

(Use this form to file a 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~~

~~Town~~

~~Village~~

of Niagara

2

94

Local Law No. _____ of the year 19 _____

A local law Extending Coverage of Niagara County Self Insurance Law to Include Coverage
(Insert Title) Under Volunteer Ambulance Workers' Benefit Law (VAWBL)

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

County

~~City~~

~~Town~~

~~Village~~

of Niagara as follows:

Section 1. That the plan of self-insurance provided for in Article 5 of Workers' Compensation Law of the State of New York is hereby established for the County of Niagara, New York and will include those municipalities and school districts who have so elected to participate (pursuant to Section 4 of this law) and will provide coverages under the WCL (Workers' Compensation Law), VFBL (Volunteer Firefighters' Benefit Law), and VAWBL (Volunteer Ambulance Workers' Benefit Law) as specifically enumerated under those respective State statutes.

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 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 Workmens' 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 firemen 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 Workmens' 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 with 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 that applies to the filing of this local law and strike out that 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. 2 of 1994 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Niagara was duly passed by the Niagara County Legislature on April 19 1994, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*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 the power to approve or veto local laws or ordinances.

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

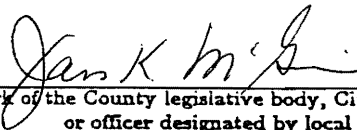
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 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 paragraph 1, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

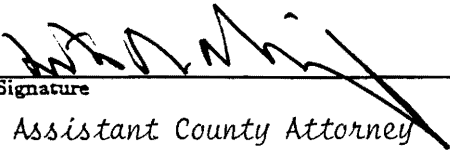
(Seal)

Date: 5/3/94

(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
Assistant County Attorney

Title

County
City of Niagara
~~Town~~
~~Village~~
Date: 5/3/94