

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
OPEN MINUTES
MEETING OF JANUARY 6, 2020
JAMESBURG, NEW JERSEY
10:50 AM**

SINE DIE MEETING

Meeting called to order by Robert Law. The Open Public Meeting Notice was read into the record.

Pledge of Allegiance

ROLL CALL OF 2019 EXECUTIVE COMMITTEE:

Chairman:	Trico	Robert Law	Present
Secretary:	South Bergen	Greg Franz	Present
Executive Committee:	Bergen	Paul Tomasko	Present
	Burlco	Meghan Jack	Present
	NJUA	Bernie Rutkowski	Present
	Sub Essex JIF	Joe Catenaro	Present
	Monmouth	Thomas Nolan	Present
	Camden	Joe Wolk	Present
Alternates:			
	#1 Morris	Jon Rheinhardt	Present
	#2 Ocean	Veronica Laureigh	Present
	#3 Central	William Northgrave	Present
	#4 PMM	Thomas Merchel	Present
	#5 Sub-Muni	Megan Champney	Present

APPOINTED OFFICIALS PRESENT:

Executive Director/ Administrator	Perma Risk Management Services	Stephen Sacco	Present
Attorney	Dorsey & Semrau	Fred Semrau, Esq.	Present
Treasurer		Charles S. Cuccia	Present
Underwriting Managers	The Danskin Agency Conner Strong & Buckelew	Chuck Casagrande Mike Avalone	Present Present
Claims Administrator	King Moench Hirniak & Mehta	Peter King, Esq.	Absent
Environmental Engineering Services	First Environment	Rich Erickson	Present
Actuary	AON	Chas Kullman	Present
Auditor	Nisivoccia, L.L.P.	Francis "Bud" Jones	Absent

OTHERS PRESENT:

David Grubb, PERMA
Joseph Hrubash, PERMA
Cate Kiernan, PERMA
Brad Stokes, PERMA
Pauline Kontomanolis, PERMA
Nancy Ghani, PERMA
Jason Thorpe, PERMA
Sue Sharpe, Esq.
Ed Cooney, CS&B
Paul Shives, JA Montgomery
Sunita Dahr, First Environment
Paul Miola, AJ Gallagher
Frank Covelli, RMC
Ezio Altamura, RMC
Alison Kelly, RMC
John Casagrande, RMC
Amy Pieroni, RMC
Sharon Fallon, RMC
Christopher Botta, CB Claims

APPROVAL OF MINUTES: November 20, 2019

MOTION TO APPROVE OPEN MINUTES OF NOVEMBER 20, 2019

MOTION:	Commissioner Catenaro
SECOND:	Commissioner Champney
VOTE:	Unanimous

OLD BUSINESS:

None

Chairman Law thanked the Commissioners for the opportunity to Chair the Fund in 2019.

ADJOURN SINE DIE MEETING:

MOTION:	Commissioner Wolk
SECOND:	Commissioner Jack
VOTE:	Unanimous

MOTION TO OPEN FLOOR FOR NOMINATIONS OF CHAIRMAN, SECRETARY, EXECUTIVE COMMITTEE, AND ALTERNATES:

MOTION:	Commissioner Nolan
SECOND:	Commissioner Jack

VOTE: Unanimous

Mr. Sacco referred to the recommended slate as submitted by the Nominating Committee enclosed within the agenda:

Chairman:	Bergen	Paul Tomasko
Secretary:	NJUA	Bernie Rutkowski
Executive Committee:	Burlco	Meghan Jack
	Sub Essex JIF	Joe Catenaro
	Monmouth	Thomas Nolan
	Camden	Joe Wolk
	South Bergen	Greg Franz
	Trico	Robert Law
Alternates:		
	#1 Morris	Jon Rheinhardt
	#2 Ocean	Veronica Laureigh
	#3 Central	William Northgrave
	#4 PMM	Thomas Merchel
	#5 Sub-Muni	Megan Champney

Mr. Sacco asked for additional nominations. Hearing none, Mr. Sacco asked for a motion to close nominations and confirm elections.

MOTION TO CLOSE NOMINATIONS AND CONFIRM ELECTIONS AS RECOMMENDED BY THE NOMINATING COMMITTEE

MOTION: Commissioner Nolan
SECOND: Commissioner Wolk
VOTE: Unanimous

The Fund Attorney administered oath of office for Chairman, Secretary, Executive Committee and all Board Members.

Oaths of Office made a part of the Minute

Chairman Tomasko commented that Commissioner Law did a great job serving as Chair in 2019 and that he hopes to meet Commissioner Law's standards. Mr. Sacco asked for a roll call of the full 2020 Board of Commissioners:

ROLL CALL OF 2020 COMMISSIONERS:

Bergen	Paul Tomasko	Present
NJUA	Bernie Rutkowski	Present
Burlco	Meghan Jack	Present
Sub Essex JIF	Joe Catenaro	Present
Monmouth	Thomas Nolan	Present
Camden	Joe Wolk	Present
South Bergen	Greg Franz	Present
Trico	Robert Law	Present
Morris	Jon Rheinhardt	Present
Ocean	Veronica Laureigh	Present
Central	William Northgrave	Present
PMM	Thomas Merchel	Present
Sub-Muni	Megan Champney	Present

Mr. Sacco indicated that he would review the reorganization resolutions with the committee. He requested the following Resolutions be considered for adoption with one motion, unless an Executive Committee member objected:

RESOLUTION 1-20 CERTIFYING THE ELECTION OF PAUL TOMASKO AS CHAIRMAN AND BERNIE RUTKOWSKI AS SECRETARY FOR FUND YEAR 2020:

Resolution presented to confirm elections of Chairman and Secretary of the Fund.

RESOLUTION 2-20 FUND PROFESSIONAL APPOINTMENT AND PROFESSIONAL SERVICE AGREEMENTS: Resolution presented to confirm appointments of Fund Professionals approval of Professional Service Agreements.

Executive Director	Perma Risk Management Services
Fund Attorney	Fred Semrau, Esq.
Claims Administrator	Peter King, Esq.
Treasurer	Charles Cuccia
Asset Manager	Wilmington Trust
Auditor	Francis (Bud) Jones of Nisivoccia LLP
Underwriting Managers	Danskin Insurance Agency, Inc. and Conner Strong & Buckelew
Actuary	Aon
Environmental Engineering	First Environment.
Legislative Agent	PPAG
Qualified Purchasing Agent	The Canning Group

- Resolution 3-20 - Establishing a Funds Records Program**
- Resolution 4-20 - Establishing a Fiscal Management Plan**
- Resolution 5-20 - Establishing Public Meeting Procedures**
- Resolution 6-20 - Purchase of Excess Insurance**
- Resolution 7-20 - Risk Management Plan**

Resolution 8-20 - Establishing a Defense Panel
Resolution 9-20 - Establishing Meeting Compensation for Board Members

MOTION TO ADOPT RESOLUTIONS NO. 1-20 THROUGH 9-20

MOTION: Commissioner Laureigh
SECOND: Commissioner Nolan
ROLL CALL VOTE: Unanimous

2020 STANDING COMMITTEES – Chairman Tomasko referred to the list of 2019 standing committees enclosed within the agenda packet. Mr. Sacco noted that if any commissioner wishes to serve on a standing committee they should let him or the Chairman know.

