A local law establishing a Comprehensive Risk Management Program and reserve therefore.

Be it enacted by the Steuben County Legislature of the

SECTION 1: LEGISLATIVE INTENT

It is the intent of the within Local Law to establish a Comprehensive Risk Management Program which shall have, but not be limited to, the following components:

1. Evaluation of risk to which the County of Steuben is exposed for claims brought by and against the County.

2. Evaluation of the insurability of each type of risk.

3. Implementation of policy and procedures for avoidance of each type of risk, including but not limited to safety rules and regulations and training of personnel.

4. Policy and procedure for adjustment of claims, the evaluation, defense or prosecution and adjustment or disposition of claims, both insured and self-insured.

5. Creation of an Insurance Reserve Fund pursuant to General Municipal Law Section 6 on to meet contingent liabilities for which the County is self-insured.
SECTION 2: DEFINITIONS OF TERMS

(a) RISK: Risk is the exposure to a hazzard or any claim or cause of action for any damage or injury caused to a person or property brought by or against the County of Steuben. Said definition includes, but is not limited to, claims or causes of action for tort liability (i.e. generally claims for damages other than those founded in contract) Workers' Compensation and employer's liability, unemployment insurance, or that arise out of any acts or omissions of officers or employees of the County of Steuben that result in said injury or damage consistent with the resolution dated January 28, 1985 providing for the defense and indemnification of officers and employees of the County of Steuben.

(b) INSURANCE RESERVE: Insurance Reserve is defined as that reserve authorized pursuant to General Municipal Law Section 6-n.

(c) WORKERS' COMPENSATION: Workers' Compensation is defined as that risk founded for and existing pursuant to Local Law #2 of the Year 1956 of the County of Steuben and the Workers' Compensation Law of the State of New York.

(d) RISK MANAGER: Risk Manager is defined as an individual, individuals or corporation retained by the County of Steuben, through subsequent Resolution of the Legislature, as an independent contractor or officer or employee to provide professional assistance and advice in the evaluation, insurability, avoidance and adjustment or disposition of risk.

(e) UNINSURED RISK: An uninsured risk is that risk for which or to the extent of no contract for insurance is entered into with an insurance carrier. It shall not, however, include Workers' Compensation.

(f) INSURANCE RESERVE FUND: Insurance Reserve Fund includes the budget for operations for meeting all risk except Workers' Compensation Self-Insurance Fund and includes the Insurance Reserve defined above in Subdivision (b).

(g) INSURANCE COMMITTEE: Insurance Committee is defined as an Ad Hoc committee of the Steuben County Legislature which shall have the overall responsibility for oversight of the Comprehensive Risk Management Program created by this Local Law and including Workers' Compensation. Said Committee shall be comprised of such County officers, employees and legislators as the Chairman of the Legislature may so designate. Said Committee shall be accountable to the Administration Committee of the Steuben County Legislature and shall, in the discharge of its duties, confer with those other Standing Committees of the Steu-
ben County Legislature as may be appropriate. Appointment of members shall be at the will of the Chairman and shall consist of no less than two (2) members of the Steuben County Legislature. Appointments shall be made, to the extent possible, so as to reflect those areas of expertise wherein the Chairman, in his opinion, feels there is the greatest exposure to risk.

SECTION 3: CREATION OF INSURANCE RESERVE FUND.

Consistent with the Legislative Intent of the within Local Law, the County Treasurer be, and the same hereby is, authorized and directed to establish in the 1988 Budget and each successive Budget a fund denominated as "Insurance Reserve Fund". Within said fund the Treasurer shall establish individual line items for the following: the retention of professional assistance for the evaluation, avoidance and insurability of risk, entitled "Risk Manager"; the retention of professional witnesses, fees and expense for uninsured risks, entitled "Professional Witness Fees and Expenses"; the retention of assistance in the investigation and adjustment of uninsured risk, entitled "Investigation and Adjustment of Claims"; the payment or settlement or compromise of claims and judgments, entitled "Claims and Judgments"; and such other line items as the Legislature, by resolution, may hereinafter direct. In addition, the Treasurer shall include in said fund the Insurance Reserve established pursuant to Section 4 hereof.

