

RESOLUTION NO 98-1

KIMBALL 1999 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, The Town of Kimball has experienced problems with inadequate water pressure; and

WHEREAS, Residents have complained about low water pressure; and

WHEREAS, Engineers have examined the problem and determined that a new water storage tank is necessary to correct the problem; and

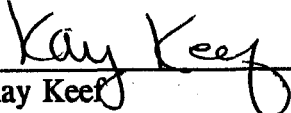
WHEREAS, The State of Tennessee Department of Economic and Community Development has grant funds available to assist with correcting critical community infrastructure problems such as this; and

WHEREAS, Kimball is eligible to apply for an 87 percent grant to assist with correcting this water problem.

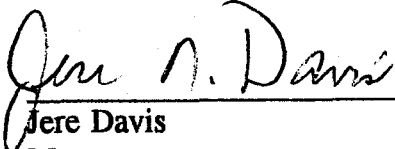
BE IT HEREBY RESOLVED that the Town of Kimball authorizes the Mayor to submit an application for CDBG funds to correct the water pressure problem and agrees to allocate the remaining 13 percent in local matching funds up to a maximum of \$45,500.00 from general revenues of the City, subject to the approval of the grant.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into agreements and sign documents necessary for the successful award of the proposed grant.

Passed December 3rd 1998




Kay Keef
City Recorder



Jere Davis
Mayor

Approved as to form:



Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NO. 99-1

**A RESOLUTION OF THE BOARD OF MAYOR AND
ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE,
URGING ITS LEGISLATORS TO OPPOSE SB 1927/HB 1654
BEING CONSIDERED BY THE TENNESSEE GENERAL ASSEMBLY**

WHEREAS, SB 1927/HB 1654 has been introduced in the Tennessee General Assembly;
and

WHEREAS, this bill appears to apply to publicly-operated utilities that provide natural
gas service; and

WHEREAS, this bill would prohibit publicly-operated utilities that provide natural gas
service from providing propane gas services; and

WHEREAS, this prohibition would not serve the best interest of the citizens of this state
or of publicly-operated utilities; and

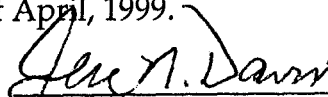
WHEREAS, this prohibition would have the effect of eliminating competition and
skewing market forces which should determine the provision of propane service; and

WHEREAS, passage of SB 1927/HB 1654 would be detrimental to the public welfare.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND
ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE**, that the legislators
representing this municipality are urged to opposed SB 1927/HB 1654.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to
legislators representing this municipality and the Tennessee Municipal League.

Adopted this the 1st day of April, 1999.




JERE DAVIS, MAYOR

ATTEST:



KAY KEEF, CITY RECORDER



KEVIN L. FEATHERSTON, TOWN ATTY

RESOLUTION NO. 00-01

RESOLUTION
of the
BOARD OF ALDERMEN
for the
TOWN OF KIMBALL

A Resolution accepting Construction Bids
for Water System Improvements

WHEREAS, the Board of Aldermen of the Town of Kimball deem it desirable to construct approximately 6,000 L.F. of 6" water line to improve water service along U.S. Highway 41; and

WHEREAS, JAMES C. HAILEY & COMPANY has designed and prepared plans, specifications and contract documents for the purpose of meeting the objective of the project; and

WHEREAS, construction bids were received and made public on January 27, 2000; and

WHEREAS, James C. Hailey has presented recommendation for the award of Construction Contract 199 to the lowest and best bidder; and

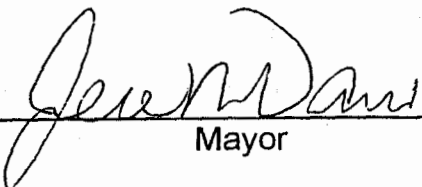
WHEREAS, it is to the manifest interest of the Town of Kimball that an award of this construction contract be made.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KIMBALL:

SECTION 1: That an award be made for construction of **Contract 199 – Water Line Extension to Curl Excavating, LLC** in the amount of **\$76,893.75**. This award is for the Base Bid amount.

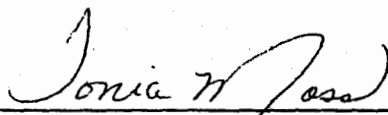
SECTION 2: The Mayor and the Town Recorder of the Town of Kimball, be and hereby designated, authorized, and directed to execute on behalf of the Town of Kimball these contracts or other documents or matters pertaining to the subject project.

Adopted: This 3RD day of February 2000.



Mayor

Approved and Attested:



Town Recorder

RESOLUTION NO. 00-02

WHEREAS, residents of the Town of Kimball deserve, demand, and depend upon essential city services; and

WHEREAS, the services provided by the Town of Kimball have fostered and maintained a high quality of life for residents of Kimball and surrounding areas; and

WHEREAS, the continued fiscal health and vitality of the Town of Kimball, in its role as an educational and economic hub, is critically important to the entire region and to the State of Tennessee as a whole; and

WHEREAS, the state-shared taxes distributed to the Town of Kimball, when coupled with locally generated revenue, enable the Town to provide such deserved and demanded services; and

WHEREAS, to ensure the continued health, safety, and prosperity its residents, the Board of Mayor and Alderman of the Town of Kimball could not in good conscience cut the essential services that are now provided with the support of state-shared revenues, including the Hall Income tax; and

WHEREAS, if the state removed state-shared revenues from localities, to solve the state's budget problem the Town of Kimball's municipal property tax rate would have to increase by approximately \$0.43 per \$100 of assessed valuation; and

WHEREAS, property owners of the Town of Kimball would pay increased municipal property tax rates in addition to an increase in Marion County' property tax rate of approximately \$0.82 per \$100 of assessed valuation; and

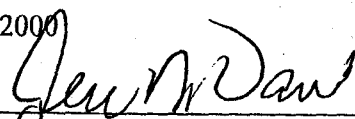
WHEREAS, the Tennessee General Assembly may consider the repeal of long-standing state-shared revenues to solve the state budget problem; and

WHEREAS, the Town of Kimball recognized the seriousness and importance of the state's current budget problems, but also recognizes that shifting the state's budget problem to local governments would be detrimental to the vitality and continued prosperity of the State of Tennessee;

NOW THEREFORE BE IT RESOLVED that the Board of Mayor and Alderman of the Town of Kimball firmly oppose the use of local governments' state-shared revenue distributions to solve the state budget problem; and

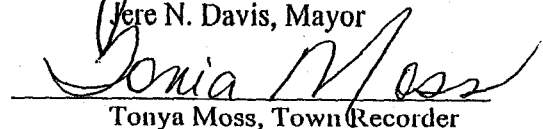
BE IT FURTHER RESOLVED that the Board of Mayor and Alderman of the Town of Kimball appreciate the efforts of our state representative and state senator as they work to ensure that existing city services can be continued without a near-doubling of municipal property tax rates.

Approved this the 2nd day of March, 2000



Jere N. Davis, Mayor

ATTEST:


Tonya Moss, Town Recorder

RESOLUTION 00-03

"A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL AUTHORIZING THE MAYOR OF THE TOWN OF KIMBALL TO ENTER INTO AND EXECUTE AN INTERLOCAL AGREEMENT, REQUIRED BY PUBLIC CHAPTER NO. 1101 OF THE PUBLIC ACTS OF 1998, ESTABLISHING A JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARD WITHIN MARION COUNTY, TENNESSEE.

Whereas, Public Chapter No. 1101 of the Public Acts of 1998, relative to reforming procedures and requirements for annexation and incorporation, is mandatory in all Tennessee counties; and,

Whereas, pursuant to Public Chapter No. 1101, the Joint Economic and Community Development Board is formed to maintain communication among the various interest groups; and,

Whereas, pursuant to Public Chapter No. 1101, the board is composed of at least a minimum of the county executive and mayor of each municipality and one landowner; and,

Whereas, before applying for a state grant, local governments must certify their compliance with these provisions;

NOW THEREFORE BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball that the Mayor be and hereby is authorized to enter into and execute the attached Interlocal Agreement with the County Executive of Marion County, Tennessee and the Mayor of the Town of Jasper, the Mayor of the Town of Monteagle, the Mayor of the Town of Orme, the Mayor of the Town of Powell's Crossroads, the Mayor of the City of South Pittsburg, the Mayor of the City of New Hope and the Mayor of the City of Whitwell, Tennessee.

BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage the welfare of the Town requiring it.

This the 7 day of July, 2000
Jere N. Davis
Jere N. Davis, Mayor

Attest: Sonia Moss
City Recorder

Approved as to form:

RESOLUTION NO. 2001-01

WHEREAS, the Town of Kimball, Tennessee is a Tennessee Municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with a financial institution for the safekeeping of the Town's depository account; and

WHEREAS, from time to time, the Town of Kimball purchases, after competitive bidding, certificates of deposit in order to obtain interest on funds; and

WHEREAS, as a result of the nature of the certificate of deposit market, from time to time, certificates have to be purchased, cashed in or renewed; and

WHEREAS, the financial institutions require agreements setting forth who is authorized to open said depository account; and

WHEREAS, the Mayor and board of Aldermen have determined that the Mayor, Vice Mayor and Town Recorder should be the authorized signatories on all accounts of the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that two signatures should be required for better control of all depository accounts.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

1. The Mayor, Vice Mayor and Town Recorder shall have the authority to open any depository or share account in the name of the Town of Kimball.
2. After each election or resignation of any of the Mayor, Vice Mayor and Town Recorder, the Town will furnish to all financial institution having deposits for the Town of Kimball and names and signatures of its officers authorized to execute depository documents.
3. Any two signatures of the above-stated officers shall be required to open and/or close any depository accounts of the Town of Kimball.
4. This Resolution will continue to have effect until express, written modification has been received and recorded by any financial institution. Any and all prior resolutions adopted by the Town are in full force and effect until the financial institution receives and acknowledges an express written notice of its revocation, modification or replacement.

The resolution approved on the 12 day of Feb, 2001.

Signed: Gene A. Davis
Mayor

Attested: Dana Mess
City Recorder

Approved as to form: _____
City Attorney

RESOLUTION # 2001-02

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL, TENNESSEE TO ENTER INTO A CONTRACT AGREEMENT WITH THE STATE OF TENNESSEE FOR THE CONSTRUCTION OF A SIDEWALK AT THE INTERSECTION OF U.S. HIGHWAYS 41/72.

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, on the 17th day of May, 2001, the Town of Kimball applied to the State of Tennessee for an Optional Safety Project to install/construct a sidewalk from the Holiday Inn Express Hotel to the junction of U.S. Highways 41/72; and

WHEREAS, by letter dated May 31, 2001, the State of Tennessee, Department of Transportation has agreed to fund the project up to ninety percent (90%) of the total construction cost or Forty-Five Thousand and No/100 Dollars (\$45,000.00), whichever is less; and

WHEREAS, the State of Tennessee, Department of Transportation, has requested the Town of Kimball, Tennessee to enter into a contractual agreement providing for the understanding of the parties regarding the construction requirements and costs; and

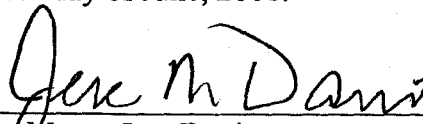
WHEREAS, the Mayor and Board of Aldermen have determined that it is in the best interests of the Town of Kimball to enter into this contractual agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Mayor, Jere Davis, is hereby authorized to enter into a contractual agreement with the State of Tennessee, Department of Transportation for the construction of a sidewalk from the Holiday Inn Express Hotel to the junction of U.S. Highways 41/72 as soon as the City Attorney has approved the contractual agreement as to legality and form, pursuant to the terms set forth in the contractual agreement provided by the State of Tennessee, Department of Transportation.


THIS RESOLUTION APPROVED on the 7th day of June, 2001.

Signed:



Mayor Jere Davis

Attested:



Town Recorder Tonia Moss

Approved as to form:

Town Attorney Kevin L. Featherston

RESOLUTION # 2001-03

**A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL
TO ENTER INTO A SAVINGS ACCOUNT AGREEMENT
WITH FIRST VOLUNTEER BANK.**

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have determined that the Town of Kimball, Tennessee should enter into a Savings Account Agreement with First Volunteer Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open and/or withdraw from any depository accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor Jere N. Davis, Vice-Mayor David Jackson and Alderman Jerry Don Case should be the authorized signatories on any savings account for the Town of Kimball, Tennessee; and

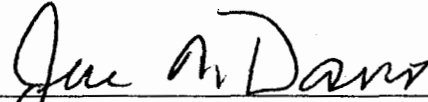
WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town Recorder shall open a savings account with First Volunteer Bank, Jasper, Tennessee.
2. Mayor Jere N. Davis, Vice-Mayor David Jackson, and Alderman Jerry Don Case shall be the authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including deposit and/or withdrawal forms.
3. Any two signatures of the above-stated officers shall be required to withdraw from or close any savings account of the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by First Volunteer Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

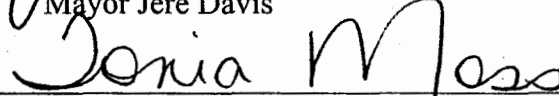
THIS RESOLUTION APPROVED on the 7th day of June, 2001.

Signed:




Mayor Jere Davis

Attested:



Town Recorder Tonia Moss

Approved as to form:



Town Attorney Kevin L. Featherston

RESOLUTION # 2001-04

**A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL
TO ENTER INTO A CREDIT CARD AGREEMENT
WITH FIRST VOLUNTEER BANK.**

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the financial needs of the Town; and

WHEREAS, the Mayor and Board of Aldermen have determined that the Town of Kimball, Tennessee should enter into a Credit Card Agreement with First Volunteer Bank, a local banking institution in order to allow the Town to make reservations and purchases; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to use the Credit Card; and

WHEREAS, the Mayor and Board of Aldermen have determined that the Mayor, Vice-Mayor and Town Recorder should be the authorized signatories on any Credit Card for the Town of Kimball, Tennessee; and

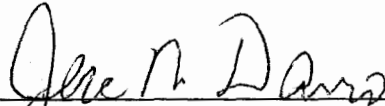
WHEREAS, the Mayor and Board of Aldermen have determined all use of the Credit Card should follow the Town's customary purchasing procedures in place prior to any use.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town Recorder shall open a Credit Card account with First Volunteer Bank, Jasper, Tennessee.
2. The Mayor, Vice-Mayor, and Town Recorder shall be the authorized officers of the Town of Kimball, Tennessee to use the Credit Card. The Town will provide the bank with a current list of the authorized officers.
3. The authorized users must follow the Town's customary purchasing procedures in using the Credit Card.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by First Volunteer Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

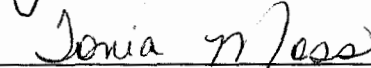
THIS RESOLUTION APPROVED on the 2nd day of August, 2001.

