

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 27 - 2009

A LOCAL LAW to amend the Nassau County Administrative Code, in relation to the presentation of notices of claim.

Passed by the Nassau County Legislature on December 7, 2009

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on December 10, 2009 with the approval of the Deputy County Executive acting on behalf of the County Executive.

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Section 11-4.1 of the Administrative Code of Nassau County is amended to read as follows:

§ 11-4.1 **Presentation of certain claims.** Any claim against the County for damage, injury or death, or for invasion of personal or property rights, of every name and nature, and whether casual or continuing trespass or nuisance and any other claim for damages arising at law or in equity, alleged to have been caused or sustained in whole or in part by or because of any misfeasance, omission of duty, negligence or wrongful act on the part of the county, its officers, agents, servants or employees, must be presented in writing within ninety days after such damages or injury to person or property were sustained. Such claim must be presented to the person designated by law as one to whom a summons in an action in the New York State Supreme Court issued against the County may be delivered. Each claim for damages shall be verified by the claimant in the form as required for the verification of a pleading in an action and must state (1) the name and

APPROVED AS PER CHARTER

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post-office address of each claimant, and of his or her attorney, if any; (2) the nature of the claim; (3) the time when, the place where and the manner in which the claim arose; and (4) the items of damage or injuries claimed to have been sustained so far as then practicable but shall not state the amount of damages to which the claimant deems himself or herself entitled, provided, however, that the County may at any time request a supplemental claim setting forth the total damages to which the claimant deems himself or herself entitled. A supplemental claim shall be provided by the claimant within fifteen days of the request. No action may be maintained against the County for damages sustained as aforesaid unless (a) notice has been presented as aforesaid; and (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused; and (c) the action is commenced within one year and ninety days after the happening of the event upon which the claim is based; except that wrongful death actions shall be commenced within two years after the happening of the death. The place of trial of all actions brought against the County shall be in the County of Nassau. This section shall not apply to claims for damages or compensation for property taken for highway purposes.

§ 2. Nothing herein shall be construed as limiting the requirement of a notice of claim for claims arising under section 50-b of the General Municipal Law or for any other claims that have heretofore been included in section 11-4.1 of the Nassau County Administrative Code.

§ 3. This Legislature hereby finds and determines, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County

Government Law of Nassau County, that action relating to this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment"), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This local law shall take effect immediately.

APPROVED

Marilyn Gottlieb

County Executive

DATE 12/10/04