COVERAGE COMMITTEE

Tom Nolan
Joe Catenaro
Veronica Laureigh

RULES & CONTRACTS COMMITTEE

Joe Wolk
Veronica Laureigh
Bernie Rutkowski

BUDGET & FINANCE COMMITTEE

Tom Nolan
Greg Franz

NOMINATING COMMITTEE

Joe Catenaro
Greg Franz

CLAIMS COMMITTEE

Tom Nolan
Greg Franz
Bernie Rutkowski

CORRESPONDENCE

None

TREASURER

Mr. Cuccia presented his report, Resolution No. 32-19 confirming the December Bill List, and Resolution No. 10-20 approving the January Bill List as follows:

RESOLUTION 32-19 -DECEMBER BILL LIST

FUND YEAR	AMOUNT
2019	\$ 147,716.39
Total	\$ 147,716.39

RESOLUTION 10-20 - JANUARY BILL LIST

FUND YEAR	AMOUNT
2019	\$ 60,918.41
2020	\$ 553,612.42
Total	\$ 614,430.83

MOTION TO APPROVE PAYMENT OF BILLS - RESOLUTION NOS. 32-19 AND 10-20

MOTION: Commissioner Nolan
SECOND: Commissioner Laureigh
ROLL CALL VOTE: Unanimous

EXECUTIVE DIRECTOR/ADMINISTRATOR:

2020 EXCESS CARRIER APPOINTMENT – Mr. Sacco reported that the Executive Committee held a teleconference meeting on December 30, 2019 to appoint the new excess carrier for 2020. He referred to the minutes from the meeting and advised that the Underwriting Managers would speak to the appointment further during their report.

FINANCIAL FAST TRACK – Mr. Sacco referred to Financial Fast Track as of September 30, 2019 enclosed within the agenda booklet. He indicated that the Fund increased its surplus position by \$229,938 for the year after accounting for the \$2 million dividend. He informed the Committee that the Fund’s statutory surplus position is at \$20.3 million and added that the Fund is in excellent financial shape.

Lastly, Mr. Sacco thanked the Committee for re-appointment on behalf of Perma.

ATTORNEY:

Mr. Semrau thanked the committee for his re-appointment. He noted that one of the main goals for 2020 is to close out the 2016 reinsurance recovery from Zurich.

UNDERWRITING MANAGERS:

Mr. Casagrande began his report by thanking the Board for reappointment on behalf of himself, and Mr. Avalone. He reported that no coverage changes are anticipated for the 2020 policy term. He advised that the new excess carrier for fund year 2020 is Ascot Specialty Insurance Company. Mr. Casagrande noted that one of the main reasons for the switch was the incumbent carrier was proposing a reduction in coverage for 2020. He added that the new

carrier proposed no change to coverage. Mr. Sacco further added that there was a premium savings of 21.5% when switching to the new carrier.

Lastly, Mr. Casagrande reported that the Underwriting Managers have participated in the seminars series, Spill Prevention, Control and Countermeasures (SPCC), provided by the EJIF Engineers, First Environment, and held at various locations around the state. He noted that one of the benefits of this seminar is that it can be used to satisfy the annual SPCC training requirement. Mr. Casagrande then referred to Underwriting Manager Bulletin #01-20 which informs members of the same.

ENVIRONMENTAL ENGINEER:

Mr. Erickson thanked the Board for the appointment on behalf of First Environment. He advised that in regard to the SPCC training, he advises Administrators and DPW Superintendents of the training requirement when he makes his inspection visits.

Mr. Hrubash thanked Mr. Erickson for conducting the inspections of a new Central JIF member's USTs so that coverage was authorized and in place for the 1/1/2020 start date.

ACTUARY

Mr. Kullman indicated that he had nothing to report and thanked the committee for re-appointment.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

MEETING OPENED TO PUBLIC FOR COMMENT:

No public comments were made.

PUBLIC COMMENT PORTION OF THE MEETING CLOSED

CLOSED SESSION:

MOTION FOR EXECUTIVE SESSION TO DISCUSS CLAIMS AND POTENTIAL LITIGATION.

MOTION:	Commissioner Law
SECOND:	Commissioner Jack
VOTE:	Unanimous

MOTION TO RETURN TO OPEN SESSION

MOTION:	Commissioner Laureigh
SECOND:	Commissioner Wolk

VOTE: Unanimous

MOTION TO APPROVE THE PARS AS PRESENTED DURING CLOSED SESSION

MOTION: Commissioner Nolan
SECOND: Commissioner Catenaro
ROLL CALL VOTE: Unanimous

MOTION TO ADJOURN MEETING

MOTION: Commissioner Law
SECOND: Commissioner Rutkowski
VOTE: Unanimous

Meeting Adjourned: 11:12 AM

Next Meeting:

**March 2020
Princeton Marriot
Princeton, NJ**

Respectfully submitted,

Prepared by Jason D. Thorpe, Assistant Secretary

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND BILLS LIST

Resolution No. 32-19

DECEMBER 2019

WHEREAS, the Treasurer has certified that funding is available to pay the following bills:

BE IT RESOLVED that the New Jersey Municipal Environmental Risk Management Fund's Executive Board, hereby authorizes the Fund treasurer to issue warrants in payment of the following claims; and

FURTHER, that this authorization shall be made a permanent part of the records of the Fund.

FUND YEAR 2019

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001430			
001430	PERMA RISK MANAGEMENT SERVICES	POSTAGE 11/19	3.65
001430	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR 12/19	25,363.74
			25,367.39
001431			
001431	AON RISK SERVICES CENTRAL - PREMIUM	ACTUARIAL SERVICES - 4TH QTR 2019	15,625.00
			15,625.00
001432			
001432	CHARLES CUCCIA	TREASURER FEE 12/19	1,673.08
			1,673.08
001433			
001433	PRINCETON PUBLIC AFFAIRS GROUP	PROFESSIONAL SERVICES 11/19	3,750.00
001433	PRINCETON PUBLIC AFFAIRS GROUP	PROFESSIONAL SERVICES 9/19	3,750.00
001433	PRINCETON PUBLIC AFFAIRS GROUP	PROFESSIONAL SERVICES 10/19	3,750.00
			11,250.00
001434			
001434	DANSKIN INSURANCE AGENCY INC	UNDERWRITING FEE 12/19	20,089.00
			20,089.00
001435			
001435	MEGHAN JACK	MEETING 2019	450.00
			450.00
001436			
001436	BERNARD RUTKOWSKI	MEETING 2019	900.00
			900.00
001437			
001437	TOWNSHIP OF EDISON	MEETING 2019	750.00
			750.00
001438			
001438	VERONICA LAUREIGH	MEETING 2019	750.00
			750.00
001439			
001439	MICHAEL GUARINO	MEETING 2019	300.00
			300.00
001440			
001440	MEGAN L. CHAMPNEY	MEETING 2019	750.00
			750.00
001441			
001441	NJ ADVANCE MEDIA	ACCT#XNJEN0555599 - NOTICE - 10.29.19	24.80
			24.80
001442			
001442	SHERATON ATLANTIC CITY	MEETING - 11.18.19 AND 11.20.19	2,279.77
			2,279.77
001443			
001443	MUNICIPAL EXCESS LIABILITY JIF	MEETING REIMBURSEMENT 10.16.19	863.09
			863.09

RESOLUTION NO. 1-20

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as the "FUND")

**CERTIFYING THE ELECTION OF
CHAIRMAN AND SECRETARY FOR FUND YEAR 2020**

BE IT RESOLVED, by the Governing Body of the Fund that the following persons have been elected as Chairman and Secretary:

PAUL TOMASKO, CHAIRMAN

BERNIE RUTKOWSKI, SECRETARY

BE IT FURTHER RESOLVED, that the Chairman and Secretary shall serve for the year 2020 and until their successors shall be elected and qualified.