Signed:




Mayor Jere Davis

Attested:



Town Recorder Tonia Moss

Approved as to form:



Town Attorney Kevin L. Featherston

RESOLUTION NO. 2002-01

**A RESOLUTION TO AWARD CONTRACT 202
FOR THE CONSTRUCTION OF THE WATER TANK
IN THE TOWN OF KIMBALL, TENNESSEE**

WHEREAS, the Town of Kimball, Tennessee is a Tennessee Municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, the Board of Mayor and Aldermen determined that additional water pressure was needed within the municipal limits of the Town of Kimball, Tennessee, and that the most appropriate method of obtaining said increased pressure was the construction of a water tank on property owned by the Town of Kimball in the Timberidge Estates development; and

WHEREAS, an invitation to bid was duly published in the newspapers and 3 bids were submitted and opened on May 10, 2002; and

WHEREAS, the rules of the Town of Kimball and the State of Tennessee encourage the award of the contract to the low bidder unless extenuating circumstances arise; and

WHEREAS, the low bidder for the construction of the water tank was Fisher Tank Company who submitted a bid in the amount of \$222,400.00 plus an additional \$20,500.00 for Alternate No. 1 for a total bid of \$242,900.00; and

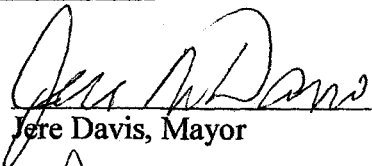
WHEREAS, the Board of Mayor and Aldermen of Kimball, Tennessee believe that the low bid of \$242,900 was a fair bid with no reason to disqualify based on the recommendation of the James C. Haley & Company.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, that:

1. The Mayor is authorized to sign and execute all contract documents with Fisher Tank Company, upon approval by the State of Tennessee and the engineering firm of James C. Haley & Company, in order to begin construction on the 250,000 gallon water tank as described above.

This resolution approved on the 6th day of June, 2002.

Signed:


Jere Davis, Mayor

Attested:


Tonia Moss, City Recorder

Approved as to form:


Kevin L. Featherston, City Attorney

RESOLUTION 2003-01

Tennessee Consolidated Retirement System

A RESOLUTION to authorize and appropriate funds for an actuarial study of the cost(s) associated with participation of a political subdivision in the Tennessee Consolidated Retirement System in accordance with Title 8, Section 34 through 37 of the Tennessee Code Annotated.

WHEREAS, the Tennessee Code Annotated Section 8-35-201 permits a political subdivision to petition the Board of Trustees of the Tennessee Consolidated Retirement System for participation into said system; and

WHEREAS, TOWN OF KIMBALL desires to consider the cost(s) of such coverage (Name of Political subdivision)

effective for all its employees in all of its departments or instrumentalities prior to the final authorization of said coverage; and

WHEREAS, the determination of said cost(s) requires the service of an actuary, the cost of said actuarial study is required to be paid by the political subdivision; and all public entities responsible for the direct funding of the said political subdivision must approve these provisions.

NOW, THEREFORE BE IT RESOLVED, That the MAYOR AND ALDERMEN of TOWN OF KIMBALL (Name of Governing Body)

hereby authorizes and appropriates funds for an actuarial study of the cost(s) of participation for said employees in the Tennessee Consolidated Retirement System pursuant to Tennessee Code Annotated Section 8-35-201; and the basic actuarial study shall include the cost of determining the liability if, (a) the employer elects to purchase all of the employees' years of prior service and (b) the liability if, the employer elects to not purchase prior service, but accepts the unfunded liability if the employee elects to establish all years of prior service.

- 1. The employer may also elect to pay for further actuarial calculations based on one or more of the following prior service choices:
a. No prior service will be established.
b. The employer will purchase ___ years of prior service, and will accept the unfunded liability if the employee should elect to establish ___ years of additional prior service.
c. The employer will purchase ___ years of prior service, and no additional prior service will be established.

The political subdivision has the option of providing retirement coverage for part-time employees and hereby chooses to INCLUDE such part-time employees from the actuarial study. (include/exclude)

There is hereby appropriated from the general funds such amount required to pay for the cost of said actuarial study.

Upon receipt of the determination of such study, the TOWN OF KIMBALL (Name of Political subdivision)

is hereby authorized and directed to pay the cost said study from the funds herein above appropriated, to the Tennessee Consolidated Retirement System or as directed by the Board of Trustees of said system.

STATE OF TENNESSEE
COUNTY OF MARION

I, DAVID JACKSON, MAYOR clerk of the board of the

RESOLUTION 2003-01

TOWN OF KIMBALL

of

(Name of Governing Body)

KIMBALL

Tennessee, do certify that this is a true and exact copy of the foregoing

(County, City, Town, etc.)

resolution that was approved and adopted at a meeting held on the 1ST day of MAY, 2003, the original of which is on file in this office. I further certify that 3 members voted in favor of the resolution and that 3 members of the governing body were present and voting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF KIMBALL

(Name of County, City, Town, etc.)

[Handwritten Signature]

As Clerk of the Board, as aforesaid

Seal

RESOLUTION 2003-02

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO ENTER INTO A SAVINGS ACCOUNT AGREEMENT WITH FIRST VOLUNTEER BANK.

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have determined that the Town of Kimball, Tennessee should enter into a Savings Account Agreement with First Volunteer Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open and/or withdraw from any depository accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor Jerry Don Case, Alderman Rance Castle and Alderman John Witcher should be the authorized signatories on any savings account for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town has already established a savings account with First Volunteer Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor Jerry Don Case, Alderman Rance Castle and Alderman John Witcher shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including deposit and/or withdrawal forms.
3. Any two signatures of the above-stated officers shall be required to withdraw from or close any savings account of the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded First Volunteer Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

THIS RESOLUTION APPROVED on the 5th day of June 2003.

Signed:



Mayor David Jackson

Attested:



Town Recorder Tonia Moss

RESOLUTION 2003-03

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO ENTER INTO A CHECKING AND SAVINGS ACCOUNT AGREEMENT AND SAFETY DEPOSIT BOX WITH CITIZENS STATE BANK.

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have already determined that the Town of Kimball, Tennessee should have Checking and Savings Accounts Agreement and a Safety Deposit Box with Citizens State Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open, sign checks and/or withdraw from any accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor Jerry Don Case, Alderman Rance Castle and Alderman John Witcher should be the authorized signatories on any checking or savings accounts for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said checking or savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town of Kimball has already established checking and savings accounts with Citizens State Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor Jerry Don Case, Alderman Rance Castle and Alderman John Witcher shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including check signatures, deposit and/or withdrawal forms.
3. Any two signatures of the above-stated officers shall be required to sign checks, withdraw from or close any checking and savings account of the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by Citizens State Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

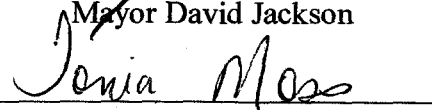
THIS RESOLUTION APPROVED on the 5th day of June 2003.

Signed:



Mayor David Jackson

Attested:



Town Recorder Tonia Moss

RESOLUTION NO. 2003-04

**A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO
REQUEST FROM THE UNITED STATES POSTAL SERVICE
THAT A UNITED STATES POST OFFICE BE BUILT
IN KIMBALL, TENNESSEE**

WHEREAS, the citizens of the Town of Kimball, Tennessee currently have mailing addresses that differ depending on the location of their real property within the municipal limits of the Town; and

WHEREAS, the Town of Kimball has grown considerably in both residential and commercial development; and

WHEREAS, in order to clarify any confusion with regard to the location and mailing address of all property in the Kimball municipal limits, a Post Office with a new Kimball zip code are deemed necessary; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have determined that it is in the best interest of the town to have its own Post Office; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee wish to enter into negotiations with the United States Postal Service to have said Post Office erected and will assist in the acquisition of the land and the construction of the building, if necessary.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, the following:

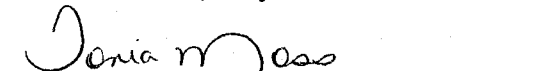
1. That the Town of Kimball, Tennessee is hereby authorized to request that the United States Postal Service locate and/or construct a post office in the Town of Kimball, Tennessee.
2. That the Town of Kimball, Tennessee is further authorized to participate in negotiations for the acquisition of any property and/or structures that are necessary so as to aid in the location and/or construction of said Post Office.
3. That the Town of Kimball, Tennessee is further authorized to provide any sums of money it deems reasonable and necessary to effectuate the purposes of this resolution.

RESOLVED, this the 4th day of September, 2003


Signed:


David Jackson, Mayor

Attested:


Tonia Moss, City Recorder

Approved as to form:


Kevin L. Featherston, City Attorney

RESOLUTION # 2003-05

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL,
TENNESSEE TO PARTICIPATE IN THE TML RISK
MANAGEMENT POOL "SAFETY PARTNERS" LOSS
CONTROL MATCHING GRANT PROGRAM

WHEREAS, the safety and well-being of the employees of the Town of Kimball, Tennessee is of greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the Town of Kimball, Tennessee employees; and

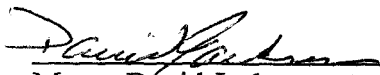
WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a "safety partners" loss control matching grant program; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, having determined that it is in the best interest of the town to enter into this program, now seek to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED by the Board and Mayor and Aldermen of the Town of Kimball, Tennessee, the following:

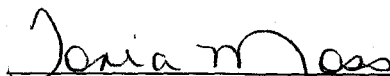
1. That the Town of Kimball, Tennessee is hereby authorized to submit an application for a "safety partners" loss control matching grant through the TML Risk Management Pool.
2. That the Town of Kimball, Tennessee is further authorized to provide a matching sum to serve as a match for any money provided by this Grant.

RESOLVED this the 7th day of August, 2003.



Mayor David Jackson

Attested:



Town Recorder Tonia Moss

Approved as to form:



Town Attorney Kevin L Featherston

RESOLUTION NO. 2004-01

KIMBALL 2004 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Whereas, The Town of Kimball has experienced problems with septic tank failures that are resulting in the discharge of untreated sewage in residential areas; and

WHEREAS, Residents have complained about this unsafe and dangerous problem; and

WHEREAS, City engineers have examined the problems and developed plans for the extension of public sewer in the community; and

WHEREAS, The State of Tennessee Department of Economic and Community Development has grant funds available to assist with correcting critical community infrastructure problems such as this; and

WHEREAS, Kimball is eligible to apply for up to \$500,000 in Community Development Block Grant funds which requires 13 percent local matching funds.

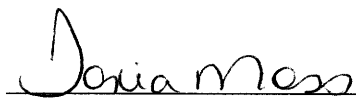
BE IT HEREBY RESOLVED that the Town of Kimball authorized the Mayor to sign and submit an application for up to \$500,000 in CDBG funds to extend sewer lines and agrees to allocate a minimum of 13 percent local matching funds up to \$74,713 from general revenues of the City, subject to approval of the grant.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into agreements and sign documents necessary for the successful award of the proposed grant.

Passed January 8, 2004



David Jackson, Mayor



Attest

Resolution 2004-02

WHEREAS, the Town of Kimball, in order to resolve the payroll expense of dispatcher for the Marion County E-911 Center situation.

WHEREAS, pursuant to the meeting of January 26, 2004 between Kimball Board of Mayor and Aldermen and Attorney Stulce.

WHEREAS, upon Attorney Stulce's advice Mayor and Aldermen determined that the following:


If the Marion County Commissioners agrees at their January 26, 2004 meeting to supplement the Marion County E-911 an amount of \$40,000 through June 30, 2004, Kimball agrees to supplement at the rate of \$5,000 per month through June 30, 2004.

WHEREAS, and failing the county approving a suitable monthly subsidy that the attorney be authorized and directed to seek a judicial interpretation of and relief from the present agreement with Marion County E-911 Board by March 1, 2004

The resolution approved on the 26th day of January 2004.

Signed: 
Mayor David Jackson

Attested: 
Recorder Tomia Moss

Approved as to form: 
Attorney Arnold Stulce

RESOLUTION 2004-03

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO ENTER INTO A SAVINGS ACCOUNT AGREEMENT WITH FIRST VOLUNTEER BANK.

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have determined that the Town of Kimball, Tennessee should enter into a Savings Account Agreement with First Volunteer Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open and/or withdraw from any depository accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor John Witcher, Alderman Rance Castle, Alderman Rex Pesnell and Alderman John Keef should be the authorized signatories on any savings account for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town has already established a savings account with First Volunteer Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor John Witcher, Alderman Rance Castle, Alderman Rex Pesnell and Alderman John Keef shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including deposit and/or withdrawal forms.
3. Any two signatures of the above-stated officers shall be required to withdraw from or close any savings account of the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded First Volunteer Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

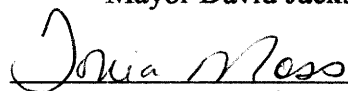
THIS RESOLUTION APPROVED on the 5th day of February 2004.

Signed:



Mayor David Jackson

Attested:



Town Recorder Tonia Moss

RESOLUTION 2004-04

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO ENTER INTO A CHECKING AND SAVINGS ACCOUNT AGREEMENT AND SAFETY DEPOSIT BOX WITH CITIZENS STATE BANK.

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have already determined that the Town of Kimball, Tennessee should have Checking and Savings Accounts Agreement and a Safety Deposit Box with Citizens State Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open, sign checks and/or withdraw from any accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor John Witcher, Alderman Rance Castle, Alderman Rex Pesnell and Alderman John Keef should be the authorized signatories on any checking or savings accounts for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said checking or savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town of Kimball has already established checking and savings accounts with Citizens State Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor John Witcher, Alderman Rance Castle, Alderman Rex Pesnell and Alderman John Keef shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including check signatures, deposit and/or withdrawal forms.
3. Any two signatures of the above-stated officers shall be required to sign checks, withdraw from or close any checking and savings account of the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by Citizens State Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

THIS RESOLUTION APPROVED on the 5th day of February 2004.

