

LOCAL LAW NO. 4-07  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY SELF-INSURANCE PLAN  
AND PROVIDING FOR THE ADMINISTRATION THEREOF, PURSUANT TO  
ARTICLE 5 OF THE NYS WORKERS' COMPENSATION LAW

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York,  
as follows:

**Section 1.** The Chautauqua County Self-Insurance Plan ("Plan") provided for by Local Law 11-1979, as amended by Local Laws 1-1982, 4-1984, 3-1989, and 7-1993 pursuant to Article 5 of the Workers' Compensation Law, is hereby further amended.

**Section 2.** Section 6(b) of Local Law 4-1984, as amended, is hereby further amended to read as follows:

(b) Any participant may withdraw from the Plan, effective at the end of their fiscal year, by filing a certified copy of a local enactment of its governing body electing to withdraw by the preceding July 1 upon the condition that it agree to pay its proportionate share of the estimated outstanding liabilities of the Plan, together with an amount equal to its share of future administration costs for a period of five (5) years minus a proportionate share of Plan reserves at the time of its withdrawal. No later than March 31 of the year following a municipality's withdrawal from the Plan, the municipality's final proportionate share shall be determined by multiplying their proportionate share times the Plan's terminal liability as of December 31 of their final year of participation in the Plan. This payment shall be due to the Chautauqua County Plan Administrator no later than April 15 of the year following their termination from the Plan. If payment is not received by April 15, Chautauqua County may offset the amount due against the municipality's sales tax payments until the Plan is made whole. Payment of such liabilities shall be made in a lump sum or the Administrator may, with the authorization of the County Legislature, permit said payment to be made in installments.

**Section 3.** Section 10(a) of Local Law 4-1984, as amended, is hereby further amended to read as follows:

(a) The annual estimate of expenses shall be apportioned among the participants. The apportioned share of each participant shall be based forty percent (40%) on the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants and sixty percent (60%) on the loss-percentile experience of the participant, said loss percentile to be calculated based on the losses of each participant in relation to aggregate losses of Compensation and Medical for the entire Plan for each of five (5) preceding years immediately preceding the year in which said budget estimate is presented, omitting the current year. The migration to an apportionment formula of forty percent (40%) assessed valuation and sixty percent (60%) loss experience shall be phased in as follows:

Assessment    Experience    Years of History

2008	48%	52%	4
2009	46%	54%	5
2010	44%	56%	5
2011	42%	58%	5
2012	40%	60%	5

**Section 4.** Section 10(b) of Local Law 4-1984, as amended, is hereby further amended to read as follows:

(b) There shall be no monetary cap for any single occurrence in any one year assessed against a participant's annual experience charge, provided, however, that the increase or decrease in the experience factor used to determine the participant's share pursuant to this section shall be limited to the greater of five thousand dollars (\$5,000) or twenty percent (20%) of the amount used for the experience factor for the prior year.

**Section 5.** Local Law 4-1984, as amended, is hereby further amended to add an additional Section 16, as follows:

Section 16. As used in this Local Law, the following terms shall have the following meanings:

**PROPORTIONATE SHARE** - The proportionate share shall be equal to the participating municipality's average percentage of annual premium compared to the total Plan premium for the last three years of the municipality's participation.

**OUTSTANDING LIABILITIES** – The Plan's outstanding liabilities shall consist of the Plan's fully developed case reserves.

**FUTURE ADMINISTRATION COSTS** – Future administration costs shall be the cost of administering outstanding liabilities for the municipality withdrawing from the Plan for a period of five (5) years from the date of withdrawal from the Plan, to include, but not be limited to, the municipality's share of excess liability coverage, third party administrator expenses, Chautauqua County internal administration costs, and New York State assessments.

**PLAN RESERVES** – Cash reserves or fund balance of Workers' Compensation Fund as of December 31<sup>st</sup> of the last year of participation.

**Section 6.** This local law shall become effective upon filing with the Secretary of State.

Mailed: 4/13/07  
 Adopted: 4/25/07  
 Public Hearing 5/9/07  
 Adopted as LL 4-07