ADOPTED: *this day before the Governing Body,*

Chairman

date

Secretary

date

RESOLUTION NO. 2-20

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND,
Hereinafter referred to as the "FUND")

**APPOINTING CERTAIN PROFESSIONALS AND SERVICE ORGANIZATIONS
FOR FUND YEAR 2020**

WHEREAS, the FUND is duly constituted as a Municipal Joint Insurance Fund, as permitted under the laws promulgated by the State of New Jersey, (N.J.S.A. 40A-36, et. seq.); and

WHEREAS, the New Jersey Municipal Environmental Risk Management Fund (hereinafter the Fund) found it necessary and appropriate to obtain certain professional services and other extraordinary and other unspecifiable services, as defined in the Local Public Contracts Law, (N.J.S.A. 40A-12 et. seq.) for the 2018, 2019 & 2020 Fund years; and,

WHEREAS, NJSA 40a11-15 (6) allows for a contract duration of three (3) years; and,

WHEREAS, the Fund resolved to award Professional Service Agreements in accordance with a fair and open process pursuant to NJSA 19:44A-20.4 et. seq.; and,

WHEREAS, a notice soliciting proposals was published on the Fund's website; and,

WHEREAS, responses were received from professional service providers and service organizations as listed below on July 21, 2017 at 2 pm; and,

WHEREAS, the Fund's Executive Committee recommended the award of contracts to the below listed Professional Service Providers and service organizations based on a review of their; responses, experience and prior service provided at the rates established by the Fund Executive Committee; and,

WHEREAS, the Fund Treasurer has issued a certificate of available funds indicating sufficient funds exist for the award of these contracts in the usual and customary accounts.

WHEREAS, the Fund's Executive Committee resolve to appoint the Fund Professionals – noted below – to three year terms commencing on January 1, 2018 and ending on December 31, 2020 (unless otherwise noted) at its January 2018 Reorganization Meeting in accordance with a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et. Seq.;

- I. **PERMA Risk Management Services as Administrator, Stephen Sacco** is appointed as **Executive Director, Joseph P. Hrubash** as **Deputy Executive Director & Bradford Stokes** as **Assistant Executive Director** and as **agents for process of service.** \$895,449 is the estimated dollars

that will be expended in connection with this contract over its three-year term. The annual amount of \$314,594 has been appropriated in the Administration Line Item of the 2020 budget.

- II. **Fred Semrau, Esq. of Dorsey & Semrau as Fund Attorney providing General Counsel,** \$242,524 is the estimated dollars that will be expended in connection with the General Counsel contract over its three-year term. The annual amount of \$85,205 has been appropriated in the Attorney Line Item of the 2020 budget.

- III. **Peter King, Esquire** is appointed to serve as the FUND's **Claims Administrator.** \$83,829 is the estimated dollars that will be expended in connection with the Claims Administrator contract over its three-year term. The annual amount of \$29,454 has been appropriated in the Claims Administration Item of the 2020 budget.

- IV. **Mr. Charles S. Cuccia** is hereby appointed as **Fund Treasurer.** \$60,238 is the estimated dollars that will be expended in connection with the Treasurer contract over its three-year term. The annual amount of \$20,479 has been appropriated in the Treasurer Line Item of the 2020 budget.

- V. **Wilmington Trust** is hereby appointed as **Asset Manager** to the FUND.
–At an annual fee of 5 basis points of the market value of the FUND's invested assets.

- VI. **Mr. Francis (Bud) Jones of Nisivoccia LLP** is hereby appointed as **Fund Auditor.** \$48,840 is the estimated dollars that will be expended in connection with the Auditor contract over its three-year term. The annual amount of \$16,604 has been appropriated in the Auditor Line Item of the 2020 budget.

- VII. **The Danskin Insurance Agency, Inc. and Conner Strong & Buckelew** are hereby appointed as co-**Underwriting Managers** for the FUND. \$709,228 is the estimated dollars that will be expended in connection with the Underwriting Manager contract over its three-year term. The annual amount of \$249,170 has been appropriated in the Underwriting Managers Line Item of the 2020 budget.

- VIII. **AON Worldwide Actuarial Services, Inc,** is hereby appointed as **Actuary** for the FUND. \$188,750 is the estimated dollars that will be expended in connection with the Actuary contract over its three-year term. The annual amount of \$62,500 has been appropriated in the Actuary Line Item of the 2020 budget.

- IX. **Richard Erickson of First Environment** is hereby appointed to provide **Environmental Engineering/Services** to the FUND as per the agreed pricing as a result of the 2019 RFQ process for the 2020 fund year. This will be a 1 year appointment with the FUND. *(1/1/20 – 12/31/20)*. The annual amount of \$445,622 has been appropriated in the Environmental Services Line Item of the 2020 budget.

- X. **Princeton Public Affairs Group** as **Legislative Agent** at an annual fee of \$45,000. The annual amount of \$45,000 has been appropriated in the Legislative Agent Line Item of the 2020 budget.

- XI. **The Canning Group** as **Qualified Purchasing Agent** at an annual fee of \$5,000. The annual amount of \$5,000 has been appropriated in the Legislative Agent Line Item of the 2020 budget.

BE IT FURTHER RESOLVED, all Professional Service Providers and Service Organizations appointed pursuant to this Resolution shall service the Fund in accordance with the terms and conditions of the Professional Service Agreements

BE IT FURTHER RESOLVED, that in accordance with NJSA 19:44A-20.7, the decision of the Fund’s Executive Committee that the procurement process utilized, constitutes a fair and open process, shall be final.

ADOPTED: *this day by the Governing Body,*

Chairman

Dated

Secretary

Dated

RESOLUTION NO. 3-20

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(Hereinafter the "FUND")

ESTABLISHING A FUND RECORDS PROGRAM FOR FUND YEAR 2020

WHEREAS: The FUND must establish a formal record retention program for the 2020 Fund Year.

NOW, THEREFORE BE IT RESOLVED, by the FUND's Governing Body that:

- I. Bernie Rutkowski, Fund Secretary, is hereby designated as custodian of the FUND records, which shall be kept at the office of the Fund Administrator, located at 9 Campus Drive, Suite 216, Parsippany, NJ.**

- II. Jason Thorpe, Senior Account Manager for PERMA Risk Management Services is hereby designated as **Assistant Fund Secretary**.**

- III. The records of the FUND shall be retained in accordance with the municipal records retention schedule as promulgated by the New Jersey Division of Archives and Records Management, and/or otherwise specified by the New Jersey Department of Insurance and Community Affairs.**

- IV. Each fund professional and service organization shall have the duty and obligation to maintain such records as are entrusted to him/her and to relinquish such records to the Fund Secretary upon termination of services or otherwise upon request.**

Records and files not required to support current operations, but which must otherwise be retained, shall be stored in the record retention facility, located at Route 80, Business Archives, 24 Beckwith Avenue, Paterson, New Jersey. The FUND's Executive Director shall coordinate the archive process and will make sure all records are properly indexed and accessible.

ADOPTED: *this day before the Governing Body*

Chairman

date

Secretary

date

RESOLUTION NO: 4-20

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as "THE FUND")
ESTABLISHING A FISCAL MANAGEMENT PLAN
FOR THE 2020 FUND YEAR

WHEREAS, THE FUND is duly constituted as a Municipal Joint Insurance Fund, as permitted under the laws promulgated by the State of New Jersey, (N.J.S.A. 40A-36, et.seq.); and

WHEREAS, THE FUND is subject to the requirements contained within the Local Fiscal Affairs Law (N.J.S.A. 40A-5, et.seq.) ; and

NOW, THEREFORE BE IT RESOLVED, THE FUND's Governing Body hereby appoints the following professionals for the 2020 Fund Year:

I. All funds for Administrative Expenses, Reinsurance, Dividends and Miscellaneous Expenses, shall be withdrawn from the Official named Depository (ies) by check, which shall bear the signatures of at least two (2) of the following persons, duly authorized pursuant to this Resolution:

Paul Tomasko	CHAIRMAN
Bernie Rutkowski	SECRETARY
Charles Cuccia	TREASURER
Gregory Franz	COMMISSIONER

II. All funds for Claims payments shall be withdrawn from the Official Depository(ies) by check, which shall bear the signatures of at least two (2) of the following persons, duly authorized pursuant to this Resolution.

Charles Cuccia

Peter King

Matthew Moench

Fred Semrau

FOR WIRE TRANSFERS - that the FUND does hereby require that Investors Bank obtain voice confirmation prior to executing wire transfers to external accounts from the Fund Treasurer.

III. The Cash and Investment Policy attached herewith, shall be adopted.

IV. The rate of interest assessed by the Fund, for delinquent assessments shall be ten (10) percent per annum, from the due date for any such assessment.