Signed:



Mayor David Jackson

Attested:



Town Recorder Tonia Moss

RESOLUTION NO. 2004-05

(Replaces Resolution No. 2004-01)

KIMBALL 2004 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Whereas, The Town of Kimball has experienced problems with septic tank failures that are resulting in the discharge of untreated sewage in residential areas; and

WHEREAS, Residents have complained about this unsafe and dangerous problem; and

WHEREAS, Engineers have examined the problems and developed plans for the initial extension of public sewers in the community; and

WHEREAS, The State of Tennessee Department of Economic and Community Development has grant funds available to assist with correcting critical community infrastructure problems such as this; and

WHEREAS, Kimball is eligible to apply for up to \$500,000 in Community Development Block Grant funds which requires a minimum of 13 percent local matching funds.

WHEREAS, Engineers have estimated the initial phase of sewer line extension to cost \$630,000.

BE IT HEREBY RESOLVED that the Town of Kimball authorized the Mayor to sign and submit an application for up to \$500,000 in CDBG funds to extend sewer lines and agrees to allocate up to \$130,000 in local matching funds from general revenues of the City, subject to approval of the grant.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into agreements and sign documents necessary for the successful award of the proposed grant.

Passed 2/5/2004



David Jackson, Mayor



Tonia Moss, City Recorder

Retirement System

A RESOLUTION to authorize a political subdivision's participation in the Tennessee Consolidated Retirement System in accordance with Title 8, Chapters 34 through 37 of the Tennessee Code Annotated.

WHEREAS, Tennessee Code Annotated, Title 8, Chapter 35, Part 2 allows a political subdivision to participate in the Tennessee Consolidated Retirement System subject to the approval by the Board of Trustees; and

WHEREAS, the Town of Kimball (Name of Political Subdivision) desires to participate in the Tennessee Consolidated Retirement System under the provisions of state law and the following terms and conditions:

1. PRIOR SERVICE:

- a. The political subdivision will assume liability (both employer and employee) for year(s) of prior service for each person employed on the date of participation;
b. The political subdivision will assume the employer liability only for all year(s) of prior service for each person employed on the date of participation; and accept the unfunded liability for all employees for all years of service.

The maximum allowable number of years of prior service any employee may establish is the sum of the number of years in a. and b. above.

- 2. COST-OF-LIVING: The political subdivision has the option of providing cost-of-living increases to its retirees and hereby chooses to (provide or exclude) cost-of-living increases for retirees.
3. PART-TIME EMPLOYEES: The political subdivisions has the option of providing retirement coverage to part-time employees and hereby chooses to (provide or exclude) this coverage.

WHEREAS, the liability for participation and costs of administration shall be the sole responsibility of the political subdivision and not the State of Tennessee; and

WHEREAS, the political subdivision has passed a budget amendment appropriating the funds necessary to meet such liability and the same is attached hereto; and

WHEREAS, the effective date of participation shall be on a date as determined by the Board of Trustees of the Tennessee Consolidated Retirement System, and the initial employer contribution rate shall be 7.39% which is based on the estimated lump sum accrued liability of \$ 206,299; and

WHEREAS, the funds necessary to provide for the retirement costs during the 2004-2005 fiscal year have been appropriated to the proper departmental budgets in the following amounts:

employee benefits \$ 33,567

For 4-1-04 participation \$ 8,391.75

For 7-1-04 participation \$ 33,567

\$
\$
\$
\$

THEREFORE, BE IT RESOLVED That the Kimball Board of Mayor & Alderman of
Town of Kimball (Name of Governing Body)
(Name of Political Subdivision) hereby authorizes all its employees in all its departments or

instrumentalities to become eligible to participate in the Tennessee Consolidated Retirement System subject to approval by the Board of Trustees pursuant to Tennessee Code Annotated Title 8, Chapter 35, Part 2. It is further understood that pursuant to Tennessee Code Annotated, Section 8-35-111, no employee of said political subdivision covered by this resolution shall have multiple memberships in any retirement program or programs financed from public funds whereby such employee obtains or accrues pensions or retirement benefits based upon the same compensation and for the same years of service to said political subdivision.

STATE OF TENNESSEE

COUNTY OF Marion

I, David Jackson, Mayor, clerk of the Board of
Mayor and Alderman Town of Kimball
(Name of Governing Body) (County, City Town, etc.)

Tennessee, do hereby certify that this is a true and exact copy of the foregoing Resolution that was approved and adopted at a meeting held on the 4th day of March, 2004, the original of which is on file in this office. I further certify that 5 members voted in favor of the Resolution and that 5 members of the governing body were present and voting.

IN WITNESS WHEREOF, I have hereunto set my hand, and the seal of the Town of Kimball
(Name of County, City, Town, etc.)

David Jackson
As Clerk of the Board, as aforesaid

Seal

R054FS07

**A RESOLUTION FOR A VETERAN'S DAY RECOGNITION OF ARNOLD
ENGINEERING DEVELOPMENT CENTER'S SUPPORT TO OUR AMERICAN
WARFIGHTERS OVER THE LAST 52 YEARS**

WHEREAS is fitting and appropriate to recognize our Veterans; and

WHEREAS it is also fitting and appropriate to recognize and commend Arnold Engineering Development Center for its key role in developing America's high technology air and space systems for the Nation's Warfighters for the last 52 years; and

WHEREAS the development of these high technology systems helped America win the Cold War, the Gulf Wars and is key to our Country's on-going War on terrorism; and

WHEREAS every high performance flight system in the United States military today has been tested at AEDC; including, aircraft, missiles, precision guided munitions intercontinental ballistic missiles, space launch systems, and satellites; and

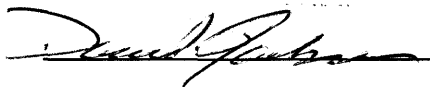
WHEREAS the systems currently in use or under development in which AEDC made a significant contribution include The F-15 Eagle and Strike Eagle, The F-16 Fighting Falcon, The F/A-18 Hornet and Super Hornet (U.S. Navy), The F/A-22 Raptor, The F-35 Joint Strike Fighter, The F-117 Nighthawk (Stealth Fighter), The B-1 Lancer (Strategic Bomber), The B-2 Spirit (Stealth Bomber), The B-52 Stratofortress, The A-10 Thunderbolt II, The C-5 Galaxy, The C-17 Globemaster III, The C-141 Stratolifter, The E-3 Sentry Airborne Warning and Control; Aircraft, The RQ-4 Global Hawk Unmanned Aerial Vehicle, The Minuteman ICBM, The Peacekeeper ICBM, The Trident Submarine Launched Ballistic Missile, The Tomahawk Cruise Missile(Navy), The Air Launched Cruise Missile, The AIM-120 Advanced Medium Range Air-to-air Missile (AMRAAM) and Precision Guided Munitions; and

WHEREAS these weapon systems helped to save countless American Warfighters' lives and secure our Country's victories.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE, that we offer our total support of and gratitude to the manpower, mission statement and infrastructure of Arnold Engineering Development Center and recognize that

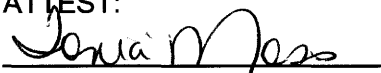
AEDC IS AMERICA'S AEROSPACE ADVANTAGE.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect this 4th day of March, 2004 the public welfare requiring same.



David Jackson, Mayor

ATTEST:



Tonia Moss, Recorder

Resolution 2004-08

A RESOLUTION OF THE TOWN OF KIMBALL TO TEMPORARILY ADDRESS THE MARION COUNTY E-911 CENTER DISPATCHING CONTRACT AND LAWSUIT

WHEREAS, the Town of Kimball, in order to resolve the question of dispatchers' payroll expense responsibility for the Marion County E-911 Center situation has heretofore entered into litigation with Marion County E-911 to resolve a contract dispute; and

WHEREAS, pursuant to the meeting on Friday, March 5, 2004 a resolution was passed by the Marion County E-911 Board which stated the Board resolves to adopt a more equitable relationship under the contract with Kimball;

WHEREAS, the Marion County E-911 Board made a motion at the emergency meeting held on Friday, March 5, 2004 to supplement the dispatchers' salary in the amount of \$40,000 until June 30, 2004 as a temporary measure so that the litigation may be suspended while negotiations continue by and between Marion County E-911 and the Town of Kimball and by and between Marion County E-911 and Marion County and Grandview Hospital,

NOW THEREFORE, be it resolved by

- a) The Town of Kimball will delay litigation against the Marion County E-911 for a total of 60 days, providing, the Marion County E-911 supplements the dispatchers' salary an amount of \$40,000 until June 30, 2004 as approved on a motion at the emergency meeting on Friday, March 5, 2004 and begins to diligently work to resolve the current contract issues to have a new contract in place on July 1, 2004.
- b) The amount paid to Marion County E-911 by Kimball under the existing agreement shall be reduced by \$10,000 each month for the months of March, April, May and June 2004.
- c) This will defer the lawsuit the Town of Kimball has against the Marion County E-911 Board for a period of 60 days provided that the aforementioned is accomplished.

The resolution approved on the 8th day of March 2004 and it is further certified that 5 members voted in favor of the Resolution and that 5 members of the governing body were present and voting.

Attested: Tonia Moss
Recorder Tonia Moss

Signed: David Jackson
Mayor David Jackson

Approved as to form: _____
Attorney Arnold Stulce

RESOLUTION NO. 2004-09

**A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL
TO REQUEST FROM THE UNITED STATES POSTAL
SERVICE THAT A UNITED STATES POST OFFICE BE
BUILT IN KIMBALL, TENNESSEE**

WHEREAS, the citizens of the Town of Kimball, Tennessee currently have mailing addresses that are served by different post offices depending on the location of their real property within the municipal limits of the Town; and

WHEREAS, the Town of Kimball has grown considerably in both residential and commercial development; and

WHEREAS, in order to clarify any confusion with regard to the location and mailing address of all property in the Kimball municipal limits, a Post Office with a new Kimball zip code are deemed necessary; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, have determined that it is in the best interest of the town to have its own Post Office; and

WHEREAS, the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, with to enter into negotiations with the United States Postal Service to have said Post Office erected and will assist in the acquisition of the land and the construction of the building if necessary.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, the following:

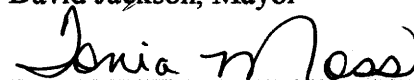
1. That the Town of Kimball, Tennessee is hereby authorized to request that the United States Postal Service locate and/or construct a post office in the Town of Kimball, Tennessee.
2. That the Town of Kimball, Tennessee is further authorized to participate in negotiations for the acquisition of any property and/or structure that are necessary so as to aid in the location and/or construction of said Post Office.
3. That the Town of Kimball, Tennessee is further authorized to provide any sums of money it deems reasonable and necessary to effectuate the purposes of this resolution.

RESOLVED, this the 6th day of May, 2004.

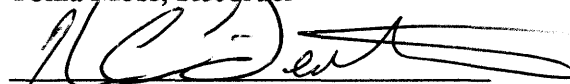
Signed:


David Jackson, Mayor

Attested:


Tonia Moss, Recorder

Approved as to form:


Kevin L. Featherston, Town Attorney

RESOLUTION NO. 2004-10

**A RESOLUTION AUTHORIZING A CHANGE IN THE
RETIREMENT PLAN OF THE TOWN OF KIMBALL, TENNESSEE**

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its charter and the statutes of the State of Tennessee; and

WHEREAS, under said charter, and the ordinances passed thereunder, the Town of Kimball, Tennessee has elected to provide retirement benefits as part of its cafeteria plan for its employees; and

WHEREAS, the Town of Kimball, Tennessee is currently providing a retirement plan through ERISA Services, Inc. and Prudential Retirement Services, and

WHEREAS, the Mayor and Board of Aldermen have elected to change the retirement benefits offered and make available the Tennessee Consolidated Retirement System;

WHEREAS, the Mayor and Board of Aldermen had voted to increase the match amount by the Town from three percent (3%) to four percent (4%); and

WHEREAS, the Mayor and Board of Aldermen have decided that the cut off for the current plan should be the end of the fiscal year, June 30, 2004.

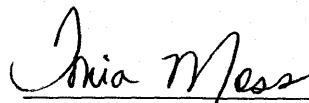
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen that the Town's match to the employees' retirement plan for the fiscal year 2003-2004 shall be raised from three percent (3%) to four percent (4%).

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that it will terminate its retirement plan with ERISA Services, Inc. and Prudential Retirement Services as of June 30, 2004.



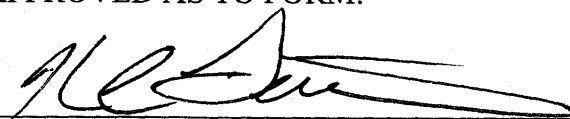
DAVID JACKSON, MAYOR

ATTEST:



Tonia Moss, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NO. 2004-11

**A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO
OPT OUT OF THE SOCIAL SECURITY TAX EXEMPTIONS
AS PROVIDED FOR IN THE SOCIAL SECURITY ACT
CODIFIED IN 42 U.S.C. §401 *et seq.***

WHEREAS, the Town of Kimball, Tennessee is a municipality chartered and organized under the laws of the State of Tennessee; and

WHEREAS, the Social Security Act, codified as 42 U.S.C. §401 *et seq.* allows exemptions from social security tax for certain employees of municipalities, such as the Town of Kimball, Tennessee; and

WHEREAS, since its incorporation, the Town of Kimball, Tennessee has opted out of the provisions that exempts its employees from social security taxation as provided in said statutes; and

WHEREAS, there is no official adoption of this policy that can be located in the archives of the Town of Kimball, Tennessee; and

WHEREAS, in order clarify the record, the Mayor and Board of Aldermen feel that it is in the best interest of the town to adopt this resolution to clarify the position of the town regarding the Social Security Act.

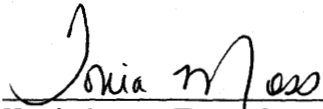
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, that its employees shall be subject to the Social Security Tax as provided in the Social Security Act codified in 42 U.S.C. §401 *et seq.* and that Town opts out of the exemptions provided in said acts.

