

# Warren County Board of Supervisors

## RESOLUTION NO. 57 OF 2013

**Resolution introduced by Supervisors Taylor, Strainer, Loeb, McDevitt, Frasier, Mason and Vanselow**

### **TO ENACT LOCAL LAW NO. 4 OF 2013**

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law being entitled, "A Local Law Amending, Superceding and Consolidating Local Law No. 4 of 1981 - Rules and Regulations for the Administration of the Warren County Self-Insurance Plan and as subsequently amended", and

WHEREAS, the Board of Supervisors adopted Resolution No. 777 of 2012 on December 21, 2012, authorizing a public hearing to be held by the Board of Supervisors on the 18<sup>th</sup> day of January, 2013, at 10:00 a.m. in the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 18<sup>th</sup> day of January, 2013, does hereby enact and adopt Local Law No. 4 of 2013 as set forth in Schedule "A" annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

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SCHEDULE 'A'

COUNTY OF WARREN

LOCAL LAW NO. 4 OF 2013

A LOCAL LAW AMENDING, SUPERCEDING AND CONSOLIDATING  
LOCAL LAW NO. 4 OF 1981 - RULES AND  
REGULATIONS FOR THE ADMINISTRATION OF THE WARREN  
COUNTY SELF-INSURANCE PLAN AND AS SUBSEQUENTLY  
AMENDED

**BE IT ENACTED**, by the Board of Supervisors of the County of Warren, New York as follows:

SECTION 1. Title. This Local Law shall be entitled "A Local Law Amending, Superceding and Consolidating Local Law No. 4 of 1981 - Rules and Regulations for the Administration of the Warren County Self-Insurance Plan and as subsequently amended"

SECTION 2. Purpose. Pursuant to authority in Article 5 of the Workers' Compensation Law, and specifically Section 65 "Rules and regulations" thereof, the purpose of this Local Law is to establish rules and regulations for the fair and equitable administration and operation of the Warren County Self-Insurance Plan ("Plan"). Local Law No. 4 of 1981 has been amended multiple times. The further purpose of this Local Law is to consolidate Local Law No. 4 of 1981 and as amended into a single document.

SECTION 3. Rules and Regulations of the Plan. The following constitute the rules and regulations for the administration of the Plan:

A. PARTICIPATION

1. In addition to the County, participation in the Plan shall be available to the city, towns, villages and fire districts in the County of Warren, the Warren County Soil & Water Conservation district, SUNY Adirondack and all volunteer fire companies and volunteer ambulance workers having their principal office in Warren County, and organized and operating in a town in Warren County currently participating in the Warren County Self-Insurance Plan; and all school districts organized and existing within Warren County and Cornell Cooperative Extension of Warren County and any public library improvement district existing within Warren County and Civil Defense Volunteers of the Radio Amateur Civil Emergency Service and Municipal Housing Authorities which are located in Warren County and created pursuant to the public housing laws of New York State. Any of the foregoing are eligible to become a "participant" in the Plan.

B. PLAN ENTRY AND WITHDRAWAL - PAYMENT OF OUTSTANDING

LIABILITIES

Any municipality or public entity eligible to participate in the Plan as set forth in paragraph “A” herein and electing to become a participant shall file a certified copy of the resolution of its governing body electing to become a participant. Membership of a participant in the Plan shall be effective upon approval of the Warren County Self-Insurance Plan Insurance Administrator (“Administrator”). Any participant may withdraw from the Plan effective January 1<sup>st</sup> by filing a written notice with the Administrator by the preceding July 1<sup>st</sup>. The notice of withdrawal from the Plan must be in the form of a certified copy of a resolution of the governing body of the participant electing to withdraw. As a condition of withdrawal from the Plan, the participant must enter into a withdrawal agreement with Warren County and must agree to pay in a lump sum or installments, an equitable share of the outstanding liabilities of the Plan as of the date of withdrawal. If payment of the equitable share of the outstanding liabilities of the Plan is to be made in installments, an installment payment plan and other necessary terms and conditions shall be set forth in the withdrawal agreement. For purposes of this paragraph, the phrase “equitable share of outstanding liabilities of the Plan” shall mean all of those current and open compensation cases originating from the participant and included in the Plan on or before the effective January 1<sup>st</sup> of the participants withdrawal from the Plan and all those compensation cases originating from the participant which are closed as of the date of withdrawal but, which in the judgment of the Administrator are likely to be re-opened after the January 1<sup>st</sup> withdrawal date. In the alternative, as a requirement of withdrawal from the Plan, the participant may agree to transfer all existing claims to another workers’ compensation administrator as approved by the New York State Workers’ Compensation Board and through written agreement with Warren County. In accordance with the provisions of Workers’ Compensation Law §63, in the event the withdrawing participant is a town, city or village and there is a volunteer fire department(s) or volunteer ambulance workers organized and operating within the withdrawing town, city or village who is also a participant in the Plan, the volunteer fire department(s) or volunteer ambulance workers must also withdraw from the Plan at the same time as the town, city or village withdraws from the Plan.