V. Certifying and Approval Officer for all FUND expenses shall be the FUND's Executive Director and/or the Account Manager so designated by the Executive Director.

ADOPTED: *this day before the Governing Body:*

Chairman

date

Secretary

date

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
2020 CASH MANAGEMENT AND INVESTMENT POLICY**

1.) **Cash Management and Investment Objectives**

The New Jersey Municipal Environmental Risk Management Fund (hereinafter referred to as the FUND) objectives in this area are:

- a) Preservation of capital.
- b) Adequate safekeeping of assets.
- c) Maintenance of liquidity to meet operating needs, claims settlements and dividends.
- d) Diversification of the FUND's portfolio to minimize risks associated with individual investments.
- e) Maximization of total return, consistent with risk levels specified herein.
- f) Investment of assets in accordance with State and Federal Laws and Regulations.
- g) Accurate and timely reporting of interest earnings, gains and losses by line of coverage in each Fund year.
- h) Where legally permissible, cooperation with other local municipal joint insurance funds, and the New Jersey Division of Investment in the planning and execution of investments in order to achieve economies of scale.
- i) Stability in the value of the FUND's economic surplus.

2.) **Permissible Investments**

Investments shall be limited to investments authorized under N.J.S.A. 40A:5-1.1 Joint Insurance Funds and Chapter 38, Joint Insurance Funds, Subchapter 1. Investments 5:38-1.1, 5:38-1.2 and 5:38-1.3 of the New Jersey Administrative Code.

3.) **Authorized Depositories**

In addition to the above, the FUND is authorized to deposit funds in certificates of deposit and other time deposits in banks covered by the Governmental Unit Depository Protection Act, NJSA 17:9-14 et seq. (GUDPA). Specifically authorized depositories include but are not limited to:

Investors Bank

The FUND is also authorized to invest its assets in the New Jersey Cash Management Fund.

4.) **Authority for Investment Management**

The Treasurer is authorized and directed to make investments, with a maturity of three months or longer, through asset managers that may be selected by the Executive Board. Such asset managers shall be discretionary trustees of the FUND.

Their actions and decisions shall be consistent with this plan and all appropriate regulatory constraints.

In executing investments, asset managers shall identify the investment that is the most advantageous to the fund, unless otherwise directed by the FUND. Transactions may also be processed through the New Jersey Division of Investment by the Fund's asset managers.

5.) **Preservation of Capital**

Securities shall be purchased with the ability to hold until maturity.

6.) **Safekeeping**

Securities purchased on behalf of the FUND shall be delivered electronically or physically to the FUND's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the FUND.

7.) **Selection of Asset Managers, Custodial Banks and Operating Banks**

Asset managers, custodial banks and operating banks shall be retained for contract periods of one (1) year. Additionally, the FUND shall maintain the ability to change asset managers and/or custodial banks more frequently based upon performance appraisals and upon reasonable notice, and based upon changes in policy or procedures.

8.) **Reporting**

Asset managers will submit written statements to the treasurer and executive director describing the proposed investment strategy for achieving the objectives identified herein. Asset managers shall also submit revisions to strategy when justified as a result of changing market conditions or other factors. Such statements shall be provided to the Treasurer and Executive Director. The statements shall also include confirmation that all investments are made in accordance with this plan. Additionally, the Investment Manager shall include a statement that verifies the Investment Manager has reconciled and determined the appropriate fair value of the Funds portfolio based on valuation guidelines that shall be kept on file in the Executive Director's office.

The Treasurer shall report to the Executive Committee at all regular meetings on all investments. This report shall include information on the balances in all bank and investment accounts, and purchases, sales, and redemptions occurring in the prior month.

9.) **Audit**
This plan, and all matters pertaining to the implementation of it, shall be subject to the FUND's annual audit.

10.) **Cash Flow Projections**
Asset maturity decisions shall be guided by cash flow factors payout factors supplied by the Fund Actuary and reviewed by the Executive Director and the Treasurer.

11.) **Cash Management**
All moneys turned over to the Treasurer shall be deposited within forty-eight (48) hours in accordance with NJSA 40A:5-16.

In the event a check is made payable to the Treasurer rather than the Fund, the following procedure is to be followed:

- a.) The Treasurer endorses the check to the Fund and deposits it into the Fund account.
- b.) The Treasurer notifies the payer and requests that in the future any check be made payable to the Fund.

Cash may be withdrawn from investment pools under the discretion of asset managers only to fund operations, claims impress accounts, or approved dividend payments.

The Treasurer shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance. However, prior to implementing such procedures, the Treasurer, with the assistance of the claims agent, as needed, shall confirm that the outstanding check continues to represent a valid claim against the FUND.

RESOLUTION NO: 5-20

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter the "FUND")
ESTABLISHING PUBLIC MEETING PROCEDURES FOR FUND YEAR 2020**

WHEREAS, the FUND must establish meeting procedures for Fund Year 2020, and

NOW, THEREFORE BE IT RESOLVED BY the Funds Governing Body

- I.** That the FUND shall hold public meetings during the year 2020 at 10:50 AM on Friday, March 27, 2020 at the Princeton Marriott, Princeton, NJ; Wednesday, June 3, 2020 at 10:50 AM at the Forsgate CC, Wednesday, September 2, 2020 at 10:50 AM at the Forsgate CC, Wednesday, October 21, 2020 at 10:50 AM at the Forsgate CC and on November 18, 2020 at noon at the Sheraton Hotel, Atlantic City, NJ; and Wednesday, January 6, 2021. Unless noted, locations will be at Forsgate Country Club.

- II.** Each Public Comments session is limited to thirty (30) minutes; any one person may address the Chairperson for a maximum of five (5) minutes; once a particular topic has been addressed by a member of the public, subsequent comments on that same topic by other people is limited to a maximum of two (2) minutes; citizens who have spoken once during the session will not be recognized a second time; and speakers are required to state their names and addresses and direct all inquiries to the Chairman.

- III.** The following is hereby designated the official newspaper (s) of the FUND:
The Star Ledger, Newark, NJ; and In addition, the EJIF's webpage is designated for official notices – www.NJEJIF.org.

- IV.** The FUND Secretary or designated assistant shall provide notice of any and all meetings, including special or emergency meetings, to each official newspaper and shall issue all official notices required to be published in at least one of the official newspapers.

ADOPTED this day;

Chairman

date

Secretary

date

2020 E-JIF Risk Management Plan

1. INTRODUCTION

In 1984, the commercial insurance marketplace excluded all environmental risk from general liability insurance policies underwritten for public entities and other local units, and for many years subsequent, there had been no coverage available for these exposures. As a result of the liability insurance crisis beginning the following year, New Jersey Public entities developed joint insurance funds and in 1987 formed the Municipal Excess Liability Joint Insurance Fund (MEL) to provide excess casualty coverage for the newly created pools. At that time, the pools were not large enough to address the environmental liability issue and environmental coverage remained a void. However, by 1991, the MEL had grown to over 200 communities and adopted a long-range plan that proposed the establishment of a specialized pool to provide environmental coverage. A study committee was formed in 1992 and enabling legislation was signed into law in October 1993.

The New Jersey Municipal Environmental Risk Management Fund, hereinafter referred to as the “FUND” was established by property/casualty joint insurance funds which seek to provide their member public entities and utility authorities with environmental coverage in five (5) areas:

- I. Third Party Liability
- II. On-Site Clean-up Costs
- III. Public Officials Pollution Liability
- IV. De Minimus Abandoned Waste Sites
- V. Storage Tank Systems

One of the primary objectives of the FUND is the containment of costs through sound environmental control practices, as well as effectively administered claims adjustment practices. To achieve these objectives, the FUND has engaged environmental engineering companies to work closely with member public entities in the establishment of an effective loss control program. The FUND has also arranged with an experienced claims-servicing company and a panel of environmental defense attorneys to provide claims adjustment services. It is the goal of the FUND to expand the range of coverage and services based on experience and evolving needs of member local units.

