

67567

DATE: January 31, 2019

TO: Board of Acquisition and Contract

FROM: John M. Nonna
County Attorney

SUBJECT: Resolution for authorization to settle the property damage insurance claim of Carlos Sousa through the New York Municipal Insurance Reciprocal ("NYMIR"), in an amount not to exceed \$10,868.13 inclusive of all fees.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the property damage claim of Carlos Sousa.

As the Board is aware, as of July 1, 2018, the County opted to insure the buses operated by Liberty Lines Transit with a policy offered by the New York Municipal Insurance Reciprocal ("NYMIR"). This policy insures the fleet, subject to a \$100,000.00 deductible per occurrence. Claims authorized to be settled under the deductible are paid through the County's 6N Insurance Fund. The claims are fully investigated by the Claims Division of NYMIR and recommendations on settlements are referred to the Law Dept. /Office of Risk Management for payment consideration.

On December 11, 2018 at approximately 8:10 P.M., Mr. Sousa was waiting at a traffic light in his 2017 Ford Edge in Yonkers, when he was struck from behind by a Liberty Lines Bus. Damage to his vehicle and the costs of a rental total \$10,868.13. In light of the damage to the claimant's vehicle and the likelihood that a jury may believe that the operator of the Liberty Lines bus was negligent in failing to observe stopped traffic in front of him and that his actions were the proximate cause of the accident and subsequent damage, a property damage settlement of \$10,868.13 is being proposed by NYMIR for the Board's authorization.

The goals and objectives of this resolution are to provide insurance coverage and claims management for the Fleet. The goals and objectives are in the best interest of the County in terms of fiscal responsibility because the insurance coverage will protect County assets in the event of an accident, thus insuring public service continuity and reducing risk for all parties. Risk Management will track and monitor any reports of incidents and/or accidents occurring over the policy period.

Accordingly, your favorable action on the annexed Resolution is recommended.

JMN/AJD/mkf

RESOLUTION

Upon a communication from the County Attorney, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to settle the property damage insurance claim of Carlos Sousa through the New York Municipal Insurance Reciprocal (“NYMIR”) in an amount not to exceed \$10,868.13; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

Account to be Charged/credited	Fund	Agency	Capital Project or Org	Activity Code	Object/ SubObject	Trust Account	Dollars
	615	359	0698/4270		4280/05		\$10,868.13

Budget Funding Year(s) 2019 Start Date 7/1/2018 End Date 7/1/2019

Funding Source

Tax Dollars	100% County
State Aid	
Federal Aid	
Other	6N Fund

\$10,868.13 (must match resolution)