

## LOCAL LAW FILING

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### COUNTY OF DELAWARE

#### Local Law No. 22 of the year 2019

#### **TITLE: A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1991 OF THE DELAWARE COUNTY SELF INSURANCE PLAN**

BE IT ENACTED by the Board of Supervisors of the County of Delaware that Local Law No. 2 of 1991, which amended Local Law No. 1 of 1956, be amended as follows:

1. The Plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known by the name of "Delaware County Self-Insurance Plan."
2. The Plan of mutual self-insurance heretofore adopted pursuant to former Subdivision 3-a of Section 50 of the Workers' Compensation Law is hereby continued.
3. The Plan of self-insurance hereby established shall be under the supervision of a committee of at least three [3] members of the Delaware County Board of Supervisors, who shall be appointed annually by the Chairman at the organizational meeting of the Board of Supervisors.
4. The Committee in charge of said Plan shall appoint an administrator of said Plan. Such administrator may hold another position in the county government and perform the duties of administrator in addition to such other position.
5. The County of Delaware shall be a participant in the Plan, the Delaware County Soil Conservation District, the towns, villages, and fire districts may elect to become participants of said Plan. Any municipality or district electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the 15th day of August in any year, with membership to be effective on the 1st day of January following such election. Any participant may withdraw from said Plan by filing a certified copy of a resolution or ordinance of its governing body electing to withdraw upon the condition that it agrees to pay its proportionate share of the estimated liabilities of said Plan at the time of withdrawal, payment of such liability may be either in a lump sum or as they accrue.
6. The annual estimate of expense shall be apportioned among the participants in the proportion that the full valuation of each participant bears to the aggregate full valuation of all the participants.
7. All participants in the Plan shall cooperate fully with the committee in the administration of the Plan, shall render reports as may be requested and/or required by law or regulation, and shall promptly furnish all pertinent information relative to any claim, and aid in the investigation of any claim. If the requested paperwork is not filed timely and the New York State Workers' Compensation Board penalizes the Plan, it is the responsibility of the participant to reimburse said Plan within thirty (30) days from the date of notification by the

Plan. If payment is not received within thirty (30) days, the participant may be discharged from said Plan by the Administrator.

8. The amount due from each participating village as its share of the annual estimate of the Plan shall be paid to the County Treasurer within thirty days after the commencement of such participant's fiscal year. The amount due from each town and fire district in the Plan shall be included in the next succeeding tax levy against property taxable by the participant responsible therefor.
9. The violation of any of the provisions of the foregoing sections by any participant shall be grounds for the expulsion of such participant from the Plan, at the discretion of the Administrator.
10. A self-insurance reserve, with a minimum sum of \$500,000, is hereby established for the Plan. Any balance remaining at the close of the fiscal year may be transferred to the reserve hereby created. The specific amount of said reserve shall, from time to time, be determined by the Administrator and the Committee.
11. The Committee, subject to the approval of the Board of Supervisors, may purchase employers' liability and/or excess or catastrophe insurance, the cost thereof to be paid from the funds of the Plan.
12. The County Treasurer shall pay to the claimants Workers' Compensation benefits as provided in Section 25 and medical expenses as provided in Section 13 of the Workers' Compensation Law upon submission by the Administrator. Insofar as benefits may be payable for volunteer firemen, references to Workers' Compensation Law shall be deemed to mean the similar sections of the Volunteer Firemen's Benefit Law. Other payments of the Plan shall be made by the County Treasurer upon vouchers duly audited by the Committee appointed to supervise the Plan.
13. The Committee of the Board of Supervisors appointed to supervise the Plan shall have general supervision of the Plan; shall appoint the administrator and other employees of the Plan; within the limits of the appropriation therefor shall audit all bills or claims against the Plan before payment: [except such sums as may be payable under Workers' Compensation Law, Section 25 and Section 13 and awards of the Workers' Compensation Board's shall have the power to make the necessary rules and regulations to provide for the administration of the Plan; shall have the authority to do any matter in the settlement of any case. The administrator and other employees of the Plan shall receive such salary or other remuneration, payable from the moneys of the Plan, as shall be fixed by the Board of Supervisors.
14. The administrator, including without limitation the administrator's designee or third-party administrator, shall perform such duties as may be necessary to operate the Plan in accordance with the Workers' Compensation Law; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; shall have the authority to purchase supplies, stationery, forms, books, equipment as may be necessary for

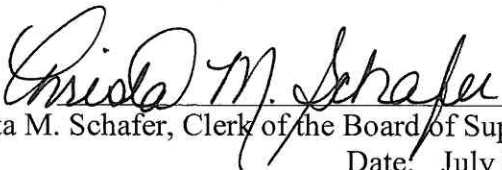


the operation of said Plan within the limits of the appropriation and subject to the rules of the Board of Supervisors.

15. This Local Law shall take effect immediately.

I hereby certify that the local law annexed hereto, designated as Local Law No. 22 of 2019 of the County of Delaware was duly passed by the Board of Supervisors on July 24, 2019, and was approved. Such local law was not subject to permissive referendum in accordance with the applicable provisions of law.

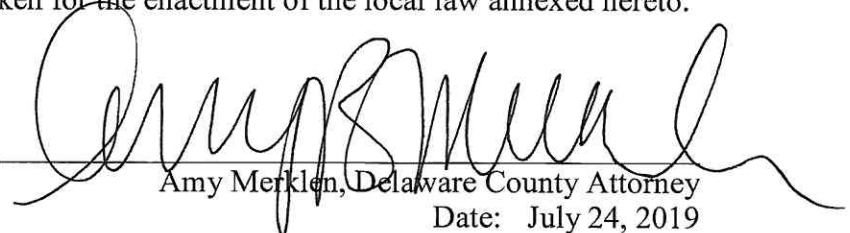
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

  
Christa M. Schafer, Clerk of the Board of Supervisors  
Date: July 24, 2019

(Seal)

STATE OF NEW YORK  
COUNTY OF DELAWARE

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.

  
Amy Merklen, Delaware County Attorney  
Date: July 24, 2019