1. I. THIRD PARTY LIABILITY

2. 1. Background:

The activities of public entities may result in an actual or alleged pollution conditions which causes bodily injury or damage to property of others. The extent of the coverage under THIRD PARTY LIABILITY is to provide protection to the local unit for claims triggered by pollution conditions for which the local unit is alleged to be responsible.

2. Scope of Coverage:

To pay on behalf of the Local Unit losses due to liability for bodily injury and/or property damage caused by pollution conditions emanating from a covered location or arising from covered operations. Legal defense shall be included subject to the aggregate defense costs limits.

3. Pollution Conditions:

The FUND intends to cover, under THIRD PARTY LIABILITY, the discharge, dispersal, release, escape, migration or seepage of any solid, liquid, gaseous or thermal irritant, contaminant or pollutant, including smoke, soot, vapors, fumes, acids, alkalis, chemicals, hazardous substances, materials or waste materials, on, in, into, or upon land and structures thereupon, the atmosphere, surface water, or groundwater. Waste materials include materials to be recycled, reconditioned or reclaimed.

4. Exclusions: (Partial Listing – REFER TO POLICY FOR COMPLETE LIST OF EXCLUSIONS)

The FUND will not pay nor defend any loss from pollution conditions caused by, due, based upon, arising out of or directly related to any one or more of the following:

- a) Pollution conditions that existed prior to the inception date of this policy
- b) Injunctive or non-monetary relief
- c) Lead
- d) Asbestos
- e) Workers Compensation, unemployment compensation or disability benefits
- f) Employment Practices Liability
- g) Mold or fungi
- h) Contractual Liability, except where coverage would apply in absence of contract
- i) Acid rain
- j) Automobile (except transit sublimit), aircraft, watercraft
- k) Pollution conditions after location has been sold, leased, or abandoned
- l) Chlorine based products
- m) Airports (unless endorsed)
- n) Willful, deliberate non-compliance with regulation, statute, or other law

3.

5. Limit of Liability:

\$1,000,000 per claim
\$1,000,000 annual aggregate

\$250,000 sub-limit Transportation coverage
\$250,000 sub-limit Cyber coverage

4. II. ONSITE CLEANUP COSTS

1. Background:

Public property is subject to being polluted by third parties such as an illegal toxic dumping in a park. The intent of the coverage, under ONSITE CLEANUP COSTS, is to provide protection to the public entity for the costs of remediation triggered by pollution conditions caused by an unrelated third party on any public lands of the local unit.

5. 2. Scope of Coverage:

Emergency Remediation of pollutants deposited by third parties:
\$ 50,000 per claim
\$ 100,000 annual aggregate

Note: Local unit will be required to make application to the NJ Spill Fund or other available funding sources for reimbursement. Reimbursement, if any, to be paid back to the FUND.

6. III. PUBLIC OFFICIALS POLLUTION LIABILITY

1. Background:

The acts or omission by public officials that may result in claims by third parties of bodily injury or property damage related to environmental conditions are excluded under conventional Public Officials Liability coverage. It is the intent of PUBLIC OFFICIALS POLLUTION LIABILITY to provide protection to the officials of the local unit for such claims.

2. Scope of Coverage:

Pay on behalf of the local unit and its public officials that are legally obligated to pay as a result of pollution conditions caused by the wrongful acts of Public Officials. Legal defense shall be included subject to the aggregate defense costs limits

3. Limit of Liability:

\$1,000,000 per claim
\$1,000,000 annual aggregate

7. IV. DE MINIMUS ABANDONED WASTE SITES

1. Background:

Public entities, through their various departments and refuse collection responsibilities, have in the past contributed waste to hazardous waste landfills. Through actions by the EPA and/or NJDEP, efforts are being made to remediate all hazardous waste sites and to assign associated costs to potentially responsible parties (PRPs) who likely contributed to

the problem. In many cases it is unclear who was truly responsible for the hazardous waste that was sent. Public entities have been identified as general contributors with potentially “deep pockets” and therefore, under CERCLA guidelines of strict joint and several liability, could be forced to contribute a significant amount to the clean-up. Contributors who have not been specifically identified as major contributors, however, have often been in a position, particularly when mediated as a group, to negotiate an equitable settlement with the EPA, NJDEP and major PRP’s to indemnify them from further liability. The intent of the FUND, under DE MINIMUS ABANDONED WASTE SITES, is to provide a means for insureds that are deemed minor contributors (De Minimus) to an abandoned waste site to negotiate reasonable settlements. To a significant extent, this is part of a defense strategy.

2. Scope of Coverage:

The FUND, under DE MINIMUS ABANDONED WASTE SITES, will pay on behalf of the insured(s) for the negotiated settlement amount, up to policy sub-limits, to fund remedial efforts and a settlement agreement that will indemnify the insured(s) from future liability at a Federal or State Abandoned Toxic Waste Site. Legal defense shall be included subject to the aggregate defense costs limits.

3. Abandoned Waste Site & Minor PRP Designation

The FUND intends to cover only those events where the local unit is clearly identified as a de minimus (PRP) contributor of the specified hazardous waste at a Federal or State Abandoned Toxic Waste Site where the local unit was not aware, nor given actual or constructive notice that the pollution conditions existed prior to the inception date of coverage, nor that any elected or appointed official of the local unit knew or could have reasonably foreseen that such pollution conditions could have been expected to give rise to a claim.

4. Exclusions: (Partial Listing - Refer to Policy for all Exclusions)

The FUND will neither pay nor defend any loss from an abandoned waste site buy-out agreement caused by, due to, based upon, arising out of or directly related to any one or more of the Exclusions listed under Section IV of the policy.

8. 5. Conditions:

- a) Legal services will be provided solely by the approved FUND attorney(s).
- b) The local unit must agree to participate in any group settlement proceedings deemed appropriate by the FUND attorney(s).
- c) The FUND must agree to the negotiated settlement.
- d) The local unit and the FUND must be indemnified from further liability at site as a result of payment.

9. 6. Limit of Liability:

\$50,000 per local unit

10. **V. STORAGE TANK SYSTEMS COVERAGE (STANDALONE POLICY FORM)**

1. **Background**

EPA and the NJDEP have existing regulations requiring tank owners to provide financial responsibility for the pollution exposure of underground storage tanks. The intent of the FUND, under STORAGE TANK SYSTEMS COVERAGE, is to fulfill the requirements as well as provide coverage for above ground storage tanks. The policy form itself is subject to EPA/NJDEP acceptance.

2. **Scope of Coverage:**

The FUND will pay on behalf of the local unit, sums, which the local unit shall be legally obligated to pay as damages as a result of bodily injury or property damage, a cleanup caused by a release arising from the operation of an underground storage tank at any scheduled site. The claim must be first made against the local unit during the policy period and reported to the FUND during the policy period. Above ground storage tanks must comply with all underwriting requirements established by the fund, including compliance testing for above ground storage tanks with underground piping. The deadline for compliance testing was 7/1/2013. After 7/1/2013, new EJIF members AND current members that acquire the described system must demonstrate compliance with the FUND standards in order to secure coverage for that system. Legal defense shall be included subject to the aggregate defense costs limits.

There is a biennial testing requirement for those systems that previously qualified for coverage during the initial testing period.

This policy is site specific: Only scheduled underground storage tanks at scheduled locations are covered. Unregulated underground storage tanks may be covered subject to E-JIF underwriting rules. **As of 01/01/2014, unregulated USTs that exceed 20 years of age are no longer covered in the EJIF.**

No coverage applies to underground storage tanks that are rejected, unknown and/or unscheduled. Refer to item 2 regarding the E-JIF Underground Tank Remediation Grant Program.

3. **Accidental Release:**

The FUND intends to cover only those events emanating from any sudden or non-sudden release of petroleum arising from the operation of a storage tank at any scheduled site that results in a need for clean-up and/or compensation for bodily injury or property damage neither expected nor intended by the insured.

