

EMERGENCY ORDINANCE NO. 43

AN ORDINANCE DECLARING THE POLICY AND PURPOSE OF THE
TOWN OF MOUNT CARMEL TENNESSEE, TO EXTEND TO THE
EMPLOYEES AND OFFICIALS OF SAID TOWN NOT EXCLUDED
BY LAW OR THIS ORDINANCE, WHETHER EMPLOYED IN CONNECTION
WITH A GOVERNMENTAL OR PROPRIETARY FUNCTION OF SAID TOWN,
THE BENEFITS OF THE SYSTEM OF FEDERAL OLD AGE AND SURVIVORS
INSURANCE, AS AUTHORIZED BY THE FEDERAL SOCIAL SECURITY ACT,
AND AMENDMENTS THEREON UPON THE BASIS OF APPLICABLE STATE
AND FEDERAL LAWS OR REGULATIONS; AUTHORIZING AND DIRECTING
THE MAYOR TO EXECUTE AGREEMENTS AND AMENDMENTS THERETO
WITH THE DIRECTOR OF OLD AGE AND SURVIVORS INSURANCE AGENCY,
STATE OF TENNESSEE, AS AGENT OR AGENCY, FOR COVERAGE OF SAID
EMPLOYEES AND OFFICIALS: PROVIDING FOR WITHHOLDINGS FROM
SALARIES AND WAGES OF EMPLOYEES AND OFFICIALS OF SAID TOWN
SO COVERED TO BE MADE AND PAID OVER AS PROVIDED BY APPLICABLE
STATE OR FEDERAL LAWS OR REGULATIONS: PROVIDING THAT SAID
TOWN SHALL APPROPRIATE AND PAY OVER THE EMPLOYER'S
CONTRIBUTIONS AS PROVIDED BY APPLICABLE STATE OR FEDERAL LAWS
OR REGULATIONS: PROVIDING THAT SAID TOWN SHALL
KEEP RECORDS AND MAKE REPORTS AS REQUIRED BY APPLICABLE
STATE OR FEDERAL LAWS OR REGULATIONS: EXCLUDING FROM THIS TO
ANY POSITION, EMPLOYEE OR OFFICIAL NOW COVERED OR AUTHORIZED
TO BE COVERED BY ANY OTHER ORDINANCE CREATING ANY
POSITION, EMPLOYEE OR OFFICIAL NOT AUTHORIZED TO BE COVERED
UNDER APPLICABLE STATE OR FEDERAL LAWS OR REGULATIONS: AND
DECLARING AN EMERGENCY.

BE IT Ordained BY THE Mayor and Board of Aldermen of The
Town of Mount Carmel, Tennessee

SECTION 1. It is hereby declared to be the policy and purpose of
TOWN of MOUNT CARMEL, Tennessee, to extend, as if the date herein-
after set forth, to the employees and officials thereof, not excluded by
law or this Ordinance, and whether employed in connection with a
governmental or proprietary function, the benefits of the system of
Federal OLD AGE and Survivors Insurance as authorized by the Federal Social
Security Act and amendments thereto, including Public Law 734 - 81 Congress.
In pursuance of said policy, and for that purpose, the Town of Mount Carmel
Tennessee shall take such action as may be required by
applicable State or Federal laws or regulations.

SECTION 2. The Mayor of the Town of Mount Carmel, Tennessee, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in Section 1, hereof.

SECTION 3. Withholding from salaries or wages of employees and officials for the purpose provided in Section 1, hereof, are hereby authorized to be made in the amounts and at such times as maybe required by applicable State or Federal laws or regulations, and shall be paid over to the State or Federal agency designated by said laws or regulations.

SECTION 4. There shall be appropriated from available funds such amounts at such times as may be required by applicable State or Federal laws or regulations for employer's contributions; which shall be paid over to the State or Federal agency designated by said laws or regulations.

SECTION 5. The said Town of Mount Carmel shall keep such records and make such reports as may be required by applicable State or Federal laws or regulations.

