

Warren County
SUPPORT SERVICES COMMITTEE
(INSURANCE)

November 29, 2012 10:00 am

Information Submitted By: Amy Clute, Insurance Administrator

Committee Members: Chairman, Supervisor Taylor
Supervisor Strainer
Supervisor Loeb
Supervisor McDevitt
Supervisor Frasier
Supervisor Mason
Supervisor Vanselow

- I. **Committee meeting called to order by Chairman.**
- II. **Motion to approve minutes of prior committee meeting.**
- III. **Action agenda – matters requesting Resolutions of the Board and / or committee approval.**
 1. Resolution requested: Proposed Local Law No. 9 of 2012 regarding Deputy Insurance Administrator

Amending Local Law No 3 of 1981 entitled a local law to provide for the establishment of a County Self-Insurance Plan pursuant to Article 5 of the Workers' Compensation Law. The purpose of this new local law is to amend the previous local law to establish the position of the Deputy Insurance Administrator who in the absence of the Insurance Administrator may act for and in place of the Insurance Administrator. This local law is necessary in order to present a request for approval of the Deputy Insurance Administrator position by the NYS Civil Service Commission.
 2. Resolution requested: Proposed Local Law No. 10 of 2012 regarding Physical Possession of a Deadly Weapon or Dangerous Instrument

Amending Local Law No 2 of 2007 prohibiting entry into and remaining in County buildings by persons in physical possession of a deadly weapon.
R583 of 2005 adopted a policy on restricting firearms and other weapons in or on County buildings, worksites and vehicles. R160 of 2006 amended same to exempt the Airport employees. R42 of 2007 enacted Local Law No 2 of 2007 that prohibited entry into and remaining in county buildings by persons in physical possession of a deadly weapon. R452 of 2008 amended R160 of 2006 for the policy to allow the airport employees to also use rifles for wildlife control.
One of the duties that were assumed by the Insurance Administrator earlier this year is to review the various safety policies. Upon review of the "firearms" policy with the County Attorney it was noted that a policy does not need to exist due to the local law. However, upon review of the local law it was determined that an amendment may be appropriate. The attached proposed local law seeks to amend the prior local law adding language regarding dangerous instruments, includes the "human services building", and adds language exempting the airport employees and persons permitted to carry concealed weapons. The proposed local law amendment also adds a penalty where persons found in violation can be denied permission to facilities.

3. Resolution requested: Proposed Local Law No. 11 of 2012 regarding the rules and regulations for the administration of the Self-Insurance Plan.

Amending, superseding 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.

For background, there are 2 primary Local Laws that govern the establishment and the operation of the Self-Insurance Plan. Local Law No. 3 of 1981 established the plan and that has had few amendments over the years. Local Law No. 4 of 1981 addressed the operation of the plan and has been amended numerous times over the years. The County Attorney and I seek to combine the many amendments into one document. The proposed Local Law No. 11 of 2012 combines the information for administration of the Self-Insurance Plan into one place. The proposed Local Law further clarifies the withdrawal procedures and apportionment of costs. Sections 5, 6, & 7 on binding effect, repealer and severability have been added. This Local Law does not amend, supersede or repeal Local Law No. 3 of 1981.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Self-Insurance

DATE: 11-29-12

- (a) Purpose of Request: INTRODUCING PROPOSED LOCAL LAW NO. 9 OF 2012 AND AUTHORIZING PUBLIC HEARING THERON

- (b) Details: THE PURPOSE OF THIS LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 1981 ENTITLED A LOCAL LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COUNTY SELF-INSURANCE PLAN PURSUANT TO ARTICLE 5 OF THE WORKERS' COMPENSATION LAW IS TO INCLUDE A PROVISION ESTABLISHING THE POSITION OF THE DEPUTY INSURANCE ADMINISTRATOR, WHO, IN THE ABSENCE OF THE INSURANCE ADMINISTRATOR, MAY ACT FOR AND IN PLACE OF THE INSURANCE ADMINISTRATOR.

- (c) Previous Resolution Number: R548/1999

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: n/a

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. OF 2012

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

INTRODUCING PROPOSED LOCAL LAW NO. 9 OF 2012 AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 9 of 2012 titled "A Local Law Amending Local Law No. 3 of 1981 entitled A Local Law to Provide for the Establishment of a County Self-Insurance Plan Pursuant to Article 5 of the Workers' Compensation Law", attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and a public hearing shall be held at the Supervisors' Rooms in the Warren County Municipal Center on the ____ day of January, 2013 at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 9 of 2012, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

COUNTY OF WARREN

PROPOSED LOCAL LAW NO. 9 OF 2012

A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 1981 ENTITLED A LOCAL LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COUNTY SELF-INSURANCE PLAN PURSUANT TO ARTICLE 5 OF THE WORKERS' COMPENSATION LAW

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 Local Law No. 3 of 1981 entitled A Local Law to Provide for the Establishment of a County Self-Insurance Plan Pursuant to Article 5 of the Workers' Compensation Law".

