

LOCAL LAW
INTRODUCTORY NO. 6-26
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 4-86 AS AMENDED REGARDING THE
LIABILITY AND CASUALTY RESERVE FUND AND SMALL CLAIM SETTLEMENTS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

1. Amendment of Local Law 4-86 as Amended by Local Laws 5-88 and 1-02.

Local Law 4-86 of the County of Chautauqua, as amended by Local Laws 5-88 and 1-02, is hereby amended by substitution to read as follows:

Section 1. Purpose. The purpose of this Local Law is to establish a liability and casualty reserve fund in accordance with Section 6-n of the New York State General Municipal Law.

Section 2. Reserve Fund. The Chautauqua County Legislature hereby establishes a reserve fund to be known as the Liability and Casualty Reserve Fund. There may be paid into such fund such amounts as may be provided by budgetary appropriations, amounts from other funds authorized by the General Municipal Law by resolution subject to permissive referendum, and such other funds as may be legally appropriated, The cash balance of such fund as the end of any fiscal year shall not exceed the greater of \$100,000 or 5% of the total budget for such fiscal year and the amount paid into such fund during any fiscal year, or such other amounts as may from time-to-time be authorized by the General Municipal Law. The monies ~~in~~ is such fund shall be deposited in one or more banks or trust companies designated in the manner provided by law as depositories of the funds of the County of Chautauqua.

Section 3. Administration. The Liability and Casualty Reserve Fund shall be administered by the County Executive or his duly authorized subordinate subject to the terms and conditions hereof.

Section 4. Payment of Claims. An expenditure can be made from the fund for the payment of all or a part of the cost, including interest, of judgements; actions and uninsured portion of any loss to property owned by the County of Chautauqua to the extend authorized by law; expert and professional services rendered in connection with the investigation, adjustment or settlement of claims, actions or judgements; and such other expenditures as may be authorize by law. For the purpose of this Local Law, the terms "judgement", "action", and "claims" shall mean those judgements, actions and claims against the County of Chautauqua or any of its administrative entitles, including the Sheriff's Department and other County sewer districts, that are founded upon tort or that arise out of any acts or omissions of officers or employees of Chautauqua County that result in person injury or property damage if such officers or employees, at the time of damages were sustained, were executing or performing, or in good faith purporting to exercise or perform, their powers and duties.

Section 5. Settlements. An action or a claim can be settled or compromised for up to five thousand dollars (\$5,000.00) ~~under two thousand five hundred dollars (\$2,500.00)~~ by the County Executive upon the recommendation of the Insurance Administrator and the County Attorney, ~~and for over five thousand dollars (\$5,000.00) and up to two thousand five hundred dollars (\$2,500.00) but under twenty-five thousand dollars (\$25,000.00)~~ upon approval of the County Executive and a committee of three (3) Legislators appointed by the Chairman of the Legislature, ~~and for over twenty-five thousand dollars (\$25,000.00) and up to fifty-thousand dollars (\$50,000.00) upon approval of the County Executive and a committee of five (5) Legislators appointed by the Chairman of the Legislature.~~ Any other action or claim can be settled or compromised upon the approval of the County Executive and the County Legislature. The County Legislature must also approve the settlement or compromise of any action or claim against a County officer or employee where such approval is required pursuant to New York State Public Officers Law. Judicial approval of any settlement or compromise must be obtained when required by the General Municipal Law or otherwise. The order of the court or the justice approving such settlement or compromise may be granted upon motion of the County Attorney or his duly authorized subordinate supported by an affidavit setting forth the cause of action or

claim against the County of Chautauqua and also such other information which, in his opinion, will enable the court or justice to arrive at a determination that such a compromise or settlement is just, reasonable and in the interests of the municipal corporation.

Section 6. Investment of Funds. The County Finance Director may invest the money in such fund in obligations specified in Section 6-f of the General Municipal Law, or such other obligations as may from time-to-time be authorized by law. Any interest earned or capital gain realized on the money so invested shall accrue to and become part of such fund.

Section 7. Accounting. The County Finance Director shall account for this fund separate and apart from all other funds of the County of Chautauqua, and shall separately account for each type of risk funded by the reserve fund. The accounting shall show the source, date and amount of each sum paid into the fund; the interest earned by the fund; source thereof, date and amount of each payment from this fund; and the assets of the fund, indicating the cash balance and a schedule of investments. The Finance Director, within sixty days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of the fund to the County Executive and the County Legislature, said report to contain his recommendations for maintaining adequate reserve levels.

2. Effective Date. This Local Law shall become effective sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

Sponsor: Legislator Chagnon