

## Chapter 295 LIABILITY AND CASUALTY RESERVE FUND

### Sec. 295.01. Definitions.

"Judgments," "actions" and "claims," as used in this chapter, shall mean those judgments, actions and claims against the County of Westchester that are founded upon tort or that arise out of any acts or omissions of officers or employees of the County of Westchester that result in personal injury or property damage, if such officers or employees, at the time the damages were sustained, were executing or performing, or in good faith purporting to exercise or perform, their powers and duties.

(L.L. No. 6-1986, § 1)

### Sec. 295.11. Establishment of liability and casualty reserve fund.

There is hereby established a reserve fund to be known as the "liability and casualty reserve fund."

(L.L. No. 6-1986, § 1)

### Sec. 295.21. Management of fund.

1. There may be paid into such fund:
  - a. Such amounts as may be provided by budgetary appropriations;
  - b. Amounts from any other fund authorized by the General Municipal Law by resolution subject to permissive referendum; and
  - c. Such other funds as may be legally appropriated.
2. The cash balance of such fund at the end of any fiscal year shall not exceed \$100,000.00 or five percentum of the total budget for such fiscal year, whichever is the greater amount. The amount paid into such fund during any fiscal year shall not exceed \$33,000.00 or 1 2/3 percentum of the total budget for such fiscal year, whichever is the greater amount.
3. The moneys in such fund shall be deposited in one or more of the banks or trust companies designated in the manner provided by law as depositories of the funds for the County of Westchester. The Commissioner of Finance may invest the moneys in such fund in obligations specified in the General Municipal Law. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund.
4. The Commissioner of Finance shall account for this fund separate and apart from all other funds of the County of Westchester. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, source thereof, date and amount of each payment from this fund; the assets of this fund, indicating cash balance and a schedule of investments. The Commissioner of Finance, within 60 days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this fund to the County Board.

(L.L. No. 6-1986, § 1)

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### **Sec. 295.31. Expenditures.**

An expenditure may be made from this fund for the payment of all or part of the costs, including interest, of:

1. Judgments;
2. Actions and claims.
  - a. Actions that have been compromised or settled and that have been approved by the court in which the action or proceeding is pending;
  - b. Claims that have been compromised or settled and that have been approved by a Justice of the Supreme Court of the Ninth Judicial District;
  - c. Expert or professional services rendered in connection with investigation, adjustment, settlement or defense of claims, actions or judgments;
  - d. Claims, demands or actions that have been compromised, settled or adjusted by the County Attorney or County Board of Acquisition and Contract pursuant to Chapter 158.

(L.L. No. 6-1986, § 1)

### **Sec. 295.41. Court order.**

The order of the court or the justice approving such settlement or compromise may be granted upon motion of the County Attorney or his designee, supported by an affidavit setting forth the cause of actions or claim against the County of Westchester, and also such other information which, in the opinion of the County Attorney or his designee, will enable the court or the justice to arrive at a determination that such settlement or compromise is just, reasonable and to the interest of the County of Westchester. The County Attorney or his designee may also present the affidavits of other persons in support of such motion. The court or the justice, in order to arrive at such determination, may require the County Attorney or his designee to present additional information by a supplementary affidavit or affidavits or may require other persons to present additional information by their affidavits.

(L.L. No. 6-1986, § 1)

### **Sec. 295.51. Accounting.**

Where an expenditure from the fund is authorized as provided herein:

1. Payment shall be made upon the audit and warrant of the Commissioner of Finance; and
2. Upon such audit and warrant, the Commissioner of Finance shall transfer the amount of such expenditure from the fund to the appropriate departmental budget line and shall thereupon debit such expenditure from the said budget line.

(L.L. No. 6-1986, § 1)

### **Sec. 295.61. Discontinuance of fund.**

If, after the establishment of such fund, the County of Westchester determines that such fund is no longer needed, the moneys remaining in such fund may be transferred to any other reserve fund of the County of Westchester authorized by the General Municipal Law that is comprised of moneys which were raised on the same tax base as the moneys in the reserve fund established under this chapter, only to the extent that the moneys in

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this fund shall exceed the sum sufficient to pay all liabilities incurred or accrued against it. Prior to the discontinuance of such fund, the Commissioner of Finance, Budget Director and the County Attorney shall certify to the County Board the amount that may be necessary to retain in such fund to satisfy all liabilities incurred or accrued against it and such sum shall be retained in the fund for payment of such amounts or until later certified that such funds are no longer needed.

(L.L. No. 6-1986, § 1)