4. **Exclusions: (Partial Listing - Refer to Policy for all Exclusions)**

The coverage does not apply to:

- a) Any claim arising from any knowingly unlawful, dishonest, fraudulent, criminal, malicious or wrongful act or omission committed by or at the direction of any supervisor, department head, elected or appointed official of the local unit.
- b) Any claim with respect to which the local unit was aware of non-compliance with any applicable statute, regulation, instruction or court order relating to the petroleum tanks.
- c) Any claim arising from any accidental release at any place other than scheduled sites.

- d) The cost of installation, replacement or repair of any storage tank or any other receptacle including the cost of excavation or backfilling, piping and valves, all leak detection systems and all containment systems and all monitoring systems.
- e) Any routine maintenance, measurement or testing expense which is not occasioned by a pollution event.
- f) Any fines, exemplary or punitive damages, statutory or other penalties, trebled or other multiple damages.
- g) Any unregulated tanks that exceed the 20 year age limit as of January 1, 2014.\

5. Limit of Liability:

- \$ 1,000,000 each incident -THIRD PARTY LIABILITY
- \$ 1,000,000 each corrective action -ONSITE CLEANUP COSTS
- \$ 1,000,000 Aggregate Limit
- \$ 100,000 Aggregate Defense Limit

2. E-JIF UNDERGROUND STORAGE TANK GRANT REMEDIATION PROGRAM

The E-JIF may make available a grant up to a maximum of \$10,000 per impaired location for unknown/undisclosed underground storage tanks in order to reimburse local units for incurred remediation costs. Regarding new property acquisitions, the formal request for this grant must demonstrate proper due diligence having been performed prior to the acquisition of a location. The local unit must not have had prior knowledge or notification of the existence of the subject underground storage tank(s) on any location.

The local unit is subject to a maximum of three grant applications regardless of the period of the local fund's E-JIF membership.

3. RISK RETAINED BY THE FUND

The Fund has contracted with an Insurer to provide an excess of loss agreement. The intention is to provide aggregate budget protection. The limits afforded are \$9,000,000 aggregate limit per year that attaches after retention of \$3,000,000.

4. AMOUNT OF RESERVE TO BE ESTABLISHED

A dollar reserve is established by the FUND as to its potential exposure on a given claim based on the severity of the damages adjusted by the limits of legal liability.

All elements of the liability claim investigation are considered in establishing a reserve after the FUND is notified of its potential exposure. While conditions may change as further

information becomes available, “stair stepping” or frequent changes in reserves is to be avoided.

Claim reserves are subject to regular review by the FUND’s Executive Director/Administrator, Attorney, Underwriting Managers, Fund Engineer, Fund Commissioners/Executive Committee and Claims Servicing Company Reserves on large or unusual claims are also subject to review by the claims departments of the commercial insurance companies or reinsurance companies providing excess coverage to the FUND (if any).

5. ASSESSMENTS

11. A. Budget Preparation:

1. In or before September of each year, the FUND shall prepare the budget for the upcoming calendar year. The budget shall identify the proposed items and amounts of expenditure for its operations, including an acquisition cost not to exceed six percent (6%), the anticipated amounts and sources of assessments and other income to be received during the calendar year and the status of the self-insurance or loss retention accounts.
2. The budget shall be reviewed by an Actuary who shall comment on its adequacy and shall recommend changes, as appropriate.

12. B. Budget Adoption:

1. Not later than November of each year, the Fund Commissioners/Executive Committee shall adopt by majority vote, the budget for the FUND’s operations for the coming calendar year.
2. A copy of the FUND’s proposed budget as changed to reflect the actuary report shall be sent to each participant at least two (2) weeks prior to the time scheduled for its adoption. No budget or amendment shall be adopted until a hearing has been held giving all participating local units the opportunity to present comments or objections.
3. An adopted budget may be amended by majority vote of Fund Commissioners/Executive Committee after giving the participants two (2) weeks advance written notice and conducting a hearing on the proposed amendment.
4. A copy of the adopted budget and any amendment shall be filed within thirty (30) days of its adoption with the governing body of each participating local unit, the Commissioner of Insurance and the Commissioner of the Department of Community Affairs.

13. C. Annual Assessment:

1. The annual assessment of each participant shall be its pro rata share of the budget for the upcoming year for each line of coverage as computed by the actuary.
2. The calculation of pro rata shares shall be based on each participant’s composite premium by fund year for that line of coverage.
3. The total amount of each participant’s annual assessment shall be certified by a majority vote of the Fund Commissioners/Executive Committee to the governing body of each participant at least one month prior to the beginning of the next calendar year.

4. The annual assessment shall be paid to the FUND in two (2) installments, to be determined by the Fund Commissioners/Executive Committee, which shall conform with N.J.A.C. 12:15-2.15(a).
5. The Treasurer shall deposit each participant's assessment into the appropriate accounts, including the administrative account, the claim or loss retention trust fund accounts, or any other account as permitted by law.
6. If a participant becomes a member of the FUND or elects to participate in a line of coverage after the start of the fund year, such participant's assessments and supplemental assessments shall be reduced in proportion to that part of the year which has elapsed.

14. D. Supplemental Assessments:

1. The Fund Commissioners/Executive Committee shall, by majority vote, levy upon the participants additional assessments wherever needed or so ordered by the Commissioner of Insurance to supplement the FUND's claim, loss retention or administrative accounts to assure the payment of the FUND's obligations.
 - a) All supplemental assessments shall be charged to the participants by applicable fund year and shall be apportioned by that year's earned assessments for that line of coverage.
 - b) All participants shall be given thirty (30) days advance written notice of the FUND's intention to charge an additional assessment, and the FUND shall conduct a hearing before adopting the supplemental assessment.
 - c) Participants shall have thirty (30) days to pay the FUND from the date any supplemental assessment is adopted.
2. The FUND shall submit to the Commissioner of Insurance and the Commissioner of Community Affairs a report of the causes of the FUND's insufficiency, the assessments necessary to replenish it and the steps taken to prevent a reoccurrence of such circumstances.

15. E. Failure or Refusal to Provide Required Assessments:

Should any member fail or refuse to pay its assessments or supplemental assessments, or should the FUND fail to assess funds required to meet its obligations, the Chairperson, or in the event by his or her failure to do so, the custodian of the FUND's assets, shall notify the Commissioner of Insurance and the Commissioner of Community Affairs. Past due assessments shall bear interest at the rate of interest to be established annually by the Fund Commissioners/Executive Committee.

16. F. Insolvency and/or Bankruptcy of Fund Members

The insolvency or bankruptcy of a participant does not release the FUND, or any other member, of joint and several liability for the payment of any claim or liability incurred by the member during the period of its membership, including, but not limited to, being subject to and liable for supplemental assessments.

6. LOSS ADJUSTMENT PROCEDURES

The FUND will be presented with various claims against the coverage provided to the participating public entities. These claims can be large or small, justified or frivolous. The primary function of the Fund Attorney and Claims Servicing Company will be to investigate each claim for the FUND and make a determination as to the validity, scope and value of the claim.

While the flavor of the investigation will differ per line of coverage, there are basic factors which are common to all liability claim investigations. The following factors will be addressed by the Claims Servicing Company when handling a liability claim:

17. A. Coverage:

The first step in claim investigation is the verification of coverage.

18. B. Facts:

A complete and thorough knowledge of the accident or occurrence will be the criteria on which liability is determined.

19. C. Liability:

Is there validity to the claim? Careful consideration must be given to this question. An analysis of the facts and applicable laws will determine the negligence factor.

20. D. Injuries:

The Claims Servicing Company must gather all information with respect to the extent of injuries and property damage sustained by the claimant(s). An early determination as to the extent of damages may help mitigate exposure and damages.

21. E. Reserves:

A careful examination of the preceding factors will help the claims service company to establish an intelligent loss reserve. It is the best estimate of the FUND's exposure with respect to each loss.

