

**69314**

DATE: April 16, 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 Juan Ramirez-Moya through the New York Municipal Insurance Reciprocal ("NYMIR"), in an amount not to exceed \$16,035.43 inclusive of all fees.

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

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 March 6, 2019 at approximately 9:00 P.M., a Liberty Lines bus lost control and struck 2 parked, unoccupied vehicles on Park Ave., Yonkers, NY. The vehicle owned by Mr. Ramirez-Moya was totaled; actual cash value less salvage value; towing and storage costs totaled \$16,035.43. In light of the damage to the claimant's vehicle and the likelihood that a jury may believe that the Liberty Lines bus operator's actions were the proximate cause of the accident and subsequent damage, a property damage settlement of \$16,035.43 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.

## 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 Juan Ramirez-Moya through the New York Municipal Insurance Reciprocal (“NYMIR”) in an amount not to exceed \$16,035.43; 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	59	0699/4370		4280/05		\$16,035.43

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

\$16,035.43 (must match resolution)