

WORKERS COMPENSATION PROGRAM  
RESOLUTION NO. **02-17934**

A RESOLUTION AUTHORIZING THE ADOPTION AND EXECUTION OF THE SECOND AMENDED REVISED AND RESTATED WORKERS' COMPENSATION RISK RETENTION PROGRAM AGREEMENT ENTERED INTO BETWEEN THE MONTANA MUNICIPAL INSURANCE AUTHORITY AND THE CITY OF BILLINGS, MONTANA DATED as of DECEMBER 1, 2002; AND AUTHORIZING THAT THE ADOPTION AND EXECUTION OF ANY AMENDMENT THERETO MAY BE MADE BY MOTION.

Be it resolved by the Governing Body of the City of Billings(the Participant) as follows:

Section I. Authorization and Recitals.

1.01 The City of Billings is a Participant in the Workers' Compensation Risk Retention Program of the Montana Municipal Insurance Authority.

1.02 The Participant has previously adopted and executed the Original Revised and Restated Workers' Compensation Risk Retention Program Agreement dated as of October 1, 1990, between the Montana Municipal Insurance Authority and the Participant.

1.03 The Participant has also previously adopted and executed the First Amendment to the First Revised and Restated Workers' Compensation Risk Retention Program Agreement dated as of February 1, 1994 between the Montana Municipal Insurance Authority and the Participant.

1.04 The Participant is authorized by Section 2-9-211, Montana Code Annotated, and Title 7, Chapter II, Part I, Montana Code Annotated (the Interlocal Cooperation Act) to enter into agreements for the purpose of obtaining liability insurance in cooperation with other local governmental entities; and is thereby authorized to enter into such agreements as may be necessary to effect the purposes of those statutes.

1.05 The Montana Municipal Insurance Authority and the Participant, under Section 8.3 of the Original Revised and Restated Agreement, and the First Amendment to the First Revised and Restated Workers' Compensation Risk Retention Program Agreement dated as of February 1, 1994, reserved the right to amend such Agreement(s).

Section 2. Findings.

It is hereby found, determined, and declared that:

(a) The Workers' Compensation Risk Retention Program of the Montana Municipal Insurance Authority provides an immediate and long-term solution to the

Participant's inability to obtain primary or excess workers' compensation insurance or reinsurance at reasonable rates;

(b) it is in the best interest of the Participant to continue its participation in the Workers' Compensation Risk Retention Program and to this end the terms and conditions set forth in the Second Amended Revised and Restated Workers' Compensation Risk Retention Program Agreement dated as of December 1, 2002 are necessary, desirable and proper to achieve the goals of the Workers' Compensation Risk Retention Program, and the representations, covenants and recitals made therein by the Participant are true, valid and correct;

(c) it is in the best interest of the Participant and the Montana Municipal Insurance Authority to authorize the use of funds by the Authority to purchase, otherwise acquire, or participate in group or captive insurance, excess insurance or reinsurance programs.

Section 3. Authorization and Approval of the Second Amended Revised and Restated Workers' Compensation Risk Retention Program Agreement dated December 1, 2002.

The Participant hereby authorizes its continued participation in the Workers' Compensation Risk Retention Program and the execution the Second Amended Revised and Restated Workers' Compensation Risk Retention Program Agreement dated as of December 1, 2002.

Section 4. Authorization to Approve Future Amendments to the Program Agreement by Motion.

The Participant is hereby authorized to approve the adoption of any amendments to and execution of any amendments to the First Amendment to the First Revised and Restated Workers' Compensation Risk Retention Program Agreement dated as of February 1, 1994 or any successor Program Agreement thereto by motion duly made, seconded and approved.

Section 5. Effective Date.

This resolution shall become effective immediately upon its passage and approval, unless such resolution occurs after December 1, 2002. If this resolution occurs after December 1, 2002, this resolution shall be deemed retroactively effective on December 1, 2002.

Passed and approved by the Governing Body of the City of Billings, Montana this 9<sup>th</sup> day of December, 2002.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley MAYOR

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC CITY CLERK