SECTION 4: INSURANCE RESERVE

(a) The County Treasurer be, and the same hereby is, authorized and directed to establish an 'Insurance Reserve' pursuant to and consistent with General Municipal Law Section 6-n.

(b) Contribution to the Reserve: Contribution to the Reserve shall be in such amounts as the Legislature shall appropriate to effectuate the purposes of this Local Law. In no event shall the Legislature appropriate less than $50,000.00 per annum.

(c) Expenditures from the Reserve: Expenditures from the Reserve shall be made for purposes of uninsured risk and related expenses as is contained in Insurance Reserve Fund, for which funds which have been appropriated prove insufficient. Such expenditure shall be authorized by the Steuben County Legislature.

SECTION 5: INVESTIGATION, EVALUATION AND DEFENSE OF CLAIMS.

The investigation, evaluation and defense for uninsured risk and expenditure from the Comprehensive Risk Management account shall be the responsibility of the Law Department, within the appropriations made
available in the Risk Management Account, with the advice of the
Insurance Committee and the County Administrator. Retention of the
services of attorneys for the defense of uninsured risk shall be with
the advice and consent of the Insurance Committee and the advice of the
County Administrator.

SECTION 6: CREATION OF INSURANCE COMMITTEE, ADJUSTMENT AND PAYMENT
OF UNINSURED RISK

There be, and the same hereby is, created an Ad Hoc Committee of
the Steuben County Legislature denominated as the "Insurance Committee".
Said Committee shall be appointed by the Chairman of the Steuben County
Legislature and shall serve at his pleasure. Said Committee shall con-
sist of such officers, employees and legislators of the County as the
Chairman shall appoint, and shall have no less than two members of the
County Legislature. In making said appointments, the Chairman shall
assess the County's greatest exposure to risk so as to maximize the
expertise of the individuals to be so appointed. Said Committee shall
be charged with the overall responsibility for the implementation of the
within Comprehensive Risk Management Program, including Workers' Com-
ensation, as well as the adjustment and approval of payment of claims in
an amount of less than $10,000.00. Adjustment and payment of claims in
excess of $10,000.00 or more shall be made and approved by the Steuben
County Legislature. The County Administrator and County Attorney shall
serve in an advisory capacity to said Committee and may be appointed as
members thereof. In compromising, settling or adjusting any uninsured
risk, the Insurance Committee shall, to the extent possible, confer with
the Department or Agency from where the uninsured risk originated. Said
Committee shall generally be accountable to the Administration Commit-
tee, and shall account to the Legislature as a whole, monthly.

SECTION 7: AVOIDANCE OF RISK

The avoidance of exposure to risk is both desirable and necessary
and by this Local Law so determined to be. Consistent with this decla-
ration of intent, this Legislature reaffirms its policy set forth the
Resolution adopted the 26th day of May, 1987, Appointing a Safety
Committee.

SECTION 8: POLICY AND PROCEDURE

The County Administrator shall propose such rules of procedure to
implement the policy and intent of this Local Law. The Administration
Committee is authorized and directed to review said rules, amend and
adopt same as amended, as provisions for the Administrative Code.

SECTION 9: EFFECTIVE DATE:

This Local Law shall be effective upon adoption.
(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. .......... of 19... of County of the Town of .......... was duly passed by the . County . Town . Village . (Name of Legislative Body)

on .......... 19... 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... of County of the Town of .......... was duly passed by the . County . Town . Village . (Name of Legislative Body)

not disapproved by the .......... 19... and was approved .......... 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... of County of the Town of .......... was duly passed by the . County . Town . Village . (Name of Legislative Body)

not disapproved by the .......... 19... and was approved .......... 19... , in accordance with the applicable provisions of law.

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 general thereon at the special election held on .......... 19... , in accordance with the applicable 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... of County of the Town of .......... was duly passed by the . County . Town . Village . (Name of Legislative Body)

not disapproved by the .......... 19... and was approved .......... 19... , in accordance with the applicable provisions of law.

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.
In the undesignated, 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]

Date: November 30, 1987

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