22. F. Claims Control:

The FUND's liability claim handling process goes beyond what would normally be considered insurance industry standards. The central theme is teamwork. Teamwork among the Executive Director/Administrator, Fund Attorney and other professionals, the Claims Servicing and Loss Control companies and the member public entities. The ultimate goal is to protect the FUND by settling claims fairly but at the lowest possible costs.

23. G. Legal Defense and Fees:

The FUND has established procedures to provide quality defense of claims and monitor the defense procedures and costs. These procedures include

1. Establishing a list of approved defense attorneys. This list includes attorneys with special qualifications, previous experience and a reasonable fee structure. It is expected that the approved defense attorneys will provide the highest quality defense for the FUND at the most reasonable cost.

2. The FUND will monitor the activities of the defense attorneys and the Fund Attorney may direct the amount of legal discovery to be conducted in an effort to control costs. The Fund Attorney actively maintains control on legal defense activity and expense.

NOTE: Each local unit participating in the FUND is provided with a claim manual or claim packet explaining how and where to report claims.

ADOPTED: *this 6th day of January 2020 by the Governing Body*

Chairman

Dated

Secretary

Dated

RESOLUTION NO. 7-20

**RESOLUTION OF THE COMMISSIONERS OF THE NEW JERSEY
ENVIRONMENTAL RISK MANAGEMENT FUND ESTABLISHING A DEFENSE
PANEL**

WHEREAS, it is necessary for the New Jersey Municipal Environmental Risk Management Fund to establish a defense panel comprised of qualified, environmental attorneys for the defense of various actions which are brought for which the New Jersey Municipal Environmental Risk Management Fund has an obligation to defend and indemnify; and

WHEREAS, the defense panel will have to be adjusted as time goes on and is in addition to the services to be rendered by general counsel; and

WHEREAS, the New Jersey Municipal Environmental Risk Management Fund advertise and requested proposals through the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, such proposals were submitted and reviewed by the Fund Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the New Jersey Municipal Environmental Risk Management Fund, that the following law firms are hereby authorized as the defense panel:

Fred Semrau, Esq.
Dorsey & Semrau
P.O. Box 228
714 Main Street
Boonton, NJ 07005

Peter J. King, Esq.
King Moench Hirniak & Mehta LLP
51 Gibraltar Drive, Suite 2F
Morris Plains, NJ 07950

M. James Maley, Jr., Esq.
Maley Givens
1150 Haddon Avenue, Suite 210
Collingswood, NJ 08108

Joseph DeCotiis, Esq.
and Frank Borin, Esq.
DeCotiis, Fitzpatrick & Cole
Glen Pointe Centre West
500 Frank W. Burr Blvd.
Teaneck, NJ 07666

Law Offices of John Hipp
301 State Rt. 17 N
Rutherford, NJ 07070

Ted Henry, Esq.
Reilly, Janiczek, McDevitt, Henrich & Cholden, P.C.
Attorneys at Law
Suite 240
Kevon McClellan Blvd.
Merchantville, NJ 08109

BE IT FURTHER RESOLVED by the Commissioners of the New Jersey Municipal Environmental Risk Management Fund, that the following fee schedule for Defense Attorney's for 2020 is established:

1. Partners – \$175/hour
2. Associates with five years experience – \$150/hour
3. Associates - \$140/hour
4. Paralegals - \$85/hour

ADOPTED: this day before the Governing Body

Chairman

date

Secretary

date

RESOLUTION # 8-20

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
ESTABLISHING MEETING COMPENSATION FOR
BOARD OF COMMISSIONER MEMBERS
FOR THE 2020 FUND YEAR**

BE IT RESOLVED , the **NJ Municipal Environmental Risk Management Fund** shall, effective January 1, 1997, provide for payment to the Board of Fund Commissioners, pursuant to N.J.S.A. 40:A10-37 at the rate of \$150.00 per meeting; conditioned upon each member's attendance at the corresponding regularly scheduled meeting and attention to usual and customary duties between meetings.

BE IT FURTHER RESOLVED, a Board of Fund Commissioner member shall not be required to attend any additional meetings as a precondition to payment, nor shall any Executive Committee member be compensated for attendance at more than twelve (12) meetings per year.

ADOPTED: this day before the Governing Body

Chairman

date

Secretary

date

RESOLUTION NO. 9-20

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as the "FUND")

ESTABLISHING STANDING COMMITTEES FOR FUND YEAR 2020

WHEREAS, The New Jersey Municipal Environmental Risk Management Fund has substantially increased its membership, coverages and cumulative budget since its inception in 1995; and

WHEREAS, the resulting complexity of the New Jersey Municipal Environmental Risk Management Fund requires close scrutiny of its business affairs by fund commissioners; and

WHEREAS, this work can efficiently be reviewed by standing committees meeting separately throughout the year.

NOW, THEREFORE BE IT RESOLVED, that five (5) standing committees be established: **Coverage Committee, Rules & Contracts Committee, Budget & Finance Committee, Claims Committee and Nominating Committee;**

BE IT FURTHER RESOLVED, that these committees will operate under the charter agreements attached.

ADOPTED: *this day before the Governing Body,*

Chairman

date

Secretary

date

COVERAGE COMMITTEE CHARTER

The Environmental Joint Insurance Fund hereby constitutes and establishes a Coverage Committee:

Composition

The Committee shall be comprised of up to three (3) members and shall be appointed by the Chairman of the Commission, and shall be chaired by a Commissioner of the EJIF. The Committee shall be assisted as needed by the Fund Actuary, Fund Attorney, a technical writer, Underwriting Managers, a representative from the Executive Director's office, a representative from the liability reinsurance company (which shall be a non-voting member), and up to eight (8) Risk Management Consultants. The term of each member shall be one (1) year.

Authority and Responsibility

The Coverage Committee is to serve as the focal point for communication on issues pertaining to Coverage, underwriting and reinsurance. The Coverage Committee shall advise the Commissioners on issues pertaining to Coverage requirements of members of the EJIF, Coverage issues in the insurance industry which should be addressed by the entity, the efficiency and clarity of communications between the EJIF and the insured regarding Coverage issues, the proposed role of the EJIF in addressing areas of insurance outside of its normal purview, retention and reinsurance issues, and underwriting guidelines.

Coverage Committee Bylaws

The Coverage Committee was established by charter approved by resolution of the EJIF Commissioners on January 29, 1997. The Committee's operational guidelines are set down herein and may be amended by the Commissioners.

Meetings

The Coverage Committee is to meet two (2) times a year, if necessary, and as many other times as the Committee Chairman deems necessary.

Attendance

Members of the Coverage Committee are requested to be present at all meetings. As necessary or desirable, the Chairman may request that other members of the management team attend to participate in discussions of particular issues.

Minutes

Minutes of each meeting are to be prepared and approved by Committee members and provided to the Commissioners.

Specific Duties

The Coverage Committee is to:

- 1.) Oversee the implementation of Coverage, underwriting, and retention and reinsurance policies instituted by the Commissioners.
- 2.) Monitor the needs of member municipalities to determine whether existing Coverages are adequate and appropriate.
- 3.) Identify trends and/or emergent issues which should be addressed by the EJIF in order to provide for appropriate protection of the financial interest of member communities.
- 4.) Review the retention structure of the Joint Insurance Funds, the EJIF, and the reinsurers to determine whether changes in the structure is needed in order to improve Coverage or to achieve economies.
- 5.) Evaluate whether changes in members' needs and/or loss patterns necessitate clarification or amendment of existing Coverage policies.
- 6.) Apprise the Commissioners, through minutes and special presentations as necessary, of significant developments in the course of performing the above duties.
- 7.) Recommend to the Commissioners any appropriate extensions or changes in the duties of the Committee.
- 8.) Report annually to the Commissioners on the discharge of the above responsibilities.