RESOLVED, this the 1st day of July, 2004.




DAVID JACKSON, MAYOR

ATTEST:



Tonia Moss, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

THREE-YEAR CAPITAL OUTLAY NOTES

RESOLUTION 2004-12

RESOLUTION OF THE GOVERNING BODY OF
KIMBALL, TENNESSEE, AUTHORIZING
THE ISSUANCE, SALE, AND PAYMENT OF
Land CAPITAL OUTLAY NOTES
NOT TO EXCEED \$ 300,000.00

WHEREAS, the Governing Body of KIMBALL, Tennessee (the Local Government) has determined that it is necessary and desirable to provide funds for the following public works project (the "Project"): The purchase of 89 acres for future use as a park, sewer filtration plant and/or water treatment plant or any combination of the above.

(If multiple projects are involved, attach separate sheet identifying each project, its estimated economic life, and the portion of the Notes to be applied to the cost of such project ;) and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of KIMBALL, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed Three Hundred Thousand Dollars (\$ 300,000.00) (the "Notes") at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "Land Capital Outlay Notes, Series 20", shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination (s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed Four percent (4 %) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least 20 years. Provided, however, that each year the Notes are outstanding, one sixth (1/6), but in no event not less than one-

ninth (1/9), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local government over and above all other taxes authorized by the Local government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

If applicable, the Notes shall be further secured by sales tax revenues

(If the revenues generated by Project are to be applied as additional security for the Notes, describe such revenues here.)

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the Treasurer with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Treasurer of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the Treasurer of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form attached hereto and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. That, the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.

Section 9. That, the notes are hereby designated as qualified tax-exempt obligations for purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the "Director".) The budget shall be kept balanced during the life of the notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

Section 11. That, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State Director of Local Finance.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

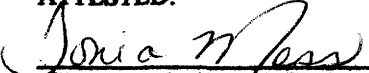
Duly passed and approved this 23rd day of August, 2004





(Local Government Chief Executive)

ATTESTED:



(City Recorder/County Clerk)

RESOLUTION NO. 2004-13

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL, TENNESSEE TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL ("SAFETY PARTNERS") LOSS CONTROL MATCHING GRANT PROGRAM

WHEREAS, the safety and well-being of the employees of the Town of Kimball, Tennessee is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the employees of the Town of Kimball, Tennessee; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a "Safety Partners" Loss Control Matching Grant program; and

WHEREAS, the Town of Kimball, Tennessee now seeks to participate in this important program.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, the following:

SECTION 1. That the Town of Kimball, Tennessee is hereby authorized to submit an application for a "Safety Partners" Loss Control Matching Grant to the TML Risk Management Pool.

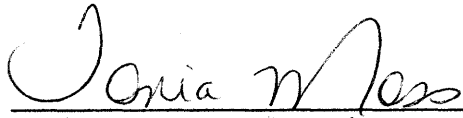
SECTION 2. That the Town of Kimball, Tennessee is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

RESOLVED this the 2nd day of September, 2004.




DAVID JACKSON, MAYOR

ATTEST:



Tonia Moss, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

**A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL, TENNESSEE TO
APPLY FOR A GRANT FROM THE TRANSPORTATION ENHANCEMENT
PROGRAM FOR THE FISCAL YEAR 2005**

WHEREAS, the Tennessee Department of Transportation receives funds from the Federal Highway Administration for the Transportation Enhancement Program activities; and

WHEREAS, the Tennessee Department of Transportation makes those funds available to municipalities for use in the development of various transportation enhancements including but not limited to improvement of the pedestrian and vehicular traffic within the State of Tennessee; and

WHEREAS, the Town of Kimball, Tennessee is constantly seeking to improve both the vehicular and pedestrian traffic within the municipal limits of the Town; and

WHEREAS, the Mayor and Board of Aldermen have determined that it is in the best interest of the Town of Kimball to apply for this grant and to use said funds as necessary for the safety and wellbeing of the residents of the Town of Kimball, Tennessee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that the Mayor be and hereby is authorized to submit an application on behalf of the Town of Kimball for an award under the 2005 Transportation Enhancement Program sponsored by the Tennessee Department of Transportation.

RESOLVED this 2nd day of September, 2004.



DAVID JACKSON, MAYOR

ATTEST:



Tonia Moss, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

THREE -YEAR CAPITAL OUTLAY NOTES

RESOLUTION 2004-15

RESOLUTION OF THE GOVERNING BODY OF
KIMBALL, TENNESSEE, AUTHORIZING

THE ISSUANCE, SALE, AND PAYMENT OF
Police Car CAPITAL OUTLAY NOTES

NOT TO EXCEED \$ 200,000.00

WHEREAS, the Governing Body of KIMBALL, Tennessee (the Local Government) has determined that it is necessary and desirable to provide funds for the following public works project (the "Project"): The purchase of 8 - 2005 Ford Crown Victoria Police Sedans to be used by patrolmen within the town.

(If multiple projects are involved, attach separate sheet identifying each project, its estimated economic life, and the portion of the Notes to be applied to the cost of such project ;) and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of KIMBALL, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed Two Hundred Thousand Dollars (\$ 200,000.00) (the "Notes") at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "Police Cars Capital Outlay Notes, Series 2004", shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination (s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed Four percent (4 %) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least 5 years. Provided, however, that each year the Notes are outstanding, one-sixth (1/6), but in no event not less than one-

ninth (1/9), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local government over and above all other taxes authorized by the Local government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

If applicable, the Notes shall be further secured by sales tax revenues

(If the revenues generated by Project are to be applied as additional security for the Notes, describe such revenues here.)

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the Treasurer with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Treasurer of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the Treasurer of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form attached hereto and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. That, the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.


Section 9. That, the notes are hereby designated as qualified tax-exempt obligations for purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

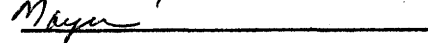
Section 10. That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the "Director".) The budget shall be kept balanced during the life of the notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

Section 11. That, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State Director of Local Finance.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

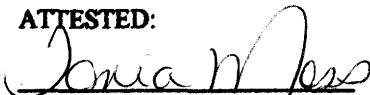
Duly passed and approved this 2nd day of September, 2004





(Local Government Chief Executive)

ATTESTED:



(City Recorder/County Clerk)

Resolution
2004-16

Tonia Moss

From: KFeatherston [KFeatherston@mwgfirm.com]
Sent: Thursday, November 04, 2004 10:01 AM
To: Tonia Moss
Subject: RE: resolution

I decided we didn't need one

From: Tonia Moss [mailto:tmoss@townofkimball.com]
Sent: Thursday, November 04, 2004 10:52 AM
To: KFeatherston
Subject: FW: resolution

-----Original Message-----

From: Tonia Moss [mailto:tmoss@townofkimball.com]
Sent: Thursday, November 04, 2004 9:44 AM
To: 'KFeatherston@mwg.com'
Subject: resolution

Do you have a copy of the Halloween resolution?

Also did you review the info on the cars?

11/5/2004

RESOLUTION NO. 2004-17

**A RESOLUTION TO ALLOW THE CASH IN OR
TRANSFER OF EMPLOYEES' 457 BENEFITS**

WHEREAS, the Town of Kimball, Tennessee is a municipality chartered and organized under the laws of the State of Tennessee; and

WHEREAS, the Town of Kimball, Tennessee has provided certain retirement benefits to its employees throughout the years; and

WHEREAS, the Town of Kimball, Tennessee has recently switched all of its retirement services to the Tennessee Consolidated Retirement System; and

WHEREAS, as a result of the transfer, all benefits currently being provided or held for the employees has to be transferred to the new plan; and

WHEREAS, Prudential Financial currently provides the 457 Plan benefits for the employees; and

WHEREAS, Prudential Services has requested a resolution authorizing the employees to cash in or transfer their assets contained in the 457 Plan.

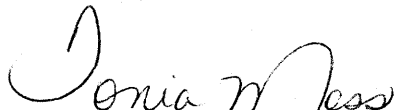
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that the employees of the Town of Kimball, Tennessee may cash in or transfer all of their benefits out of the 457 Plan provided by Prudential Financial at their discretion.

RESOLVED, this the 4th day of November, 2004.



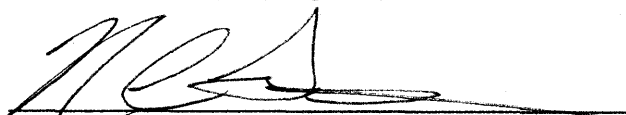
DAVID JACKSON, MAYOR

ATTEST:



Tonia Moss, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NO. 2005-01

**A RESOLUTION IN SUPPORT OF LEGISLATION
DELAYING OR ELIMINATING THE IMPLEMENTATION OF
THE STATE'S STREAMLINE SALES TAX LEGISLATION**

WHEREAS, the Legislature of the State of Tennessee, in 2003, joined with several other states in adopting legislation supporting the Multi-State Streamlined Sales Tax Project which had a quasi uniform framework for taxation that would eliminate wide variations of state tax law among all states that conform to the common framework; and

WHEREAS, the University of Tennessee Center for Business and Economic Research, in collaboration with the Tennessee Department of Revenue, has concluded a study on how the Streamlined Sales Tax System would impact local government revenues if the legislation is implemented July 1, 2005, as provided by the current law; and

WHEREAS, the Board of Mayor and Aldermen have reviewed the study and have determined that the Town of Kimball, Tennessee could lose in excess of \$200,000 in sales tax revenue as a result of the current legislation; and

WHEREAS, Senate Bill 731, House Bill 2088, and other legislation, have been submitted in an effort to delay implementation of Streamlined Sales Tax Legislation until 2008 or until the United States Congress acts to assist the States in the lost revenue as a result of internet sales; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interest of the Town to support Senate Bill 731, House Bill 2088 and other such legislation, in an attempt to delay or defeat implementation of the new Streamlined Sales Tax Legislation.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that it shall support all efforts taken by the House and Senate of the State of Tennessee to delay or overturn the Streamlined Sales Tax Legislation set to be implemented on July 1, 2005. It is in the manifest best interest of all municipalities that this legislation that would significantly reduce sales tax revenue be delayed pending further study or actions of Congress or withdrawn in its entirety.

RESOLVED, this the 3rd day of March, 2005.




DAVID JACKSON, MAYOR

ATTEST:



Tonia Moss, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

**A RESOLUTION TO REQUEST THE STATE OF TENNESSEE
TO WIDENED HIGHWAY 72, 64, AND 41**

WHEREAS, highway 72/64/41 runs between the Town of Kimball, Tennessee, and the Town of Jasper, Tennessee, located in Marion County, Tennessee; and

WHEREAS, there has been significant residential and commercial growth in the towns of Kimball and Jasper causing the traffic on highway 72, 64, and 41 to increase substantially; and

WHEREAS, said highways 72/64/41 is for the most part a two lane highway of 3.4 miles from the Kimball Town Hall to the Town Creek Bridge in Jasper; and

WHEREAS, numerous traffic studies have been conducted that show the road is insufficient for the amount of vehicular traffic thereon, and

WHEREAS, the Town of Kimball, the Town of Jasper, and Marion County have determined that it is in the best interest of all the residents that the State increase the size roadway from two lanes to five lanes; and

WHEREAS, the Mayors referenced above believe that this is an important project for the area's economical development as well as the safety the citizens.

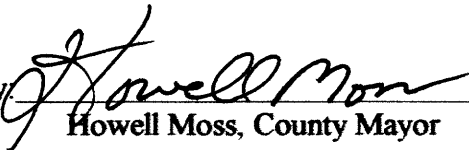
THEREFORE, be it hereby resolved by the Mayors and Boards of Alderman of the towns of Kimball and Jasper, Tennessee, and the Mayor and County Commissioners of Marion County, Tennessee, that the State of Tennessee is hereby requested, for the reasons set forth particularly above, to widen Highways 72/64/41, from its current two lanes to five lanes.

The resolution effective as of the 26th day of September, 2005 as evidenced by the following signatures after adoption by all necessary boards and commissions.

MARION COUNTY

Signed:

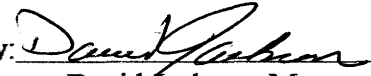
By:


Howell Moss, County Mayor

KIMBALL

Signed:


By:


David Jackson, Mayor of Kimball

JASPER

Signed:

By:


Billy Simpson, Mayor of Jasper

Resolution No. 2005-03

**A Resolution to Adopt the
National Incident Management System**

WHEREAS, emergency response to critical incidents, whether natural or manmade, requires integrated professional management; and

WHEREAS, unified command of such incidents is recognized as the management model to maximize the public safety response; and

WHEREAS, the National Incident Management System (NIMS) has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions; and

WHEREAS, failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies; now, therefore:

Be it resolved by the Town of Kimball

SECTION 1. The Town of Kimball adopts the NIMS concept of emergency planning and unified command.

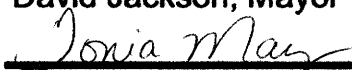
SECTION 2. In furtherance of NIMS, it is the policy of this the Town of Kimball to train public officials and employees responsible for emergency management.

SECTION 3. Directs that incident managers and response organizations in our jurisdiction train and exercise the ICS and use it in their response operations.

RESOLVED, this the 8th day of September, 2005.



