

(II) [unless] IF the county [governing body] directing the modification [shall provide for reimbursing the commission] REIMBURSES THE WSSC for [such] substantial net additional costs or expenses.

[(3)] (F) (1) [In the event that a county governing body in its approval or amendment of the commission's six-year] IN APPROVING OR AMENDING THE WSSC'S capital improvements program [shall approve the undertaking of any] IF EITHER COUNTY APPROVES A [capital] MAJOR project for which [there is a lack of, or an insufficiency of] funds from the anticipated [funding] sources OF FUNDING shown by the [commission] WSSC ARE INSUFFICIENT, [then] the [commission shall] WSSC IS not [be] obligated to undertake [such] THE MAJOR project [in the absence of action by] UNLESS the respective county [governing body to provide the] PROVIDES additional sources of capital TO FUND THE PROJECT.

(2) [In the event that as a direct result of the county governing body's change in an earlier approval,] IF the [commission] WSSC becomes legally liable to third parties AS A DIRECT RESULT OF THE MODIFICATION OF A PREVIOUS APPROVAL OF A MAJOR PROJECT BY MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY, the county DIRECTING THE CHANGE [governing body shall be] IS responsible for any [such] liability THAT RESULTS FROM THE CHANGE[, and the settlement or release of claims for such liabilities, if any, shall be accomplished by the].

(3) [county governing body upon such basis as it may negotiate] THE MONTGOMERY COUNTY EXECUTIVE OR COUNTY COUNCIL OR THE PRINCE GEORGE'S COUNTY EXECUTIVE SHALL SETTLE OR RELEASE A CLAIM FOR LIABILITY:

(I) BY NEGOTIATING with the claimant; or

(II) [by its payment of] BY PAYING any final judgment of any court award[, and it shall have a right to].

(4) THE MONTGOMERY COUNTY EXECUTIVE OR COUNTY COUNCIL AND THE PRINCE GEORGE'S COUNTY EXECUTIVE MAY:

(I) [intervene] INTERVENE in any [such] court [proceedings prior to] PROCEEDING BEFORE judgment; and

(II) [to interpose] INTERPOSE any and all defenses available to [it] THE COUNTY or the [commission] WSSC[; 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].