RULES and CONTRACTS COMMITTEE CHARTER

The Environmental Joint Insurance Fund hereby constitutes and establishes a Rules and Contracts Committee:

Composition

The Rules and Contracts Committee shall be comprised of at least three (3) members appointed by the Chairman of the Commissioners, one (1) of whom shall be an EJIF Commissioner, who shall serve as Chair of the Committee. Also serving on the Committee shall be EJIF Commissioners who are available and qualified.

Authority and Responsibility

The Rules and Contracts Committee shall review Professional Service Contracts for cost competitiveness, clarity of language, and adequacy of scope of service. At least yearly, the Committee shall advise the Commissioners regarding the renewal or awarding of such contracts. Additionally, the Committee shall advise the Commissioners regarding issues pertaining to Bylaws of the Fund.

Rules and Contracts Committee Bylaws

The Rules and Contracts Committee of the entity was established by charter approved by resolution of the Commissioners on January 29, 1997. The Committee's operational guidelines are set down herein and may be amended by the Commissioners.

Meetings

The Rules and Contracts Committee are to meet once a year, if necessary, and as many times as the Committee Chairman deems necessary.

Attendance

Members of the Rules and Contracts Committee are requested to be present at all meetings. In addition, a representative from the Executive Director's office shall also attend such meetings and the Fund Attorney shall provide legal assistance and shall be in attendance when requested. As necessary or desirable, the Chairman may request that professionals, whose contracts are under consideration, also attend in order to exchange view on any issue that may be at hand.

Minutes

Minutes of each meeting are to be prepared and approved by Committee members and provided to the Commissioners.

Specific Duties

In undertaking its responsibilities as outlined above, the Rules and Contracts Committee is to:

- 1.) Apprise the Commissioners, through minutes and special presentations as necessary, of significant developments in the course of performing its responsibility.
- 2.) Recommend to the Commissioners any appropriate extension or change in the duties of the Committee.
- 3.) Recommend to the Commissioners the retention or replacement of professionals and/or the amendment or approval of professional contracts.
- 4.) Report annually to the Commissioners on the discharge of the above responsibilities.
- 5.) Apprise the Commissioners through minutes and special presentations, as necessary, of significant developments in the course of performing the above duties.
- 6.) Recommend to the Commissioners any appropriate changes or extensions in the duties of the Committee.

NOMINATING COMMITTEE CHARTER

The Environmental Joint Insurance Fund Commissioners hereby constitutes and establishes a Nominating Committee:

Composition

The Nominating Committee shall be comprised of at least three (3) members, all of whom shall be members of the Commissioners. One (1) of the Commissioners members shall serve as Chairman of the Committee. All members shall be appointed by Commissioners and their term shall be for one (1) year.

Authority and Responsibility

The Nominating Committee shall be charged with reviewing and nominating candidates for presentation in the event of a need to elect officers to the Commissioners or to appoint officers to subcommittees created by the Commissioners.

Nominating Committee Bylaws

The Nominating Committee was established by resolution approved by the EJIF Commissioners on January 29, 1997. The Committee's operational guidelines are set down herein and may be amended by majority vote of the Commissioners.

Meetings

The Nominating Committee is to meet once a year, if necessary, and as many other times as the Committee Chairman deems necessary.

Attendance

Members of the Nominating Committee are requested to be present at all meetings. The Committee Chairman may also request that individuals interested in being nominated to the Commissioners also attend the Committee meeting in order to be interviewed.

Minutes

Minutes of each meeting are to be prepared and approved by Committee members and provided to the Commissioners.

Specific Duties

The Nominating Committee is to:

- 1.) Compile and submit to the Commissioners a list of all individuals who have expressed an interest in serving as an officer or on subcommittees.
- 2.) Review and report to the general membership on the qualifications and background of the various candidates.

- 3.) Advise the Commissioners, through minutes and special presentations as necessary, of significant developments in the course of performing the above duties.
- 4.) Recommend to the Commissioners any appropriate extension or changes in the duties of the Committee.
- 5.) Report annually to the Commissioners on the discharge of the above duties.

BUDGET AND FINANCE COMMITTEE CHARTER

The Environmental Joint Insurance Fund hereby constitutes and establishes a Budget and Finance Committee:

Composition

The Committee shall be comprised of up to three (3) members and shall be appointed by the Chairman of the Commission, and shall be chaired by a Commissioner of the EJIF. The Committee shall be assisted as needed by the Fund Actuary, Executive Director, the Treasurer and other professionals on an as needed basis. The term of each member shall be one (1) year.

Authority and Responsibility

The Budget and Finance Committee is to serve as the focal point for communication on issues pertaining to budget, rates, finance, audit and investments.

Coverage Committee Bylaws

The Budget and Finance Committee was established by charter approved by resolution of the EJIF Commissioners on January 29, 1997. The Committee's operational guidelines are set down herein and may be amended by the Commissioners.

Meetings

The Budget and Finance Committee is to meet two (2) times a year, if necessary, and as many other times as the Committee Chairman deems necessary.

Attendance

Members of the Budget and Finance Committee are requested to be present at all meetings. As necessary or desirable, the Chairman may request that other members of the management team attend to participate in discussions of particular issues.

Minutes

Minutes of each meeting are to be prepared and approved by Committee members and provided to the Commissioners.

Specific Duties

The Budget and Finance Committee is to:

- 1.) Oversee the preparation of the annual budget.
- 2.) Review with the Treasurer the preparation and implementation of the Fund's Cash and Investment Management Plan.
- 3.) Review with the Auditor those findings and recommendations arising from the conduct of the annual audit which can improve upon the efficiency of operation or strengthen internal controls.

- 6.) Advise the Commissioners, through minutes and special presentations as necessary, of significant developments in the course of performing the above duties.
- 7.) Advise to the Commissioners any appropriate extensions or changes in the duties of the Committee.
- 8.) Report annually to the Commissioners on the discharge of the above responsibilities.

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
BILLS LIST**

Resolution No. 10-20

JANUARY 2020

WHEREAS, the Treasurer has certified that funding is available to pay the following bills:

BE IT RESOLVED that the New Jersey Municipal Environmental Risk Management Fund's Executive Board, hereby authorizes the Fund treasurer to issue warrants in payment of the following claims; and

FURTHER, that this authorization shall be made a permanent part of the records of the Fund.

FUND YEAR 2019

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001455			
001455	PRINCETON PUBLIC AFFAIRS GROUP	PROFESSIONAL SERVICES 11/19	3,750.00
			3,750.00
001456			
001456	PETER J. KING, ESQ	CLAIMS ADMIN FEE 2019	28,392.00
			28,392.00
001457			
001457	ALLSTATE INFORMATION MANAGEMNT	ACCT#736 - ARC & STOR - 11.30.19	29.39
			29.39
001458			
001458	FIRST ENVIRONMENT, INC.	FORECLOSED PROP 11/19	1,125.00
001458	FIRST ENVIRONMENT, INC.	ENVIRONMENTAL 11/19	27,205.35
			28,330.35
001459			
001459	THE CANNING GROUP LLC	QPA SERVICES 12/19	416.67
			416.67
		Total Payments FY 2019	60,918.41

FUND YEAR 2020

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001460			
001460	PERMA RISK MANAGEMENT SERVICES	EXEC DIRECTOR FEE 1/20	26,216.17
			26,216.17
001461			
001461	DORSEY & SEMRAU	ATTORNEY FEE 1/20	6,389.58
			6,389.58
001462			
001462	CHARLES CUCCIA	TREASURER FEE 1/20	1,706.50
			1,706.50
001463			
001463	DANSKIN INSURANCE AGENCY INC	UNDERWRITING FEE 1/20	20,764.17
			20,764.17
001464			
001464	ASCOT SPECIALTY INSURANCE COMPANY	EXCESS POLICY 2020	498,536.00
			498,536.00
		Total Payments FY 2020	553,612.42
		TOTAL PAYMENTS ALL FUND YEARS	\$614,530.83

Chairperson

Attest:

Dated: _____

I hereby certify the availability of sufficient unencumbered funds in the proper accounts to fully pay the above claims.

Treasurer