SECTION 6. There is hereby excluded from this Ordinance any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other Ordinance creating any retirement system for any employee or official of the said Town or any employee, official or position not authorized to be covered under applicable State or Federal laws or regulations.

SECTION 7. It being immediately necessary for the preservation of

the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force from and after its passage, approval and publication as required by law, and shall be effective the 1st day of January 1973.

S/ Thomas E. Dean, Jr.

Name

ATTEST:

S/ Joyce Cradic

S/ Mayor

Title

CERTIFICATE: I hereby certify that the above is a true and correct copy of Ordinance, passed and approved the 14th day of December 1972, and that it has been published according to law and is now in full force and effect.

S/ Joyce Cradic

Name

S/ City Recorder

Title

PASSED FIRST READING August 10, 1972

PASSED SECOND READING October 12, 1972

passed third reading December 14, 1972

NOTE: See Contract and Agreement File.

STATE OF TENNESSEE

THOMAS A. WISEMAN, JR.
STATE TREASURER



ERNEST LEOPARD
DIRECTOR

TREASURY DEPARTMENT
CONSOLIDATED RETIREMENT SYSTEM

1329 ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37219

Feb. 14, 1973

Mr. Joe C. Armstrong
Town of Mount Carmel
Route 5
Church Hill, Tennessee 37642

Dear Sir:

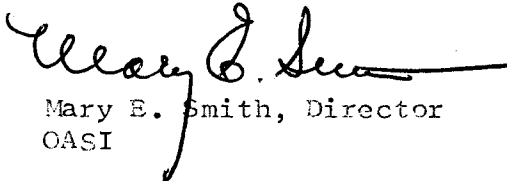
This is to advise you that by Modification No. 338 to the Federal-State Social Security Agreement, coverage has been extended to include the employees of the Town of Mount Carmel, effective January 1, 1973.

An executed copy of your agreement is enclosed herewith for your files.

Pre-addressed forms for reporting, together with the date the reports will be due in this office, and the identification number assigned to the Town of Mount Carmel will be forwarded to you as soon as received in this office.

If we can assist you in any way, let us hear from you.

Sincerely,


Mary E. Smith, Director
OASI

MES:so
Encl.

*Note: See Ordinance #43
in file*

A G R E E M E N T

The undersigned Director of the Department of Old Age and Survivors Insurance Agency of the State of Tennessee, acting by and under authority of Chapter 38, Title 8, Tennessee Code Annotated and Section 4-340 Tennessee Code Annotated, and the Town of Mount Carmel, Tennessee, a municipal corporation and political subdivision of the State of Tennessee, acting by and through its lawfully constituted officers, sometimes herein- after called "political subdivision", in order to extend to employees of said political subdivision (except such as are hereinafter excluded) and to their dependents and survivors, the basic protection accorded to others by the System of Federal Old Age and Survivors Insurance established by Title II of the Social Security Act and Amendments thereto, as authorized by Chapter 38, Title 8, Tennessee Code Annotated, hereby agrees as follows:

1. Definitions

For the purpose of this agreement -

(a) The Term "employee" means an employee as defined in Section 210(k) of the Social Security Act and shall include an officer of the political subdivision.

(b) The Term "retirement system" means a pension, annuity, retirement, or similar fund or system established by the State of Tennessee or by a political subdivision thereof.

2. Services Covered.

This agreement includes and covers all services performed by individuals as employees of the political subdivision, except;

(a) Any service performed by an employee in a position, which, on the effective date of the agreement, is covered by a retirement system.

(b) Services performed by an employee who is employed to relieve him from unemployment.

(c) Service performed in a hospital, home or other institution by an inmate thereof.

(d) Covered transportation services (as defined in Section 210 (1) of the Social Security Act, as amended).

(e) Service (other than agricultural labor or service performed by a student) which is excluded from employment by any provision of Section 210(a) of the Social Security Act, as amended, other than paragraph 8 of said section.

