, that this Resolution and the Plan Documents hereby approved shall constitute the Plan effective as of 12/01/24, subject to the reservation in the Board to amend or terminate the Plan at any time as may be determined by the Board.

**RESOLVED FURTHER** that the Kimball Town Recorder is directed to enter a copy of this Resolution, the Plan Documents and the Summary Plan Description, as adopted, into the records of the Town and into the Minutes of the meeting in which same were adopted.

**ADOPTED** this 7<sup>th</sup> day of November, 2024, to be effective as of December 1, 2024.

**THE TOWN OF KIMBALL, TENNESSEE**

By:   
Rex Pesnell, Mayor

**Attest:**  
  
Tonia May, Town Recorder

**DATE PASSED:** November 7, 2024

**CERTIFICATION**

The foregoing is a true copy of a Resolution duly adopted by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee at a duly-convened regular meeting on November 7, 2024, and entered into the Minutes of such meeting in the Town's Minute Book.

Dated: 11/08/2024

Tonia May  
Tonia May, Town Recorder