

earlier approval, the commission becomes legally liable to third parties, the county governing body shall be responsible for any such liability, and the settlement or release of claims for such liabilities, if any, shall be accomplished by the county governing body upon such basis as it may negotiate with the claimant or by its payment of any final judgment of any court award, and it shall have a right to intervene in any such court proceedings prior to judgment and to interpose any and all defenses available to it or the commission; and provided further, that the county governing body shall be responsible for reimbursing the commission for any expenditures made to third parties for services or property directly attributable to the commission's implementation of any project which is modified or vetoed and made obsolete or unnecessary by any such change. The commission's right, title and interest in any items for which reimbursement has been made shall be conveyed to the county governing body.

(4) Within five days after its final action, annually, with respect to the commission's capital improvements program submitted to it, each county governing body shall transmit to the commission notification of such action, giving the details of any changes or modifications and showing fulfillment of any of the herein above mentioned specified conditions which may be applicable to such action.

(d) (1) The commission shall review, and where required by the county governing body's final action on the program, revise the same and then prior to the commencement of the first fiscal year of the six-year program, adopt the capital improvements program. The capital budget of the commission for such succeeding fiscal year shall make provision for undertaking the approved projects for the first year of the approved six-year capital improvements program. No such capital improvements program shall be undertaken, in whole or in part, which is not in conformity with that part of the program applicable to that year unless the same shall be included in the capital improvements program by way of an amendment thereto, initiated by a county governing body or proposed by the commission, with an amendment to be subject to public hearing by the county governing body upon reasonable advance notice thereof to the public and requiring final county governing body action, notice to the commission, and commission adoption as specified for the annual six-year capital improvements program. Any material change from a finally adopted six-year program shall require an amendment to the program before the project may be constructed. Normal deviations from the last estimated construction costs, changes in location necessitated by right of way acquisition problems or conditions found in the field at the time of preparation of actual construction plans and modification of estimated sizes or lengths of construction items, shall not be considered material changes so long as service from the project as constructed is not provided, with respect to sewer projects, beyond the area approved therefor, including