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COPY

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

November 18, 2016

Cindy Urtz
Clerk
138 N. Court St.
PO Box 635
Wampsville NY 13163

RE: County of Madison , Local Law 5 2016, filed on November 18, 2016

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State

Local Law Filing

(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~~ of Madison

~~Town~~

~~Village~~

Local Law No. 5 of the year 2016

A Local Law Amending Local Law No. 2 of 2016, Establishing the Madison

(Insert Title)

County Workers' Compensation Self-Insurance Plan and to Provide for the

Administration Thereof Pursuant to Article 5 of the Workers' Compensation Law.

Be it enacted by the Board of Supervisors of the Madison (Name of Legislative Body)

County

~~City~~ of Madison as follows:

~~Town~~

~~Village~~

"See Attached Pages"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW – COUNTY OF MADISON

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2016, ESTABLISHING THE MADISON COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN AND TO PROVIDE FOR THE ADMINISTRATION THEREOF PURSUANT TO ARTICLE 5 OF THE WORKERS' COMPENSATION LAW

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

Section 1. Workers' Compensation. Effective January 1, 2017, the plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and shall be known as the "Madison County Workers' Compensation Self-Insurance Plan," hereafter referred to as the "Plan."

Section 2. Plan Administrator. The Plan hereby established shall be administered by an administrator known as the "Workers' Compensation Insurance Administrator," hereafter referred to as the "Administrator," and shall be appointed by the Legislature upon this local law becoming effective. Thereafter, the Administrator shall be appointed bi-annually by the Board of Supervisors at the organizational meeting of the Board, or as soon as possible thereafter. The expenses of the administration of the Plan shall be payable from the funds of the Plan. The Administrator shall audit all claims against the Plan before payment and shall have the authority to do any matter necessary in the settlement of any case.

Section 3. Contract Authority. The Administrator, subject to the approval of the Board of Supervisors, and within the limits of the appropriation therefore, may contract for such services as the Administrator deems necessary for the operation and administration of the Plan, including and not limited to the hiring of contractors to provide services necessary for the administration and cost effectiveness of the Plan, including claims administration, risk management, loss control, safety training and education, payroll auditing, actuarial analysis and other ancillary services. The cost of such services shall be paid from the funds of the Plan.

Section 4. Plan Participants. (a) Madison County shall be a participant in the Plan, and any of its municipal corporations, district corporations or public benefit corporations, as defined in general corporation law, may elect to become participants in the Plan, except that a public benefit corporation shall not be deemed a public corporation for the purposes of this local law unless it operates in a territory coterminous with the county or a tax district or districts within the county.

(b) All participating entities of the county-administered group purchase of workers' compensation shall be accepted as participants of this Plan on the day it is established.

(c) Any eligible municipality or public entity electing to become a participant shall file a certified copy of a resolution of its governing body electing to become a participant, on or before the 1st day of July in any year, with membership to be effective on the 1st day of January following such election, provided, however that the Board of Supervisors may impose fair and equitable terms and conditions to be fulfilled by such new participant as a condition precedent to acceptance as a participant in the Plan.

Section 5. Plan Withdrawal. A participant may withdraw from the Plan by filing on or before the 1st day of July a certified copy of a resolution of its governing body electing to withdraw from the Plan upon the condition that it agrees to pay its proportionate share of the estimated liabilities of

the Plan as determined by an actuary within ninety (90) days after the date and time of withdrawal, which will be 12:01 a.m. on the subsequent 1st day of January. Payment of such liabilities shall be made in lump sum or the Administrator may, upon the approval of the Board of Supervisors, permit said payment to be made in installments.

Section 6. Participant Cooperation. All participants in the Plan shall cooperate fully with the Administrator in the administration of the Plan.

Section 7. Violations. For any violation of the provisions of the foregoing section 5 and 6, or of the requirements of the Workers' Compensation Law by a participant, the Administrator shall charge a penalty of \$100.00 against such participant. In addition thereto, the Board of Supervisors may by a majority vote expel such participant from the Plan, 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 as determined by an actuary.

Section 8. Expense Apportionment. The Plan's expenses will be apportioned among the Plan participants based on the New York State Insurance Fund calculation of a Workers' Compensation and Employers Liability total policy cost using factors and rules promulgated by the New York Compensation Insurance Rating Board and approved by the New York State Department of Financial Services, in effect on the first day of the fiscal year for which the apportionment is being made. The committee or administrator shall, annually, not later than the fifteenth day of August, file with the board of supervisors an estimate of the several amounts necessary for the ensuing calendar year. Participants will be notified of their apportionment amounts on or before [August] September 1st. The share of each participant in the Plan shall be billed by the Administrator in January with payment due by February 15th.

Section 9. Primary, Deductible or Excess Insurance. The Administrator, subject to approval by the Board of Supervisors, may purchase primary, deductible, excess or catastrophe insurance. The cost of such insurance shall be paid from the funds of the Plan.

Section 10. Representative Duties. Any representative or agent under contract with the Plan shall perform such duties as may be necessary to operate the Plan in accordance with the Workers' Compensation Law; shall make the reports required by law; shall attend hearings of cases before the Workers' Compensation board; and in accordance with such contract, shall have the power to authorize necessary medical care which appears from medical reports and information to be reasonable and necessary and to purchase supplies, stationery, forms, books and equipment necessary for the operation of the Plan subject to the approval of the Administrator and the rules of the Board of Supervisors.

Section 11. Reserve. A reserve not to exceed the present value of the Plan's outstanding liabilities as calculated by an actuary is hereby established for the Plan. Any existing balance in the Workers' Compensation Fund on December 31, 2016 may be transferred to the reserve hereby established, by resolution of the Board of Supervisors.

Section 12. Benefit Payments. The County Treasurer shall pay to claimants workers' compensation benefits as provided in Section 25 of the Workers' Compensation Law upon the order of the Administrator.

Section 13. Effective Date. 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. 5 of 20 16 of the (County)(City)(Town)(Village) of Madison was duly passed by the Board of Supervisors on Nov. 10, 20 16 in accordance with the applicable provisions of law.

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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2 _____ 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 2 _____

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 _____ 20 _____ in accordance with the applicable provisions of law.

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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____ Such local

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____ 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 chairperson 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 20 _____ 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 _____ 20_____, 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 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, 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 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.

Candy Hart, Clerk

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

Date: November 11, 2016

(Seal)