David Jackson, Mayor



Tonia May, Recorder

RESOLUTION NO. 2005-04

**A RESOLUTION FOR THE USE OF THE POWER OF EMINENT DOMAIN
TO CONDEMN PROPERTY LOCATED IN THE KIMBALL CROSSING
SHOPPING PLAZA AT THE END OF DIXIE LEE CENTER ROAD**

WHEREAS, the Town of Kimball, Tennessee has continued to grow in both in residential and its commercial developments at a rapid pace; and

WHEREAS, a new road, Dixie Lee Center Road, has been built and is to be dedicated to the Town of Kimball, Tennessee as a public roadway; and

WHEREAS, as currently designed, Dixie Lee Center Road would dead end at a point where it abuts property owned by Excel Realty Partners, L.P. in the Kimball Crossing Shopping Center; and

WHEREAS, the Board of Mayor and Aldermen are concerned that dead-ending the road would cause numerous safety issues, traffic flow issues, and other matters; and

WHEREAS, the Town has attempted to negotiate a resolution of the matter with Excel Realty Partners, L.P. but has been unsuccessful in doing so; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interest of the public and citizens of the Town of Kimball, Tennessee for their to be free-flowing traffic between the two commercial developments in that area; and

WHEREAS, for the public purpose of improving traffic flow, providing for adequate safety and emergency response, along with economic development and enhancement of the Town, the Board of Mayor and Aldermen have decided to condemn the property described in Exhibit A with the use of the eminent domain powers granted to the Town under the Statutes of the State of Tennessee, said parcel of property being of significant size sufficient to include the curbing located between the two properties so that Dixie Lee Center Road will have access to the Kimball Crossing Shopping Plaza across the entrance road and easements that currently exist therein.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Town of Kimball, Tennessee shall condemn through the use of eminent domain the parcel of property located within the boundaries of the Kimball Crossing Shopping Plaza sufficient to remove the curb as it currently exists, said property is more particularly described in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the Town has agreed to pay a sum of Five Thousand Dollars (\$5,000), or such sums as ordered by the Circuit Court of Marion County, Tennessee, as the fair market value of the property it is hereby taking for public purposes.

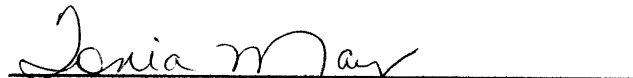
BE IT FURTHER RESOLVED that the Town Attorney is to immediately begin proceedings to effectuate the acquisition of the property.

RESOLVED, this the 6th day of October 2005.



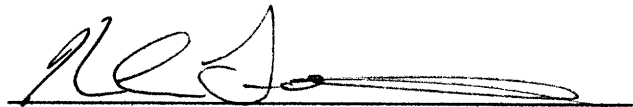
DAVID JACKSON, MAYOR

ATTEST:



Tonia May, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NUMBER 2006-01

RESOLUTION TO ESTABLISH AN OCCUPATIONAL SAFETY AND HEALTH PROGRAM, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Town of Kimball, Tennessee hereby establishes the "Occupational Safety and Health Program for the employees of the Town of Kimball, Tennessee."

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN that there be and is hereby created an occupational safety and health program for the employees of the Town of Kimball, Tennessee as follows:

TITLE:

This section shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the Town of Kimball, Tennessee.

PURPOSE:

The Board of Mayor and Aldermen for the Town of Kimball, Tennessee, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
 - a) Top Management Commitment and Employee Involvement;
 - b) Continually analyze the worksite to identify all hazards and potential hazards;
 - c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

- 6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- 7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program.

COVERAGE:

The provisions of the Occupational Safety and Health Program for the employees of the Town of Kimball, Tennessee shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Kimball, Tennessee whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

The occupational safety and health standards adopted by the Board of Mayor and Aldermen are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 5).

VARIANCES FROM STANDARDS AUTHORIZED:

The Board of Mayor and Aldermen may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Chapter 0800-1-2, as authorized by T.C.A., Title 5. Prior to requesting such temporary variance, the Board of Mayor and Aldermen shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the Town of Kimball, Tennessee shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this resolution, the Vice Mayor is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer said plan. The Director shall develop a plan of operation for the program and said plan shall become a part of this resolution when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

FUNDING THE PROGRAM:

Sufficient funds for administering and staffing the program pursuant to this resolution shall be made available as authorized by the Board of Mayor and Aldermen.

SEVERABILITY:

BE IT FURTHER RESOLVED that if any section, sub-section, sentence, clause, phrase, or portion of this resolution 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.

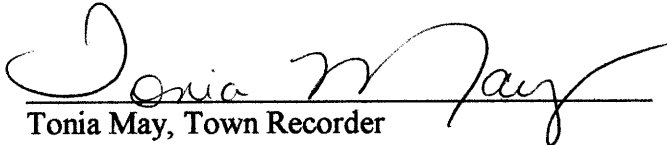
AMENDMENTS, ETC:

BE IT FURTHER RESOLVED that this resolution shall take effect from and after the date it shall have been passed by the Board of Mayor and Aldermen, properly signed, certified, and has the general welfare of the Town of Kimball, Tennessee requiring it.


RESOLVED, this the 5th day of January 2006.


DAVID JACKSON, MAYOR

ATTEST:


Tonia May, Town Recorder

APPROVED AS TO FORM:


Kevin L. Featherston
Attorney for the Town of Kimball

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH
PROGRAM FOR THE EMPLOYEES OF KIMBALL, TENNESSEE**

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of Kimball, Tennessee.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Mayor and Board of Aldermen in electing to update and maintain an effective occupational safety and health program for its employees will:

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. "COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT" means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. "EMPLOYER" means the Town of Kimball, Tennessee and includes each administrative department, board, commission, division, or other agency of the Town of Kimball, Tennessee.
- c. "DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH" or "DIRECTOR" means the person designated by passing the resolution, to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of Kimball, Tennessee.
- d. "INSPECTOR(S)" means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspectors) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. "APPOINTING AUTHORITY" means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.
- f. "EMPLOYEE" means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. "PERSON" means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.
- h. "STANDARD" means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. "IMMINENT DANGER" means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

- j. "ESTABLISHMENT" or "WORKSITE" means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. "SERIOUS INJURY or HARM" means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced inefficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. "ACT" or TOSHAct" shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. "GOVERNING BODY" means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. "CHIEF EXECUTIVE OFFICER" means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employer's place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying

or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. **EMPLOYEE'S RIGHTS AND DUTIES**

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for

by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
 - 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, responsibilities under this program.
 - 2. The Director may delegate the power to make inspections, provided procedure employed are as effective as those employed by the Director.
 - 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the

variance. An order granting a variance shall be issued only if it has been established that:

1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
 - e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
 - f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, **RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 1978)** or as may be prescribed by the Tennessee Department of Labor and Workforce Development.
- b. The position responsible for recordkeeping is shown on the **SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.**
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by **ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.**

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the conditions) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the conditions) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the conditions), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working day
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the conditions) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the conditions) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

a. Director and/or Compliance Inspectors):

1. Arrangements will be made for the Director and/or Compliance Inspectors) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. "Confined or enclosed space" means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.

- ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspectors), if appointed, is authorized:
 - 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 - 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operations) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
- i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 - 2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Director describing in detail the imminent danger and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Director and/or Chief Executive Officer immediately.
 2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspectors) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location, referred to in the abatement order.

- b. Abatement orders shall contain the following information:
 - 1. The standard, rule, or regulation which was found to violated.
 - 2. A description of the nature and location of the violation.
 - 3. A description of what is required to abate or correct the violation.
 - 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 - 1. Oral reprimand.
 - 2. Written reprimand.
 - 3. Suspension for three (3) or more working days.
 - 4. Termination of employment.

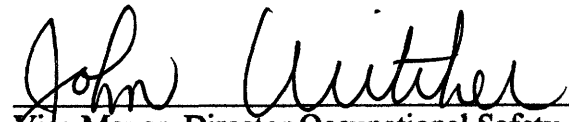
XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (resolution, ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program.

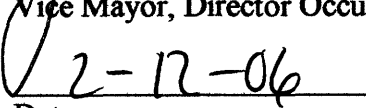
Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, resolution, or executive order, as applicable, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, resolution, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, resolution, or executive order, as applicable, is specifically repealed.



Vice Mayor, Director Occupational Safety and Health



Date

OCCUPATIONAL SAFETY AND HEALTH PLAN

APPENDIX IV

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that Kimball, Tennessee has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program and to comply with standards.

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN - APPENDIX I

ORGANIZATIONAL CHART

{For this section make a list of each work location wherein county employees work, such as Street Department, Fire Department, Courthouse, Jail, Sheriffs Department, Schools, etc., the address for the workplace, phone number at that workplace, and number of employees who work there. }

Example:

Police Department - 9 employees

695 Main Street

Kimball, TN 37347

Town Hall Office Staff 3 employees

675 Main Street

Kimball, TN 37347

Maintenance Department Staff 6 employees

649 Main Street

Kimball, TN 37347

TOTAL NUMBER OF EMPLOYEES: 18 employees

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN - APPENDIX III

NOTICE TO ALL EMPLOYEES OF KIMBALL, TENNESSEE.

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee's workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage, any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Director.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Board of Mayor and Aldermen for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of Kimball, Tennessee is available for inspection by any employee at the Kimball Town Hall during regular office hours.


David Jackson, Mayor

2.6.06
Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

ACCIDENT REPORTING PROCEDURES-APPENDIX V

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on workers' compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Fill out the Occupational Injury/Illness Survey and mail it to Labor Research and Statistics when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

(1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, after their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.

(16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by

telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.

(51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers' Compensation Form C20 or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.

4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

RESOLUTION NUMBER 2006-02

RESOLUTION AUTHORIZING THE TOWN OF KIMBALL, TENNESSEE TO ENTER INTO AN AGREEMENT TO SET ASIDE ITS REVENUES FROM THE PROPOSED INCREASE OF THE LOCAL OPTION SALES TAX FROM 2.25% TO 2.75% FOR CAPITAL IMPROVEMENTS TO THE MARION COUNTY SCHOOL SYSTEM

WHEREAS, the Marion County Board of Education has advised the County Commission of Marion County, Tennessee that a school building program is now necessary; and

WHEREAS, such school building program will benefit all Marion County citizens; and

WHEREAS, the County Commission believes it is essential that all Cities/Towns in Marion County cooperate in funding such school building program; and

WHEREAS, the County Commission desires that the property owners of Marion County not bear an excessive burden in order to fund such school building program; and

WHEREAS, the County Commission desires to raise the local option sales tax rate from the current rate of 2.25% to 2.75% to fund the school building program; and

WHEREAS, the County Commission adopted a Resolution on November 28, 2005, calling for a referendum on the question of whether such sales tax rates shall be increased; and

WHEREAS, the County Commission has requested that the Town of Kimball commit its share of revenue realized from the proposed sales tax rate increase to the purpose(s) of capital improvements to the Marion County School System; and

WHEREAS, the Town of Kimball has agreed to commit said additional revenues for the purpose(s) and projects requested by the County Commission if and only if a contract is signed by all Cities/Towns in Marion County, Marion County, and the Marion County Board of Education upon such terms and conditions as the Town of Kimball deems advantageous to its citizens.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee meeting this 12th day of January, 2006, in regular session, that:

- (1) The Town of Kimball agrees to set aside its revenues from the proposed increase in the local option sales tax rate from 2.25% to 2.75% for capital improvements to the Marion County school system provided a contract is signed by all Cities/Towns in Marion County, Marion County, and the Marion County Board of Education upon such terms and conditions as the Town of Kimball deems advantageous to its citizens.

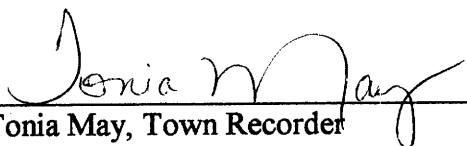
- (2) A copy of this resolution shall be spread upon the minutes of the meeting by the Secretary and provided to the County Commission and County Mayor as evidence of the Board's commitment of said revenues.
- (3) This resolution shall take effect upon adoption, the general welfare requiring it.

Adopted this the 12th of January, 2006.


TOWN OF KIMBALL, TENNESSEE

By: 
David Jackson, Mayor

ATTEST:


Tonia May, Town Recorder

APPROVED AS TO FORM:


Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION 2006-03

A Resolution to Approve the Marion County Growth Plan October 2005

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Marion County, Tennessee was developed and recommended by the Marion County Coordinating Committee, ratified by all local governments in Marion County, and became effective in June, 2000 upon its approval by the Local Government Planning Advisory Committee; and

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104 (d)(1), an approved Growth Plan is to stay in effect for not less than three years, absent a showing of extraordinary circumstances; and

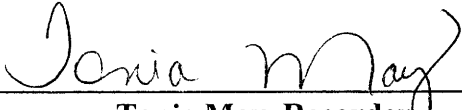
WHEREAS, said three year period has expired and the Marion County 20-Year Growth Plan can be amended, provided that Tennessee Code Annotated 6-58-101 (d)(1) requires that procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original plan; and

WHEREAS, the City of South Pittsburg has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the South Pittsburg Urban Growth Boundary, with said amendments having been duly introduced by South Pittsburg, then considered and recommended by the Marion County Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104;

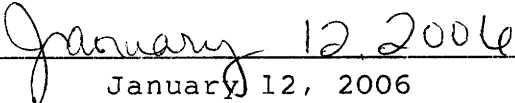
NOW, THEREFORE, BE IT RESOLVED that the **Board of Mayor and Alderman of Kimball Tennessee** hereby ratifies the amended Marion County Growth Plan, now entitled "20 Year Growth Plan, Marion County, Tennessee, October, 2005", as recommended by the Marion County Coordinating Committee.



David Jackson, Mayor



Tonia May, Recorder



January 12, 2006

RESOLUTION NUMBER 2006-04

**RESOLUTION AUTHORIZING THE TOWN OF KIMBALL, TENNESSEE
TO SET A FEE FOR THE COPYING OF POLICE DVD RECORDINGS**

WHEREAS, the Kimball Police Department utilizes DVD video recording in its police cars to aid in carrying out its functions within the Town of Kimball, Tennessee; and

WHEREAS, many parties including but not limited to the District Attorney's office, the Public Defender's office, attorneys, residents of the Town of Kimball, and other people request copies of the DVD's for use in various aspects of civil and criminal investigations; and

WHEREAS, the Board of Mayor and Aldermen have determined that there is a substantial amount of time and cost involved in producing said DVD copies; and

WHEREAS, the Board of Mayor and Aldermen have determined that a charge of \$25.00 for copies of said DVD's is reasonable in lieu of the time and expense involved in producing said copies; and

WHEREAS, the Board of Mayor and Aldermen have determined that certain individuals, namely the District Attorney's office, Public Defender's office, and citizens of Kimball should not be required to pay these charges, as the District Attorney's office and Public Defender's office are agencies of the county and State of Tennessee and citizens of Kimball pay taxes for the services provided.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee:

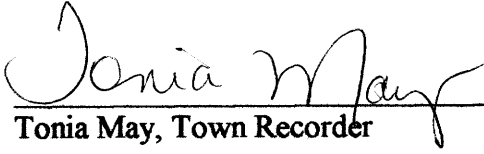
- (1) That there shall be a charge of \$25.00 for copies of any police recordings on DVD to be paid at the time the DVD is requested.
- (2) That the District Attorney's office, Public Defender's office or citizens of Kimball are not required to pay the \$25.00 fee.