3. Contributions by employees of the political subdivision.

The political subdivision agrees to impose upon its employees as to services covered by this agreement, a contribution with respect to wages (as defined in Section 8-3805 Tennessee Code Annotated) not exceeding the amount of tax which would be imposed by Section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from the wages as and when paid. Contributions so collected shall be paid into the "Contribution Fund" in the State Treasury (created by Section 8-3815 TCA) in partial discharge of the liability of said political subdivision under Section 8-3811 TCA; said payments to the Contribution Fund to be made in accordance with rules and regulations of the Director of Old Age and Survivors Insurance Agency. It is agreed and understood that the failure of said political subdivision to deduct such contributions shall not relieve it of liability therefor. It is further understood and agreed that delinquent payments due to said Contribution Fund bear interest at the rate of six percent (6%) per annum, and that same may be recovered by proper court action against the political subdivision, or may, at the request of the Director of Old Age and Survivors Insurance Agency, be deducted from

any moneys payable to such political subdivision by any department or agency of the State.

4. Contributions by the political subdivision.

(a) The political subdivision represents that it has duly and legally adopted, and that there is now in full force and effect in said Town of Mount Carmel Tennessee, an ordinance (certified copy of which is attached) requiring an appropriation (or appropriations) from available funds in its general and/or special funds derived from ad valorem or other sources, which shall be fully sufficient when added to the sums withheld as contributions from the salaries, wages, or compensation for personal services performed by employees thereof covered by this agreement, to equal the total amount due from said political subdivision to said Contribution Fund (employer's and employees' contributions) under applicable provisions of Chapter 38, Title 8, TCA.

(b) As assurance of its ability to pay its share of the contributions which will become due and payable to the Director of Old Age and Survivors Insurance Agency under the terms of this agreement, and as assurance that said contributions will be adequate, the Town of Mount Carmel Tennessee, hereby obligates itself and represents that at all times hereafter there will be maintained in said appropriation or appropriations referred to in Subsection (a) above, a sum fully sufficient to pay its share of the contribution due to the Contribution Fund; and that same (together with contributions deducted from salaries, wages, etc., of employees) will be paid promptly when due, under rules and regulations of said Director of Old Age and Survivors Insurance Agency.

5. Reports - Compliance with Regulations.

The political subdivision agrees that it will make such reports, in such form and containing such information as the Director of Old Age and Survivors Insurance Agency may from time to time require; and that it will comply with such provisions as said Director of the Social Security Administration may from time to time find necessary, to assure the correctness and verification of such reports. The political subdivision further agrees that it will comply with all regulations adopted and promulgated by the Director of Old Age and Survivors Insurance Agency as necessary to carry out the purposes of said Chapter 38, Title 8, Tennessee Code Annotated, as amended.

6. Termination.

The Director of Old Age and Survivors Insurance Agency is authorized to terminate this agreement in its entirety, or, in the discretion of said Agency as to any member of a joint coverage unit, if it finds that there has been a failure to comply substantially with any provision contained in this agreement, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the Director of Old Age and Survivors Insurance Agency and be consistent with applicable provisions of the Social Security Act, and amendments thereto.

7. This agreement made and entered into the 14 day of Dec 19 72 and shall be effective the 1st day of January 19 73.

Director, OASI Agency, State of Tenn.

Town of Mount Carmel
Name of Coverage Group

Attest:

Joyce C. Cradic

By: Thomas E. Deon Jr.
Mayor

PRELIMINARY APPLICATION

1. Town of Mount Carmel - Hawkins County - Tennessee
Name of City, County, Instrumentality or Subordinate Organization.
2. Kinds of retirement systems within the city, county, etc. (i.e. firemen, policemen, teachers' retirement system, state employees or other pension plan).

At present the city does not have any kind of retirement system.