SECTION 2. Purpose. Pursuant to the authority in Article 5 of the Workers' Compensation Law, the Warren County Board of Supervisors adopted Local Law No. 3 of 1981 to establish the Warren County Self-Insurance Plan. Section 6 thereof provides that the Warren County Self-Insurance Plan shall be administered by an Administrator who shall be appointed by the Board of Supervisors. Also in accordance with the authority set forth in Article 5 of the Workers' Compensation Law, the Warren County Board of Supervisors enacted Local Law No. 4 of 1981 which established rules and regulations for the administration of the Warren County Self-Insurance Plan. In ensuing years, both Local Law No. 3 of 1981 and Local Law No. 4 of 1981 have been amended on a number of occasions. The purpose of this Local Law is to amend Local Law No. 3 of 1981 to include a provision establishing the position of the Deputy Insurance Administrator, who, in the absence of the Insurance Administrator, may act for and in place of the Insurance Administrator.

SECTION 3. Local Law No. 3 of 1981 is hereby amended by adding a new Section 6-a as follows:

SECTION 6-a. Deputy Insurance Administrator. The position of Deputy Insurance Administrator is hereby established. The Deputy Insurance Administrator shall have the authority to act for and in place of the Insurance Administrator in the absence of the Insurance Administrator and under such

absence to act otherwise in accordance with the duties and responsibilities of the Insurance Administrator set forth in Local Law No. 3 of 1981 and as thereafter amended by Local Law, and Local Law No. 4 of 1981 and as thereafter amended by Local Law. The Deputy Insurance Administrator shall also have such duties and responsibilities as determined by the Insurance Administrator. The Deputy Insurance Administrator shall be appointed by the Insurance Administrator. The compensation to be paid to the Deputy Insurance Administrator shall be established by the Warren County Board of Supervisors.

SECTION 4. Severability. In the event that any provision of this Local Law shall be determined by a court of law to be illegal and/or unenforceable, this Local Law, to the extent the court has determined practicable, shall continue in full force and effect as if the said illegal or unenforceable provision were not contained as a part thereof.

SECTION 5. This Local Law shall take effect immediately upon filing with the Secretary of State.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of the County of Warren, New York, is considering the adoption of a proposed Local Law No. 9 for the year 2012, entitled "A Local Law Amending Local Law No. 3 of 1981 entitled A Local Law to Provide for the Establishment of a County Self-Insurance Plan Pursuant to Article 5 of the Workers' Compensation Law". Said Local Law, generally, includes a provision establishing the position of Deputy Insurance Administrator, who shall in the absence of the Insurance Administrator, act for and in place of the Insurance Administrator and shall also have such duties and responsibilities as determined by the Insurance Administrator.

NOTICE IS FURTHER GIVEN that, pursuant to a resolution adopted by the Board of Supervisors on December 21, 2012, a public hearing will be held by the Board of Supervisors at the Supervisors' Rooms in the Warren County Municipal Center, Route 9, Queensbury, New York, on _____, day of January, 2013, at 10:00 a.m., at which time and place all persons interested in the matter of such proposed Local Law No. 9 for the year 2012 will be heard concerning the same. A copy of said Local Law is available for inspection during regular business hours by contacting the Clerk of the Board of Supervisors at the above-stated address.

By Order of the Board of Supervisors.

Dated: December 21, 2012

JOAN SADY, CLERK
Warren County Board of Supervisors

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Self-Insurance

DATE: 11-29-12

- (a) Purpose of Request: INTRODUCING PROPOSED LOCAL LAW NO.10 OF 2012 AND AUTHORIZING PUBLIC HEARING THEREON

- (b) Details: A LOCAL LAW AMENDING LOCAL LAW NO.2 OF 2007 PROHIBITING ENTRY INTO AND REMAINING IN COUNTY BUILDINGS BY PERSONS IN PHYSICAL POSSESSION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT

- (c) Previous Resolution Number: R452/2008; R42/2007; R160/2006; R583/2005.

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: N/A

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. ____ OF 2012

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

INTRODUCING PROPOSED LOCAL LAW NO. 10 OF 2012 AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 10 of 2012 titled "A Local Law Amending Local Law No. 2 of 2007 Prohibiting Entry Into and Remaining in County Buildings by Persons in Physical Possession of a Deadly Weapon or Dangerous Instrument", attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and a public hearing shall be held at the Supervisors' Rooms in the Warren County Municipal Center on the ____ day of January, 2013 at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 10 of 2012, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

COUNTY OF WARREN

PROPOSED LOCAL LAW NO. 10 OF 2012

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2007 PROHIBITING ENTRY INTO AND REMAINING IN COUNTY BUILDINGS BY PERSONS IN PHYSICAL POSSESSION OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT

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

SECTION 1. Title and Authority. This Local Law shall be known as “A Local Law Amending Local Law No. 2 of 2007 Prohibiting Entry into and Remaining in County Buildings By Persons in Physical Possession of A Deadly Weapon or Dangerous Instrument”.