Adopted this the 2nd day of March, 2006.

TOWN OF KIMBALL, TENNESSEE

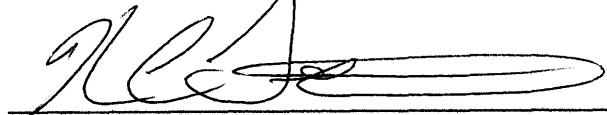
By: 
David Jackson, Mayor

ATTEST:



Tonia May, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NO. 2006-05

A RESOLUTION TO APPROVE THE TOWN OF JASPER'S AMENDMENT TO THE MARION COUNTY 20 YEAR GROWTH PLAN

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Marion County Tennessee was initially developed and recommended by the Marion County Coordinating Committee and approved by the Local Government Planning Advisory Committee in 2000; and


WHEREAS, pursuant to Tennessee Code Annotated 6-58-101 (d) (1), County Growth Plans may be amended provided that the procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original Plan; and

WHEREAS, the City of Jasper has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the Jasper Urban Growth Boundary, with said amendments having been duly introduced by Jasper, then considered and recommended by the Marion County Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104; and

WHEREAS, the Board of Mayor and Aldermen have determined that the Jasper Amended Urban Growth Boundary does not materially interfere with the growth plans of the Town of Kimball Tennessee and that it appears to be in the best in interest of the County as a whole.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Town of Kimball, Tennessee hereby ratifies the amendment of the 20-year Growth Plan of Marion County, Tennessee, as recommended by the Marion County Coordinating Committee on May 30, 2006 but only to the extent of the amendments by the City of Jasper and no further.

RESOLVED, this the 1st day of June 2006.



David Jackson, Mayor

ATTEST:



Tonia May, Town Recorder

RESOLUTION NO. 2006-05

**A RESOLUTION TO APPROVE THE TOWN OF POWELLS CROSSROADS
AMENDMENT TO THE MARION COUNTY 20 YEAR GROWTH PLAN**

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Marion County Tennessee was initially developed and recommended by the Marion County Coordinating Committee and approved by the Local Government Planning Advisory Committee in 2000; and

WHEREAS, pursuant to Tennessee Code Annotated 6-58-101 (d) (1), County Growth Plans may be amended provided that the procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original Plan; and

WHEREAS, the Town of Powells Crossroads has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the Powells Crossroads Urban Growth Boundary, with said amendments having been duly introduced by Powells Crossroads, then considered and recommended by the Marion County Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104; and

WHEREAS, the Board of Mayor and Aldermen have determined that the Powells Crossroads Amended Urban Growth Boundary does not materially interfere with the growth plans of the Town of Kimball Tennessee and that it appears to be in the best in interest of the County as a whole.

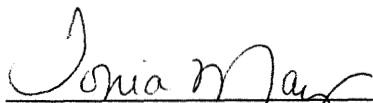
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the Town of Kimball, Tennessee hereby ratifies the amendment of the 20-year Growth Plan of Marion County, Tennessee, as recommended by the Marion County Coordinating Committee in June, 2006 but only to the extent of the amendments by the Town of Powells Crossroads and no further.

RESOLVED, this the 7th day of August 2006.




David Jackson, Mayor

ATTEST:



Tonia May, Town Recorder

APPROVED AS TO FORM:



Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NUMBER 2006-06

A RESOLUTION TO ROUND PROPERTY TAXES, INTERESTS AND PENALTIES IN THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, Tennessee Code Annotated, Section 67-5-101 authorizes the state, counties and municipalities to levy ad valorem property taxes; and

WHEREAS, Tennessee Code Annotated, Section 67-5-102 authorizes the various legislative entities to fix the tax rate within each political subdivision; and

WHEREAS, Tennessee Code Annotated, Section 67-5-103 authorizes municipalities to levy property taxes for municipal purposes; and

WHEREAS, the rounding of property tax amounts to the nearest dollar would simplify and expedite the payment and collection of property taxes; and

WHEREAS, the rounding of property taxes, interests and penalties will not significantly impact the revenues of Kimball, Tennessee; and

WHEREAS, the rounding of property taxes, interests and penalties will be a convenience to the Town's taxpayers; and


WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee desire to authorize the Town Recorder to round the property taxes, interests and penalties to the nearest dollar.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee meeting this 7th day of September, 2006, in regular session, that the Town Recorder of Kimball, Tennessee is hereby authorized to round individual ad valorem property tax amounts and delinquent interests and penalties to the nearest dollar. Such rounding shall be applied uniformly to all property tax bills in the town for real and personal property, whether such property is locally assessed or centrally assessed and shall be accomplished by rounding amounts ending in \$0.01 to \$0.49 down to the nearest dollar and amounts ending in \$0.50 to \$0.99 up to the nearest dollar. Such rounding shall apply to both the tax and any interest and penalty added to the delinquent taxes.

THIS RESOLUTION SHALL be effective for the 2006 tax year and subsequent tax years, the public welfare requiring it.

Adopted this the 7th day of September, 2006.

TOWN OF KIMBALL, TENNESSEE

By: 
David Jackson, Mayor

ATTEST:



Tonia May, Town Recorder

RESOLUTION NO. 2006-07

A RESOLUTION SETTING NEW POLICIES AND PROCEDURES FOR THE HIRING OF FIREMEN BY THE KIMBALL FIRE DEPARTMENT

WHEREAS, the Kimball Fire Department is staffed in most part by volunteer firemen; and

WHEREAS, various rules and court rulings have made municipalities liable for the actions of the firemen; and

WHEREAS, the Board of Mayor and Aldermen have reviewed the Town's files on the Fire Department and found that the policies and procedures for hiring the volunteer fire fighters is inadequate and needs to be updated and formalized; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee have determined that it is in the best interest of the Town to implement the following Policies and Procedures for the hiring any new firemen as well as retroactively require the current firemen to meet these same standards as applicable:

1. All applicants for the position of fireman must be a minimum of 18 years of age.
2. All applicants must fill out an application as prescribed by the Town and shall submit said application directly to the Fire Chief.
3. The Fire chief shall request the Chief of Police to perform a driving and criminal background check on each applicant.
3. Upon completion of the background check the Fire Chief shall interview the applicant and determine whether the applicant should be presented to the whole department for approval.
4. Should the Department approve the applicant by a majority vote, his or her name shall be brought presented to the Board of Mayor and Alderman for approval.
5. Each new applicant approved by the Board of Mayor and Alderman shall be required to pass a physical exam at a doctor chosen by the Town as well as submit to a Drug and Alcohol screen, both tests to be paid for by the Town,.
6. Upon successfully passing the physical and drug screen the applicant may then be issued the necessary equipment by the Chief or one the ranking officers.
7. All firemen must be a minimum of 21 years of age before they may drive any emergency vehicle. All firemen shall attend an emergency driving class and have a minimum 6 hours of driver training by an officer of the department. Documentation of the training shall be maintained at the fire hall and by the Town Recorder.

8. All fireman shall provide a copy of their vehicle insurance coverage and a current copy of insurance on any vehicle driven by each fireman must be maintained by the Town Recorder. Failure to maintain insurance on any vehicle driven by a fireman and/or failing to keep a current copy of said insurance on file with the Town Recorder shall prevent said fireman from responding to any emergency call on behalf of the Town of Kimball.

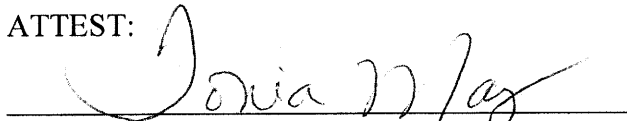
9. All new fireman shall be trained in the capacity that the Fire Chief so determines.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee the above state Policies and Procedures shall be effective upon passage, The Town's welfare requiring it.


RESOLVED, this the 5th day of October, 2006.


DAVID JACKSON, MAYOR

ATTEST:


Tonia Moss, Town Recorder

APPROVED AS TO FORM:


Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION 2007-01

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO ENTER INTO A CHECKING AND SAVINGS ACCOUNT AGREEMENT AND SAFETY DEPOSIT BOX WITH CITIZENS STATE BANK

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have already determined that the Town of Kimball, Tennessee should have Checking and Savings Account Agreement and Safety Deposit Box with Citizens State Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open, sign checks and/or withdraw from any accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, and Alderman Mark Payne should be the authorized signatories on any checking or savings accounts for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said checking or savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town of Kimball has already established checking and savings accounts with Citizens State Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, and Alderman Mark Payne shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including check signatures, deposit and/or withdraw forms.
3. Any two signatures of the above-stated officers shall be required to sign checks, withdraw from or close any checking and savings account of the Town of Kimball, Tennessee.

4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by Citizens State Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.


THIS RESOLUTION APPROVED on this the 4th day of January, 2007.

Signed:



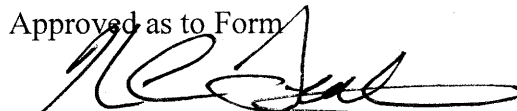
David Jackson, Mayor

Attested:



Tonia May, Town Recorder

Approved as to Form



Kevin L. Featherston, Town Attorney

RESOLUTION 2007-02

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO ENTER INTO A SAVINGS ACCOUNT AGREEMENT WITH FIRST VOLUNTEER BANK

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town of Kimball, Tennessee's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have already determined that the Town of Kimball, Tennessee should enter into a Savings Account Agreement with First Volunteer Bank, a local banking institution; and

WHEREAS, the financial institution requires an agreement setting forth the person or persons authorized to open and/or withdraw from any depository accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, and Alderman Mark Payne should be the authorized signatories on any savings account for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of said savings account.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town of Kimball has already established a savings account with First Volunteer Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John Keef, and Alderman Mark Payne shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents, including deposit and/or withdraw forms.
3. Any two signatures of the above-stated officers shall be required to withdraw from or close any savings account of the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by First Volunteer Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

THIS RESOLUTION APPROVED on this the 4th day of January, 2007.

Signed:



David Jackson, Mayor

Attested:



Tonia May, Town Recorder

Approved as to Form



Kevin L. Featherston, Town Attorney

RESOLUTION 2007-03

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO PURCHASE CERTIFICATES OF DEPOSIT FOR AREA BANKS

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have already determined that the Town of Kimball, Tennessee should purchase certificates of deposit as a means of safeguarding and increasing the Town's revenues; and

WHEREAS, the financial institutions require an agreement setting forth the person or persons authorized to open, and/or withdraw from any said accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that the Town Recorder, Tonia May, shall be authorized to purchase certificates of deposit for the Town pursuant to previously adopted bidding procedures

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor Rance Castle, and the Town Recorder, Tonia May shall be the authorized signatories on the certificates of deposit for the Town of Kimball, Tennessee; and

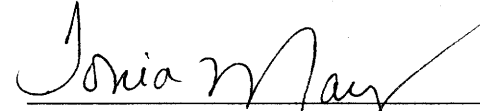
WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of the redeeming of said certificates of deposit and that all checks must be made payable to the Town of Kimball, Tennessee.


NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town of Kimball, by and through the Town Recorder, Tonia May, is hereby authorized to purchase certificates of deposit for the benefit of the Town.
2. Mayor David Jackson, Vice-Mayor Rance Castle, and Town Recorder Tonia May shall be authorized officers of the Town of Kimball, Tennessee to execute all depository documents deposit and/or withdraw forms.
3. Any two signatures of the above-stated officers shall be required to withdraw from or redeem any certificates of deposit owned by the Town of Kimball, Tennessee, and checks issued for redemption shall only be payable to the Town of Kimball, Tennessee

THIS RESOLUTION APPROVED on this the 1st day of February, 2007.

Signed: 
David Jackson, Mayor

Attested: 
Tonia May, Town Recorder

Approved as to Form: 
Kevin L. Featherston, Town Attorney

RESOLUTION 2007-04

**Resolution Requesting Assistance from the State of Tennessee
Governor's Heritage Trust Funds**

WHEREAS, the Governor's Heritage Trust Fund was created to provide flexible and timely capital for the purposes of conserving important lands in the State of Tennessee, in particular within the Cumberland Plateau.

WHEREAS, Bowater will be selling approximately 5,000 acres above the city of Jasper and Kimball in the next month which serves as an important view shed for not only the residents of Marion County but 36,000 motorists on Interstate 24 each day as they enter the South Cumberland Plateau and the Sequatchie Valley.


WHEREAS, Jasper Mountain, one of the most important biological landscapes in the State of Tennessee based on the State Wildlife Action Plan just completed by the TWRA, is also a place where many outdoor recreation memories have been left in the minds of generations of residents of our community.

WHEREAS, it is our understanding that Bowater representatives are currently communicating with local businessmen who live, work, and raise their children in this community to help set aside a portion of the Kelley Tract for a proposed Outdoor Recreation Center open to the public and managed by a Community Development Corporation.

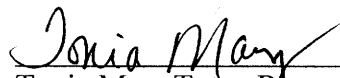
WHEREAS, citizens and residents of Kimball and Marion County are rapidly losing outdoor recreation opportunities due to timber land sales totaling 40,000 acres in less than five years in Marion County.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Mayor and Board of Aldermen of the Town of Kimball, Tennessee, request assistance from the Governor's Heritage Trust Fund to conserve this important landscape in order to insure the protection of our viewshed, provide sound forest and wildlife management, develop an outdoor recreation center that local residents can enjoy for many years to come, as well as create important economic growth through limited residential development.


Signed :


David Jackson, Mayor

Attested:


Tonia May, Town Recorder

Approved as to Form


Kevin L. Featherston, Town Attorney

RESOLUTION 2007-05

RESOLUTION ENCOURAGING BOWATER TO HELP PROTECT THE VIEW-SHED OF MARION COUNTY, JASPER, AND KIMBALL TENNESSEE BY SELLING THEIR PROPERTY TO RESPONSIBLE INVESTORS

WHEREAS, the Town of Kimball, Tennessee believes Fullerton Bluff is a timeless feature of the South Cumberland Landscape, seen on a daily basis by many generations of Kimball and Marion County residents; and

WHEREAS, the residents of Kimball have long enjoyed the outdoor recreation opportunities provided by Bowater's Kelley Tract.


