

RESOLUTION NO. 2018- 43

**RESOLUTION OF THE EXECUTIVE COMMITTEE  
OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND  
AUTHORIZING REFUND OF CLOSED YEAR ACCOUNTS (2005 - 2013) SURPLUS**

**WHEREAS**, N.J.A.C. 11:15-2.21 provides that a municipal joint insurance fund may seek approval from the Commissioner of Banking and Insurance for a refund of excess monies from any fund year upon compliance with certain requirements; and

**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND" has obtained a calculation from its Actuary and Executive Director as to the amount of money which is available for distribution consistent with the aforementioned regulations and the financial integrity of the FUND; and

**WHEREAS**, the Executive Committee of the FUND has determined that it would be in the best interest of the FUND and its member municipalities to make certain refunds;

**NOW, THEREFORE, BE IT RESOLVED** by the Executive Committee of the FUND, as follows:

1. Section B of N.J.A.C. 11:15-2.21 provides that the FUND may seek approval for refunds from any claim fund that has been completed for not less than twenty-four months. Based upon this requirement, and the closure of Fund years **2005 through 2013**, surplus monies in Closed Year Accounts are eligible for refunds at the discretion of the FUND, the Department of Banking and Insurance and the Department of Community Affairs.
2. The Executive Committee has balanced the interests of the member municipalities in obtaining the benefit of such monies as are available for refund against the need for the FUND to protect and preserve its financial integrity. Because the reserve figures and the IBNR figures utilized by the FUND's actuary are conservative, and because the Department of Banking and Insurance and the state regulations require a thirty-five percent margin of error, and since the Fund transferred its liabilities to the Residual Claims Fund, it is the conclusion of the Executive Committee that **\$3,250,000** representing closed years surplus can be refunded at this time.
3. The Executive Director is, therefore, authorized and directed to submit such documents as the regulations require to the Departments of Banking and Insurance and Community Affairs for the approval of the refunds in the amounts set forth above.

4. This authorization is based upon the Auditor's Report of the Historical Operating Results as of December 31, 2017. The aforementioned refund monies shall be allocated, as required and necessary, from the various loss and contingency funds for the respective years, all in accordance with the Actuary's analysis of available monies.
  
5. The FUND's Treasurer is authorized to prepare and execute checks for the pro-rated amount of the aforementioned refunds due to each member municipalities for the year in question, upon receipt of written documentation of approval or acquiescence of these refunds from the Departments of Banking and Insurance and Community Affairs. Said refunds shall be made to the municipalities that were members of the FUND for the years in question in the same ratio as said municipalities were assessed for the years in question.

**ATLANTIC COUNTY  
MUNICIPAL JOINT INSURANCE FUND**

*Constance A Mahon*

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Constance Mahon, Fund Chair

ATTEST:

  
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Ingrid Pérez, Fund Secretary

*9/19/18*  
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Date