3. Number of employees in each department, naming all departments:

<u>Department</u>	<u>Number of Employees</u>
<u>Police Dept.</u>	<u>1</u>
<u>Street & Road Repair</u>	<u>Only part time help as needed</u>
<u>Secretary</u>	<u>1 (Part Time only)</u>

4. Reporting Official's name, title and address:

Mr. Joe C. Armstrong, Treasurer

Town of Mount Carmel

Route 5, Church Hill, Tennessee 37642

Telephone No. 357- 6111 Office

357- 6241 (Unlisted) Home

Exhibit I

EMERGENCY ORDINANCE No. 43

AN Ordinance DECLARING THE POLICY AND PURPOSE OF THE Town of Mount Carmel TENNESSEE, TO EXTEND TO THE EMPLOYEES AND OFFICIALS OF SAID Town NOT EXCLUDED BY LAW OR THIS Ordinance, WHETHER EMPLOYED IN CONNECTION WITH A GOVERNMENTAL OR PROPRIETARY FUNCTION OF SAID Town, THE BENEFITS OF THE SYSTEM OF FEDERAL OLD AGE AND SURVIVORS INSURANCE, AS AUTHORIZED BY THE FEDERAL SOCIAL SECURITY ACT, AND AMENDMENTS THERETO, UPON THE BASIS OF APPLICABLE STATE AND FEDERAL LAWS OR REGULATIONS; AUTHORIZING AND DIRECTING THE Mayor TO EXECUTE AGREEMENTS AND AMENDMENTS THERETO WITH THE DIRECTOR OF OLD AGE AND SURVIVORS INSURANCE AGENCY, STATE OF TENNESSEE, AS AGENT OR AGENCY, FOR COVERAGE OF SAID EMPLOYEES AND OFFICIALS: PROVIDING FOR WITHHOLDINGS FROM SALARIES AND WAGES OF EMPLOYEES AND OFFICIALS OF SAID Town SO COVERED TO BE MADE AND PAID OVER AS PROVIDED BY APPLICABLE STATE OR FEDERAL LAWS OR REGULATIONS: PROVIDING THAT SAID Town SHALL APPROPRIATE AND PAY OVER THE EMPLOYER'S CONTRIBUTIONS AS PROVIDED BY APPLICABLE STATE OR FEDERAL LAWS OR REGULATIONS: PROVIDING THAT SAID Town SHALL KEEP RECORDS AND MAKE REPORTS AS REQUIRED BY APPLICABLE STATE OR FEDERAL LAWS OR REGULATIONS: EXCLUDING FROM THIS TO ANY POSITION, EMPLOYEE OR OFFICIAL NOW COVERED OR AUTHORIZED TO BE COVERED BY ANY OTHER Ordinance CREATING ANY RETIREMENT SYSTEM FOR ANY EMPLOYEE OR OFFICIAL OF SAID Town: OR ANY POSITION, EMPLOYEE OR OFFICIAL NOT AUTHORIZED TO BE COVERED UNDER APPLICABLE STATE OR FEDERAL LAWS OR REGULATIONS: AND DECLARING AN EMERGENCY.

BE IT Ordained BY THE Mayor and Board of Aldermen of
The Town of Mount Carmel, Tennessee

SECTION 1. It is hereby declared to be the policy and purpose of Town of Mount Carmel, Tennessee, to extend, as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this Ordinance, and whether employed in connection with a governmental or proprietary function, the benefits of the system of Federal Old Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81 Congress. In pursuance of said policy, and for that purpose, the Town of Mount Carmel Tennessee shall take such action as may be required by applicable State or Federal laws or regulations.

SECTION 2. The Mayor of the Town of Mount Carmel, Tennessee, is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Director of Old Age and Survivors Insurance Agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in Section 1, hereof.

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ATTEST:

Joyce Cradic

Thomas E. Danf.
Name

Mayor
Title

CERTIFICATE: I hereby certify that the above is a true and correct copy of Ordinance, passed and approved the 14th day of December 19 72, and that it has been published according to law and is now in full force and effect.

Joyce Cradic
Name
City Recorder
Title

Passed 1st reading Aug 10, 1972
2nd reading Oct 12, 1972
3rd reading Dec. 14, 1972

Note: See Contract & agreement file.