WHEREAS, it is our understanding the Bowater representatives are currently communicating with local businessmen who live, work, and raise their children in this community to help set aside a portion of the Kelley Tract for a proposed Outdoor Recreation Center open to the public and managed by a Community Development Corporation.

WHEREAS, citizens and residents of Kimball and Marion County are rapidly losing outdoor recreation opportunities due to timber land sales totaling 40,000 acres in less than five years in Marion County.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Alderman and the Town of Kimball, Tennessee, encourage Bowater, our long-time corporate citizen, to provide every opportunity to local businessmen to structure a land purchase deal that will insure the protection of our view-shed, provide sound forest and wildlife management, develop an outdoor recreation center that local residents can enjoy for many years to come, as well as create important economic growth through limited residential development.

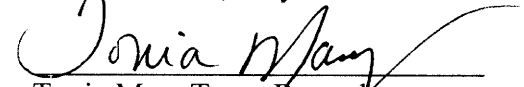
THIS RESOLUTION APPROVED on this the 4th day of February, 2006

Signed:




David Jackson, Mayor

Attested:



Tonia May, Town Recorder

Approve as to Form



Kevin L. Featherston, Town Attorney

RESOLUTION NUMBER 2007-06

**RESOLUTION IN FAVOR OF PRESERVATION OF THE MARION COUNTY
MEMORIAL BRIDGE**

WHEREAS, the Marion County Memorial Bridge was deemed eligible for the National Register of Historic Places under criterion A and criterion C by TDOT historians in 2000; and

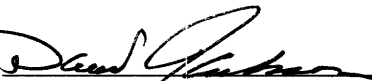
WHEREAS, the bridge is eligible for criterion A for its designation as a toll bridge from 1930 until 1947 by the Tennessee state legislature; and

WHEREAS, it is eligible under criterion C for its architecture, which features two 365-foot Parker trusses and two 140-foot Warren trusses; and

WHEREAS, the Marion County Memorial Bridge is scheduled for replacement in 2008. As a result, the bridge may be threatened by demolition with the construction of a new bridge, if a recipient is not found for its purchase and acceptance of liability and maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Mayor and Aldermen of the Town of Kimball, Tennessee meeting this 4th day of January, 2007, in regular session, that it supports the preservation and nomination of the Marion County Memorial Bridge to the National Register of Historic Places so that it may possibly prevent demolition to the historic bridge.


TOWN OF KIMBALL, TENNESSEE

By: 
David Jackson, Mayor

ATTEST:


Tonia May, Town Recorder

APPROVED AS TO FORM:


Kevin L. Featherston
Attorney for the Town of Kimball

RESOLUTION NO. 2007-07

**RESOLUTION REGARDING
SB1933 / HB1421 THE "COMPETITIVE CABLE AND VIDEO SERVICES ACT"**

WHEREAS, the U.S. Congress established procedures and standards in order to foster competition and encourage the growth and development of cable systems, assure that cable systems are responsive to the needs and interests of the local community, assure that cable companies provide and are encouraged to provide the widest possible diversity of services to all, and provide for the orderly renewal of cable television franchises; and

WHEREAS, the U.S. Congress, having determined that local governments are best suited to decide what is in the best interest of the citizens of their respective city, town or county, granted cable franchising authority to local governments; and

WHEREAS, municipalities across America have the legal right to enter into non-exclusive cable and video franchise agreements with cable and telephone companies; and

WHEREAS, municipalities welcome competition in the cable industry and stand ready to negotiate franchise agreements with cable and video operators in a timely fashion; and

WHEREAS, the "Competitive Cable and Video Service Act" is premised on the erroneous and unsubstantiated assertion that local governments and the local cable franchising process impedes competition among cable and video providers; and

WHEREAS, the existence of more than 600 cable franchise agreements that cable and telephone companies have entered into with local governments in Tennessee provides clear and convincing evidence that such assertions are baseless; and

WHEREAS, this legislation, under the guise of increased consumer access and choice, is simply an attempt by a corporate giant to bypass the local cable franchise process and unjustly gain advantages in its competitive fight with other cable and telephone companies that have duly and lawfully adhered to the congressionally authorized local cable and video franchising process and entered into more than 600 local cable franchise agreements with local governments in the state; and

WHEREAS, the local franchising process in Tennessee has benefited consumers and municipalities by ensuring that cable and video operators respond to local needs and interests; and

WHEREAS, these benefits include, but are not limited to, locally imposed and enforceable customer service standards; build out requirements that ensure cable operators serve the entire community; provision of public, educational and governmental ("PEG") access channels; complimentary cable and Internet service to public buildings and community facilities; municipal management of the public rights-of-way; and franchise fee revenues for use of the public rights-of-way; and

WHEREAS, the Tennessee General Assembly is considering legislation that would effectively eliminate the process by which local governments establish and enforce requirements that protect its citizens and ensure that all residents are assured access to cable or video service; prohibit the state and local governments from enacting any consumer quality and service

protection standards; greatly minimize local governments' enforcement of customer service standards; significantly reduce PEG channel obligations, including local control and PEG support; abolish the granting of complimentary services; and limit local authority over the public rights-of-way; and reduce franchise fees paid to local governments for use of the public rights-of-way; and

WHEREAS, such legislation would radically alter the regulatory framework for cable operators that has been in place for decades, allow cable and video providers to "cherry pick" the most profitable neighborhoods and customers, and impede local governments' ability to protect their citizens and provide for the needs and interests of their communities; and

WHEREAS, the affect of such legislation would undermine congressional intent regarding the provision of cable and video service; and


WHEREAS, the U.S. Congress considered and rejected similar legislation last year;

NOW THEREFORE BE IT RESOLVED, that the Board of Mayor and Aldermen of the Town of Kimball, Tennessee hereby opposes the "Competitive Cable and Video Services Act" currently being considered by the Tennessee State Legislature and the United States Congress; and

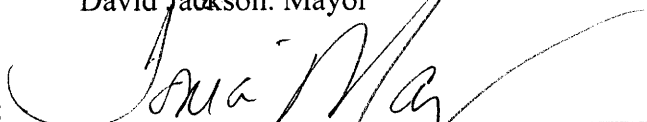
BE IT FURTHER RESOLVED that the Town of Kimball, Tennessee will send this resolution to all the members of the 105th Tennessee General Assembly, the Tennessee Congressional delegation, and the two U.S. Senators from Tennessee.

THIS RESOLUTION APPROVED on this the 5th day of April, 2007.

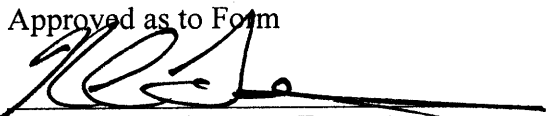
Signed:


David Jackson, Mayor

Attested:


Tonia May, Town Recorder

Approved as to Form


Kevin L. Featherston, Town Attorney

RESOLUTION NO. 2007-08

A RESOLUTION REQUESTING AT&T (FORMERLY BELL SOUTH) TO ENTER INTO CABLE FRANCHISE NEGOTIATIONS IN THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, AT&T (formerly BellSouth) submitted legislation for filing with the 104th Tennessee General Assembly on February 16, 2006, which was designated as Senate Bill 3210, and submitted substantially similar legislation in the 105th Tennessee General Assembly on February 14, 2007, which has been designated as Senate Bill 1933 and House Bill 1421; and

WHEREAS, this legislation would allow cable and telephone companies to bypass local governments and the local cable and video franchising process; and

WHEREAS, media reports have quoted AT&T officials as saying that the local franchise process is an impediment to competition; and

WHEREAS, the last application(s) for a cable franchise with this Town took approximately 3 months from application to approval; and

WHEREAS, the current cable franchising system has served the Town of Kimball well by ensuring the Town can protect its citizens, preserve its authority and that cable companies cannot "cherry pick" their customers; and

WHEREAS, additional Public, Education, and Government access venues would be of great value to the Town of Kimball; and

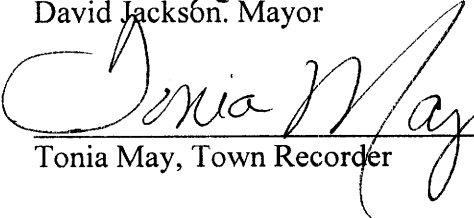
WHEREAS, based on Town of Kimball's track record, AT&T could have already had their application for a franchise approved had they applied when they filed their legislation.


NOW THEREFORE BE IT RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee as follows:

1. That the Town of Kimball, Tennessee hereby goes on record as requesting AT&T to enter into negotiations for a local cable franchise in the That the Town of Kimball, Tennessee.
2. The Town Recorder is directed to send a copy of this Resolution to Mr. Marty Dickens, president of AT&T in Tennessee, and to each State Senate and House member representing the citizens of Kimball in the Tennessee General Assembly.

THIS RESOLUTION APPROVED on this the 5th day of April, 2007.

Signed: 
David Jackson, Mayor

Attested: 
Tonia May, Town Recorder

Approved as to Form

Kevin L. Featherston, Town Attorney

ed

RESOLUTION NO. 2007-09

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL, TENNESSEE TO SIGN A PROPOSAL WITH TENNESSEE DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 58007-2224-14

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, the State of Tennessee Department of Transportation has requested the Town of Kimball, Tennessee to Authorize the Proposal to construct a project designated as Federal Project No. NH-27(45); State Project No. 58007-2224-14; that is described as S.R. 27 (US 72) Interchange at I-24, Grade, Drain and Paving, in the Town of Kimball; and

WHEREAS, the Town of Kimball agrees to cooperate with the State of Tennessee Department of Transportation as set forth in the proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

WHEREAS, the Mayor and Board of Aldermen have determined that it is in the best interests of the Town of Kimball to enter into this agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Mayor, David Jackson, is hereby authorized to enter into the proposal with the State of Tennessee Department of Transportation Federal Project No. NH-27(45); State Project No. 58007-2224-14.

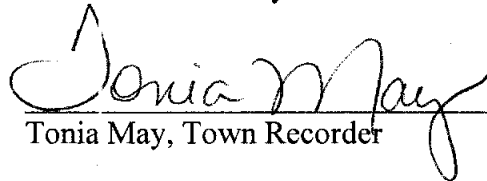
THIS RESOLUTION APPROVED on this the 1st day of November, 2007.

Signed:



David Jackson, Mayor

Attested:



Tonia May, Town Recorder

Approved as to Form



Kevin L. Featherston, Town Attorney

THREE -YEAR CAPITAL OUTLAY NOTES

RESOLUTION 2007-10

RESOLUTION OF THE GOVERNING BODY OF
KIMBALL, TENNESSEE, AUTHORIZING

THE ISSUANCE, SALE, AND PAYMENT OF
Maintenance Building

CAPITAL OUTLAY NOTES

NOT TO EXCEED \$ 100,000.00

WHEREAS, the Governing Body of KIMBALL, Tennessee (the Local Government) has determined that it is necessary and desirable to provide funds for the following public works project (the "Project"): The rebuilding of our Maintenance Building after the building being structurally damaged during tornado on November 14, 2007. Town has insurance; however, multiple buildings, fences, and playground equipment was damaged during storm. Town need funds immediately to have a building for Maintenance vehicles and equipment. (If multiple projects are involved, attach separate sheet identifying each project, its estimated economic life, and the portion of the Notes to be applied to the cost of such project;) and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of KIMBALL, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed One Hundred Thousand Dollars (\$ 100,000.00) (the "Notes") at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "Building Capital Outlay Notes, Series 20__", shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination (s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed Three point sixty-five percent (3.65 %) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least 20 years. Provided, however, that each year the Notes are outstanding, one-sixth (1/6), but in no event not less than one-

ninth (1/9), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local government over and above all other taxes authorized by the Local government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

If applicable, the Notes shall be further secured by sales tax revenues

(If the revenues generated by Project are to be applied as additional security for the Notes, describe such revenues here.)

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the Treasurer with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Treasurer of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the Treasurer of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form attached hereto and shall recite that the Notes are issued pursuant to Title 5, Chapter 21, Tennessee Code Annotated.

Section 8. That, the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.

Section 9. That, the notes are hereby designated as qualified tax-exempt obligations for purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the "Director".) The budget shall be kept balanced during the life of the notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

Section 11. That, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State Director of Local Finance.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

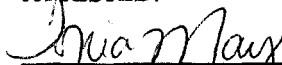
Duly passed and approved this 19th day of November, 2007.





(Local Government Chief Executive)

ATTESTED:



(City Recorder/County Clerk)

RESOLUTION NO. 2008-01

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE LWCF/LPRF/NRTF/RTP GRANT APPLICATION FOR THE TOWN OF KIMBALL, TENNESSEE AND DESIGNATE THE LOCAL MATCH FOR THE GRANT

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, the Department of Environment and Conservation Recreation Educational Services has requested anyone applying for a grant to provide a resolution concerning the local matching funds; and

WHEREAS, the Town of Kimball agrees to cooperate with the State of Tennessee Department of Environment and Conservation Recreation Educational Services and provide the local match for the LPRF Grant.

WHEREAS, the Mayor and Board of Aldermen have determined that it is in the best interests of the Town of Kimball to apply for this grant.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Mayor, David Jackson, is hereby authorized to sign the grant application for the LPRF Application.
2. The Board of Mayor and Aldermen have approved the grant application for a total project cost in the amount of \$728,706.
3. The Board of Mayor and Aldermen agrees to provide a local match of \$364,353 with \$252,844 from General Fund, \$50,000 from Force Account and \$61,509 from the land match.

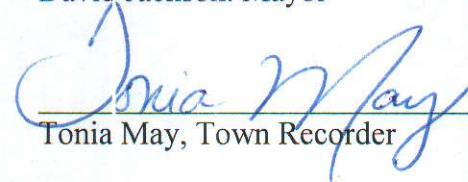
THIS RESOLUTION APPROVED on this the 28th day of February, 2008.