SECTION 2. Purpose. The governing board of the County of Warren finds that: (1) deadly weapons and dangerous instruments often cause accidental deaths and injuries and are frequently used in the commission of crimes, particularly homicides and assaults; (2) physical possession of deadly weapons and dangerous instruments in County buildings by persons other than those on official business with authorization to carry such weapons or instruments poses a serious threat to the health, safety and general welfare of County public servants and other persons lawfully in County buildings; and (3) the presence of deadly weapons and dangerous instruments in County buildings, except by certain authorized officials, may seriously impair the performance of essential government functions by way of threat or intimidation to County public servants or others. Therefore, as owner or lessee of buildings in Warren County and in its proprietary capacity, the County desires to prohibit deadly weapons and dangerous instruments in County buildings, except by officials with authorization engaged in official business.

SECTION 3. Definitions.

A. “Deadly Weapon” shall be defined as set forth in paragraph 12 of Section 10 of the New York State Penal Law, and means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilium

ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

B. "Dangerous Instruments" shall be defined as set forth in paragraph 13 of Section 10 of the New York State Penal Law, and means any instrument, article or substance, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other physical injury. Dangerous Instruments include, but are not limited to such items as dangerous knife, dirk, razor, stiletto, imitation pistol, or any weapon, whether loaded or unloaded.

C. "County Building" means a building owned or leased by the County. County Building shall include but not be limited to: (1) Municipal Center; (2) Municipal Center Annexes; (3) Human Services Building; (3) (4) Westmount Health Facility; (4) (5) Countryside Adult Home; (5) (6) Department of Public Works offices and shops in the Town of Warrensburg, Town of Queensbury and Town of Johnsburg; (6) (7) Public Safety Building; and (7) (8) Airport Terminal Building.

SECTION 4. Physical Possession of Deadly Weapons or Dangerous Instruments in County Buildings Prohibited. No person shall enter into and/or remain in a County building while in physical possession of a deadly weapon or dangerous instruments either openly or concealed unless such person is a person described in Section 5 hereof.

SECTION 5. Exceptions. Prohibition of physical possession of deadly weapons or dangerous instruments in County buildings shall not apply to:

- (1) a police officer or peace officer authorized to use the same while acting within the scope of employment;
- (2) a government employee or licensed security guard authorized or required by employment or office to possess the same while acting within the scope of such employment or office;

- (3) a person in the military service of the State of New York or the United States when duly authorized to possess the same and acting within the scope of such military service;
- (4) a County official or County employee, specifically authorized by the Sheriff, as defined by Resolution No. 583 of 2005, to possess a deadly weapon in County buildings, according to any and all restrictions or limitations which the governing board of the County may place upon such authorization;
- (5) a County employee who works at the Airport and is authorized by the Airport Manager to use shotguns, rifles and pyrotechnic devices (cracker shells, hand held screamer/banger devices) to engage in wildlife mitigation in or about the Airport premises; and
- (6) A person who is the holder of a valid permit to carry a concealed weapon on their person.

SECTION 6. Signs . The County Superintendent of Buildings and Grounds shall post, on walls, windows or other locations as the Superintendent shall deem most visible to members of the general public entering the building, a sign with a red background and white lettering in no less than 9/16" size type reading as follows:

NOTICE:

**CARRYING OR PHYSICALLY POSSESSING A FIREARM OR OTHER
DEADLY WEAPON WHILE IN BUILDING
PROHIBITED BY LOCAL LAW**

SECTION 7. Penalties.

- A. Unless excepted from application of this local law, any person who, in disobedience

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of a sign or directive from a County official, shall carry or otherwise be in physical possession of a deadly weapon or dangerous instruments in a County Building shall be guilty of a trespass, as an unclassified misdemeanor, and subject to punishment by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment. Each day or part of a day which a violation continues shall constitute a separate violation. Notwithstanding anything to the contrary set forth herein, the County Board at its option may also maintain a civil trespass action and/or seek civil injunctions.

B. In addition to the foregoing, any person who is found to be in violation of this Local Law may, at the discretion of the County Board be denied permission to enter any building owned, leased or operated by the County or at any worksite of the County, or in a vehicle owned or leased by the County.

SECTION 7. 8. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this 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 law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8: 9. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Self-Insurance

DATE: 11-29-12

- (a) Purpose of Request: INTRODUCING PROPOSED LOCAL LAW NO. 11 OF 2012 AND AUTHORIZING PUBLIC HEARING THERON

- (b) Details: THE PURPOSE OF THIS LOCAL LAW AMENDING, SUPERSEDING AND CONSOLIDATING LOCAL LAW NO. 4 OF 1981 ENTITLED RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE WARREN COUNTY SELF-INSURANCE PLAN AND AS SUBSEQUENTLY AMENDED

- (c) Previous Resolution Number: R618/2010

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: n/a

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. ____ OF 2012

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

INTRODUCING PROPOSED LOCAL LAW NO. 11 OF 2012 AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 11 of 2012 titled "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", attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and a public hearing shall be held at the Supervisors' Rooms in the Warren County Municipal Center on the ____ day of January, 2013 at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 11 of 2012, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

COUNTY OF WARREN

PROPOSED LOCAL LAW NO. 11 OF 2012

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 1st by filing a written notice with the Administrator by the preceding July 1st. 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 1st 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 1st 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

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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.