

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of NIAGARA
Town
Village
Local Law No. 5 of the year 19 85

A local law amending Local Law #1 for the year 1956, as amended by Local Law #1 for the year 1967, Local Law #3 for the year 1981 and Local Law #2 for the year 1983, so as to revise Section #5 pertaining to Withdrawal from the Pool Plan and Section #13 in regard to the maximum amount in the Reserve Fund.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County
City of NIAGARA as follows:
Town
Village

Section 1. That the plan of self-insurance provided for in Article 5 of the Workmen's Compensation Law of the State of New York is hereby established for the County of Niagara, New York.

Section 2. The plan of self-insurance hereby established shall be administered by the Insurance Committee of the Legislature of the County of Niagara, New York, a standing committee of the said Legislature, as heretofore and hereafter appointed by the Chairman of the Legislature pursuant to the rules of the said legislature. The Insurance Committee may, subject to the approval of the Legislature, employ such persons as may be deemed necessary for the operation of the plan or may contract for necessary actuarial or other expert or professional services. Members of the Committee and all other officers, employees and contractors of the plan shall receive such salaries or other remuneration payable from the monies of the plan as shall be fixed by the Legislature. Notwithstanding the provisions of any other law, a county officer or employee other than a member of the Legislature, in addition to his salary as such officer or employee, may be compensated as a member of such committee, as such administrator or as an officer or employee of the plan.

Section 3. PARTICIPATION: In addition to the County, participation in the Niagara County Mutual Self-Insurance Plan shall be available to: cities, towns, villages, soil conservation district, city school districts, central school districts.

Section 4. Any municipal corporation eligible to become a member of this plan may become a member of this plan by filing with the Chairman of the Insurance Committee of the Niagara County Legislature and the Clerk of the Legislature of Niagara County on or before the 15th day of July of any year, a certified copy of the resolution of its governing body electing to become a participant in this plan for the next calendar year of the operation of the plan.

Section 5. WITHDRAWAL: Withdrawal from the Pool Plan by a participant may be effected by filing on or before the 1st day of October in any year, with the

(If additional space is needed, please attach sheets of the same size as this and number each)

Chairman of the Insurance Committee of the Niagara County Legislature and the Clerk of the Legislature, a certified copy of a resolution from its governing body electing to withdraw from the Plan at the end of the operating, current calendar year. Upon withdrawal, the withdrawing entity shall pay in a lump sum, within two months from the effective date of withdrawal, an equitable share of the total, outstanding liabilities of the Pool Plan calculated as of the effective date of withdrawal. If the withdrawal fee is not totally paid within the time limit specified above, a penalty of one (1%) percent of the principal amount due shall be collected for each delinquent month or part of a month after the due date (March 1) thereof.

The withdrawing entities pro-rata share of the total, outstanding liabilities of the Pool Plan shall be based entirely (100%) on the loss percentile experience of the withdrawing entity, said loss percentile to be calculated on the basis of the paid and the unpaid losses of the withdrawing entity in relation to the paid and the unpaid losses for the entire Pool Plan for the three (3) preceding years immediately prior to the year in which the withdrawal notice is filed.

After a participant has filed a Notice of Withdrawal from the Pool Plan, that entity will be required to leave the Pool Plan at the end of the calendar year in which the Withdrawal Notice is filed. An entity that elects to withdraw from the Pool Plan will not be eligible to return to the Plan for three (3) years from the date of withdrawal.

Section 6. All participants in the Plan shall fully cooperate with the Insurance Committee in the administration of the Plan, shall annually, within thirty (30) days of the close of each calendar year, and at such other times as the Insurance Committee may require, submit such reports as may be requested and shall promptly furnish all pertinent information relative to any claim and aid in the investigation of any claim as requested by the Insurance Committee.

Section 7. For a violation of the provisions of the foregoing section or of the requirements of the Workmen's Compensation Law, the Insurance Committee may charge a penalty against any participant, which shall not exceed \$100, or the Legislature may upon resolution by a majority vote of the members present and voting upon roll call, charge a penalty in excess of \$100 or expel such member from the Plan.

Section 8. Every new employee of any participant in the Plan from and after January 1, 1957, shall undergo a physical examination before undertaking any of the duties of his/her employment except in the case of any emergency in which case the participant employing such employee shall arrange for such physical examination at the earliest possible time after the undertaking of such duties. The expense of such physical examination shall be paid by the participants in the Plan. Volunteer fireman shall not be required to undergo a physical examination but must file a health certificate.

Section 9. The double penalties provided in Section 14-a of the Workmen's Compensation Law for illegally hiring minors under 18 is the sole responsibility of the municipality doing it.

Section 10. All participants in the Plan shall cooperate fully with the Insurance Committee and its nominees, agents, servants and employees in filing reports within three (3) days from the date of the accident or injury. The Insurance Committee or the person designated by it to accept notifications with respect to accidents shall be notified within 24 hours in the case of accident or injury.

Section 11. ANNUAL APPORTIONMENT OF COSTS FOR OPERATING FUND;
MAXIMUM LOSS LIMITATION:

(a) The apportioned share of each participant shall be based one hundred (100%) percent on the loss percentile experience of each participant as it relates to the aggregate loss experience of the entire Pool Plan. The loss percentile experience of each participant in the Plan shall be calculated on the basis of the paid and reserved losses of each participating entity in relation to the aggregate paid and reserved losses of the entire Plan, for the three (3) preceding years immediately prior to the year in which the budget estimate is presented, omitting the current year.

(b) There shall be a maximum loss limitation for a single accident or a single occurrence that may be used in the assessment calculation for a participant's annual experience charge. The maximum loss limitations that will apply to the various entities in the Plan are as follows:

(1)	Villages	\$ 10,000
(2)	School Districts & Towns	35,000
(3)	City of Lockport	50,000
(4)	City of North Tonawanda	75,000
(5)	City of Niagara Falls	100,000
(6)	County of Niagara	125,000

Section 12. THE ASSESSMENT OF EACH PARTICIPANT SHALL BE COLLECTED AS FOLLOWS:

(a) The assessment share of each participant in the Plan shall be paid not later than thirty (30) days after the commencement of each participant's next fiscal year. For any assessment amount not paid within the time limit specified above, a penalty of one (1%) percent of the principal amount due shall be collected for each delinquent month or part of a month after the due date thereof.

(b) The amounts collected from each of the participating entities shall be paid over to the Niagara County Treasurer and by him credited to the Separate Account established for the Fund of the Self-Insured Pool Plan.

Section 13. A Self-Insurance Reserve Fund for the Pool Plan is hereby established. The maximum amount which shall be in the Reserve Fund shall not exceed \$800,000.

Section 14. The Insurance Committee, subject to the approval of the Legislature, may, on behalf of the Plan, purchase excesses on catastrophe insurance. The cost of such insurance shall be an administrative expense of the Plan.

Section 15. This Local Law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1985.
County
of the City of Niagara was duly passed by the Niagara County Legislature
Town (Name of Legislative Body)
Village
on August 6, 1985 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ and was approved _____ by the _____
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ and was approved _____ by the _____
repassed after disapproval Elective Chief Executive Officer *
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on
Town (Name of Legislative Body)
Village
_____ 19_____ and was approved _____ by the _____ on
repassed after disapproval Elective Chief Executive Officer *
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph1..... above.

David J. Kyzmir
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
DAVID J. KYZMIR

Date: August 6, 1985

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
NIAGARA COUNTY ATTORNEY
Title

Date: August 6, 1985

County
City of NIAGARA
Town
Village