Signed:



David Jackson, Mayor

Attested:



Tonia May, Town Recorder

RESOLUTION 2008-02

A RESOLUTION AUTHORIZING THE TOWN OF KIMBALL TO HAVE AN INVESTMENT SAVINGS ACCOUNT WITH FIRST VOLUNTEER BANK

WHEREAS, the Town of Kimball, Tennessee is a Tennessee municipality organized under its Charter and the statutes of the State of Tennessee; and

WHEREAS, pursuant to said Charter and statutes of the State of Tennessee, the Town of Kimball is authorized to enter into contracts with financial institutions for the safe-keeping of the Town's depository funds; and

WHEREAS, the Mayor and Board of Aldermen have already determined that the Town of Kimball, Tennessee should enter into a Investment Savings Account Agreement with First Volunteer Bank, a local banking institution; and

WHEREAS, the financial institutions require an agreement setting forth the person or persons authorized to open, and/or withdraw from any depository accounts; and

WHEREAS, the Mayor and Board of Aldermen have determined that Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John M. Keef and Alderman Mark Payne shall be the authorized signatories on any investment savings account for the Town of Kimball, Tennessee; and

WHEREAS, the Mayor and Board of Aldermen have determined that no less than two signatures should be required for better control of the redeeming of said investment savings account and that all checks must be made payable to the Town of Kimball, Tennessee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the Town of Kimball, Tennessee that:

1. The Town of Kimball has already established an investment savings account with First Volunteer Bank, Jasper, Tennessee.
2. Mayor David Jackson, Vice-Mayor Rance Castle, Alderman Rex Pesnell, Alderman John M. Keef and Alderman Mark Payne shall be authorized officers of the Town of Kimball, Tennessee to execute all deposit documents and/or withdraw forms.

3. Any two signatures of the above-stated officers shall be required to withdraw from or close any investment savings account of the Town of Kimball, Tennessee, and checks issued for redemption shall only be payable to the Town of Kimball, Tennessee.
4. This Resolution will continue to be in effect until expressly written modification has been received and recorded by First Volunteer Bank. Any and all prior resolutions adopted by the Town of Kimball, Tennessee are in full force and effect until the financial institution receives and acknowledges an express written notice of revocation, modification or replacement.

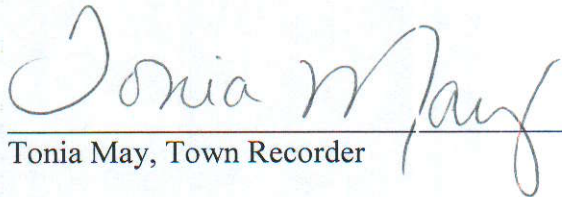
THIS RESOLUTION APPROVED on this the 14th day of August, 2008.

Signed:



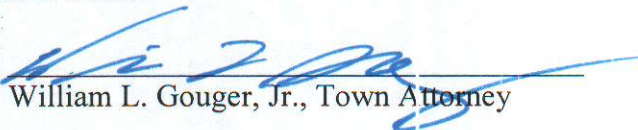
David Jackson, Mayor

Attested:



Tonia May, Town Recorder

Approved as to Form:



William L. Gouger, Jr., Town Attorney

RESOLUTION NO. 2008-03

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE UTILITY EASEMENT FOR THE TOWN OF KIMBALL, TENNESSEE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR A SEWER EXTENSION PROJECT

WHEREAS, the Town of Kimball, Tennessee has been approved for a Community Development Block Grant (CDBG) for a Sewer Extension project; and

WHEREAS, in order to install the sewer line funded by the CDBG project, easements are needed; and

WHEREAS, two easements needed for the said project are on property owned by the Town of Kimball;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Mayor and Aldermen of the Town of Kimball, Tennessee hereby authorize the Mayor, David Jackson, to sign the attached Utility Easements, identified as Easement No. 1 and Easement No. 8 and the Waiver of Rights and Benefits of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 forms.

THIS RESOLUTION APPROVED on this the 4th day of September, 2008.

Signed:



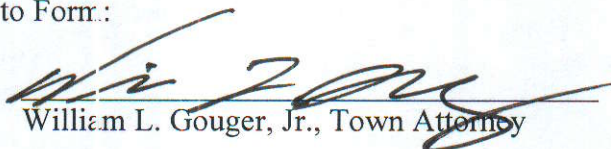
David Jackson, Mayor

Attested:



Tonia May, Town Recorder

Approved as to Form.:



William L. Gouger, Jr., Town Attorney

RESOLUTION NO. 2008-04

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY FOR THE TOWN OF KIMBALL, TENNESSEE

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules become effective November 1, 2008, and require Town utilities and other departments to implement an identity theft program and policy, and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee (the "Town") has determined that the following policy is in the best interest of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee that the following is hereby approved:

IDENTITY THEFT POLICY

SECTION 1: BACKGROUND

The risk to the Town, its employees and customers, from data loss and identity theft is of significant concern to the Town and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: PURPOSE

The Town adopts this sensitive information policy to help protect employees, customers, contractors and the Town from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the Town in compliance with state and federal law regarding identity theft protection.

This policy enables the Town to protect existing customers, reduce risk from identity fraud, and minimize potential damage to the Town from fraudulent new accounts. The program will help the Town:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the Town, including all personnel affiliated with third parties.

SECTION 4: POLICY

4.A: Sensitive Information Policy

4.A.1: Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

4.A.1.a: Credit card information, including any of the following:

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

4.A.1.b: Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

4.A.1.c: Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

4.A.1.d: Cafeteria plan check requests and associated paperwork

4.A.1.e: Medical information for any employee or customer, including but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

4.A.1.f: Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

4.A.1.g: Town personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Tennessee Public Records Act and the Town's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor.

In the event that the Town cannot resolve a conflict between this policy and the Tennessee Public Records Act, the Town will contact the Tennessee Office of Open Records.

4.A.2: Hard Copy Distribution

Each employee and contractor performing work for the Town will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled "Confidential paper shredding and recycling." Town records, however, may only be destroyed in accordance with the Town's records retention policy.

4.A.3: Electronic Distribution

Each employee and contractor performing work for the Town will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved Town email. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

If the Town maintains certain covered accounts pursuant to federal legislation, the Town may include the additional program details.

5.A: Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there are a reasonably foreseeable risk to the safety or soundness of the Town from identity theft, including financial, operational, compliance, reputation, or litigation risks.

5.B: Red flags

5.B.1: The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.B.2: Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

A recent and significant increase in the volume of inquiries;

An unusual number of recently established credit relationships;

A material change in the use of credit, especially with respect to recently established credit relationships; or

An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

5.C: Suspicious documents

5.C.1: Documents provided for identification that appears to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided

by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible information that is on file with the Town, such as a signature card or a recent check.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.D: Suspicious personal identifying information

5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the Town. For example:

1. The address does not match any address in the consumer report;
2. The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
3. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Town. For example, the address on an application is the same as the address provided on a fraudulent application

5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Town. For example:

1. The address on an application is fictitious, a mail drop, or a prison; or
2. The phone number is invalid or is associated with a pager or answering service.

5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.

5.D.5: The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

5.D.6: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

5.D.7: Personal identifying information provided is not consistent with personal identifying information that is on file with the Town.

5.D.8: When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

5.E: Unusual use of, or suspicious activity related to, the covered account

5.E.1: Shortly following the notice of a change of address for a covered account, the Town receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

5.E.2: A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

5.E.3: A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

1. Nonpayment when there is no history of late or missed payments;
2. A material change in purchasing or usage patterns

5.E.4: A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

5.E.5: Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

5.E.6: The Town is notified that the customer is not receiving paper account statements.

5.E.7: The Town is notified of unauthorized charges or transactions in connection with a customer's covered account.

5.E.8: The Town receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the Town.

5.E.9: The Town is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

SECTION 6: RESPONDING TO RED FLAGS

6.A: Once potentially fraudulent activity is detected, an employee must act quickly, as a rapid, appropriate response can protect customers and the Town from damages and loss.

6.A.1: Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

6.A.2: The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the Town; and
4. Notifying the actual customer that fraud has been attempted.

SECTION 7: PERIODIC UPDATES TO PLAN

7.A: At periodic intervals established in the program, or as required, the program will be reevaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

7.B: Periodic reviews will include an assessment of which accounts are covered by the program.

7.C: As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the Town and its customers.

SECTION 8: PROGRAM ADMINISTRATION

8.A: Involvement of management

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.
3. Operational responsibility of the program is delegated to the Mayor of Kimball.

8.B: Staff training

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the Town or its customers.
2. Mayor of Kimball is responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.C: Oversight of service provider arrangements

1. It is the responsibility of the Town to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

This resolution will take effect immediately upon its passage, the public welfare requiring it.

Adopted this the 2nd day of October, 2008.

TOWN OF KIMBALL, TENNESSEE

By: 
David Jackson, Mayor

ATTESTED:


Jonia May
City Recorder

**HONORARY RESOLUTION OF THE TOWN OF KIMBALL, TENNESSEE
RECOGNIZING RONNIE RAULSTON**

WHEREAS, earlier in 2008, Ms. Brandi Boden of Robinsonville, Illinois, was traveling through the Town of Kimball with her six-month old son to join her husband and young daughter in Florida; and

WHEREAS, while traveling through Kimball, Ms. Boden began experiencing trouble with her automobile and, out of desperation, pulled into the parking lot of Raulston's Collision Center, where she was met by Mr. Ronnie Raulston; and

WHEREAS, upon hearing the explanation of circumstances given by Ms. Boden, Mr. Raulston unselfishly and without delay began to examine the problems with Ms. Boden's vehicle, diagnosed the problems, made arrangements with a local parts store for the parts, allowed Ms. Boden to use his personal automobile to drive to the parts store to secure the parts needed for the repairs, and test drove Ms. Boden's vehicle to make sure that the repairs were complete and that the vehicle was running properly; and

WHEREAS, as consideration for his time and effort in assisting Ms. Boden, Mr. Raulston refused to accept any compensation for his time or labor; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee wishes to honor, recognize, commend and thank Mr. Ronnie Raulston of Raulston Collision Center for his acts of kindness, compassion, empathy, and generosity in his assistance to Ms. Boden and her family, which acts serve as a positive reflection on the Town of Kimball, its residents and business owners.

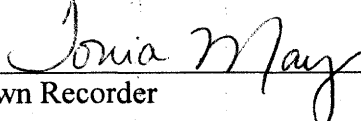
NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on the 4th day of December, 2008, that the Town expresses its thanks and gratitude to and hereby honors, recognizes, and commends Mr. Ronnie Raulston of Raulston Collision Center for his acts of kindness, assistance, empathy, compassion and generosity toward Ms. Brandi Boden and her family. The Board directs that this Resolution be spread upon its minutes, with a copy sent to Mr. Raulston.

DATED this 4th day of December, 2008.

TOWN OF KIMBALL, TENNESSEE

By: 
David Jackson, Mayor

ATTESTED:


Town Recorder

LETTERS TO THE EDITOR

Raulston should be awarded "A Good Guy Award"

To the Editor:

My name is Brandi Boden and I am from Robinson, IL. I am 23 years old. Married for almost 5 years and have 2 children.

A few months ago my husband and daughter flew to Florida so he could work for awhile until jobs got a little better at home. A few weeks later my son and I were on our way to meet them there. We drove. I had never driven that far by myself before but didn't think I would have any problems. My son is a pretty passive baby and usually happy. He was about 6 months old at the time.

Everything went as scheduled until I hit Tennessee. My car started to act funny and felt like it didn't want to keep going. I was panicky. I called my husband, who was in Florida, what I should do. I don't know anything about cars, except how to drive one and fill the tank. Although, my husband would tell you different... Anyway, he wasn't sure what was wrong because I couldn't explain anything very well and he wasn't there to see for himself. He told me to stop in the next town and find an auto store and ask someone to look at it. Meanwhile, keep in mind that: 1) I'm stupid on stuff like this. 2) Besides gas money, I'm broke. and 3) I am alone with my 6 month old son. I was scared and worried what I would do if I got stuck.

I didn't know where I was going so I just pulled up to the first auto sign I seen. At this point, my face is red and wet with tears and I am afraid that a mechanic will play me since I don't know what I'm doing. Its obvious at this point.

A man comes out and asks if he can help me. I stuttered the situation as I was about to start crying again. I told him I am from Illinois on my way to Florida. I don't know anyone and am by myself, can you tell me where to go. I told him there was something wrong with my car and it didn't want to run right. He said there is a place down the street..... He was just about to direct me to the right place when he looked in my Jeep Grand Cherokee and saw my 6 month old son. He then said well I do my own car repairs so I don't mind doing yours. At this point, I was still scared because I didn't know this guy but, was relieved that he would help me out even though he was a collision center. He asked me to just pull the

car up and let him look at it. My son and I waited patiently hoping it was an easy fix.

After a while, he came in and told me he's hoping it would just be a bad spark plug so he gave me his car to go get six of them, and he replaced them for me. As it turns out that didn't do the trick. So he told me I needed a new coil pack. I had no idea what that was. I called my husband and was talking to this guy and my husband at the same time as we discussed what our options were. We didn't have much money so we got a family member to help us get the part and paid them back later. I got off the phone and Ronnie said to take his car to the local auto parts store and get the part. I was in shock.

This stranger is fixing my car and letting me borrow his to get the part I needed! He called the store and told them I would be coming to make sure the part was set out. I went and retrieved the part, paid for it and returned to the collision center. I waited some more for him to install the part. This is the kicker. He didn't want anything! No labor charge, nothing!

This stranger fixed my car, let me borrow his and than test drove it to make sure it was ok. Not only that, he tightened my brakes just to be sure.

You don't find people like that anymore! I remember talking to my dad before I even stopped to have the car looked at, told him the situation. Was very upset and he said something strange to me. He said to calm down that the Tennessee boys will take care of me.. In that moment, I cried harder thinking my father didn't know what he was talking about and that he had lost his mind. Boy, I was wrong. I had no idea there were people like that still out there. I can't recall the last time I had someone help me out and want absolutely nothing in return. Ronnie Raulston with Raulston Collission Center in Kimball, Tenn. saved me!

This is a person that should get some kind of recognition. A Good Guy Award or an Honorable Mention. I will never be able to thank him enough. I don't know how many times I said thank you. My husband called him back and said thanks for treating me so well. That is not enough for this guy.

*Brandi Boden
Robinson, Illinois*