Upon receipt of a notice of withdrawal from a participating town, city or village as provided for herein, the Administrator shall within thirty (30) days of receipt of such notice provide written notification to each participating volunteer fire department(s) or volunteer ambulance workers operating within the town, city or village that it must withdraw from the Plan and the requirements and obligations of withdrawal as set forth herein. Payment by lump sum or in installments of the equitable share of the outstanding liability of such volunteer fire department(s) or volunteer ambulance workers organized and

operating within the withdrawing town, city or village must be made in accordance with the provision set forth herein above. All withdrawal agreements shall be subject to the approval of the Warren County Board of Supervisors.

C. APPORTIONMENT OF COSTS AND PAYMENTS

1. Each participant shall be liable to pay its proportionate share of the cost of participation in the Plan, including administrative costs and expenses as determined using the following experience based formula:

- The greater of (prior year plan administrative costs/number of participants) + ((total revenue – prior year plan administrative cost) x (participant claims total for the preceding 6½ years/total plan claims for 6½ years))

OR

- .35% of actual payroll for the year prior to the year assessments are being calculated.

D. RESERVE

1. There is hereby established for the Plan a Reserve Fund in an amount not to exceed Four Million Dollars (\$4,000,000.00). Such amount shall be accumulated by including in the annual estimate of expenses a sum not to exceed Fifty Thousand Dollars (\$50,000.00) and such additional amounts as the Warren County Board of Supervisors shall determine.

2. When the amount of the reserve is at the maximum, any amount expended therefrom shall be restored by including in the subsequent annual estimates a sum not to exceed Fifty Thousand Dollars (\$50,000.00).

3. The Administrator may at any time at their discretion expend monies in such reserve to pay any liability of the Plan.

E. EXCESS INSURANCE

The Administrator, upon authorization by the governing committee of the Warren County Board of Supervisors, may purchase excess or catastrophe insurance in such limits as deemed appropriate, the cost thereof to be paid from the funds of the Plan.

F. SAFETY PROGRAMS

Each participant shall develop and enforce a safety program or programs designed for the reasonable and adequate protection of the lives, health and safety of employees; and shall provide for use by employees of appliances and devices designed to minimize the possibility of injury or impairment of health.

G. COOPERATION OF PARTICIPANTS

Participants in the Plan shall cooperate with the Administrator by filing all required reports, by aiding in the investigation of claims, and by developing and enforcing safety programs and by furnishing any additional aid or information that may be required to carry out the provisions of the intent of the New York State Workers' Compensation Law.

H. PENALTIES

The Warren County Board of Supervisors may by Resolution expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provisions of the Workers' Compensation Law; provided, however, that a participant shall be notified in writing, at least thirty (30) days prior to the effective date of expulsion; and further provided, that expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the Plan at the date of expulsion.

SECTION 4. Binding Effect. Upon the effective date of this Local Law the rules and regulations for the administration of the Plan shall be applicable to and binding upon all then existing participants in the Plan and to all future participants upon admission to the Plan.

SECTION 5. Repealer. This Local Law shall repeal, supercede or, as appropriate, consolidate into this Local Law all prior Local Laws of Warren County concerning the rules and regulations for the administration of the Plan, including Local Law No. 4 of 1981, Local Law No. 2 of 1982, Local Law No. 3 of 1982, Local Law No. 4 of 1982, Local Law No. 1 of 1989, Local Law No. 2 of 1990, Local Law No. 5 of 1992, Local Law No. 3 of 1994, Local Law No. 4 of 1994, Local Law No. 3 of 1996, Local Law No. 5 of 1996, Local Law No. 4 of 1999, Local Law No. 3 of 2000, Local Law No. 8 of 2001, Local Law No. 3 of 2009, Local Law No. 6 of 2010, and Local Law No. 7 of 2010. This Local Law shall not amend, repeal or supercede Warren County Local Law No. 3 of 1981 or any Local Laws amending Warren County Local Law No. 3 of 1981.

SECTION 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 7. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.