

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

RESOLUTION NO. 2023-43 _____

RESOLUTION AUTHORIZING THE FUND CHAIR AND FUND SECRETARY TO EXECUTE
THE INDEMNITY & TRUST AGREEMENT TO JOIN THE NEW JERSEY MUNICIPAL
ENVIRONMENTAL RISK MANAGEMENT FUND EFFECTIVE JANUARY 1, 2024

WHEREAS, the New Jersey Municipal Environmental Risk Management Fund ("E-JIF"), a nonprofit public entity in the State of New Jersey, was formed pursuant to N.J.S.A. 40A:10-36 et seq. to provide risk management for member Joint Insurance Funds ("JIF") against bodily injury and property damage claims arising from environmental impairment liability and legal representation therefor to the extent and for coverages approved by the Commissioner of Banking and Insurance; and

WHEREAS, in accordance with N.J.S.A. 40A:10-42, the E-JIF may provide coverage to its member JIFs by self-insurance, the purchase of commercial insurance or reinsurance, or any combination thereof; and

WHEREAS, such coverage more specifically includes Third Party Liability, First Party Coverage, Public Officials Liability, De Minimus Abandoned Toxic Waste Sites Buy-Out, Legal Services and Storage Tank Systems Coverages; and

WHEREAS, the purchase of such coverage by the E-JIF is exempt from public advertising and bidding requirements pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and 40A:11-5(1)(m) as an extraordinary unspecifiable service ("EUS") so long as the contract entered into is awarded in accordance with the requirements for EUSs; and

WHEREAS, pursuant to N.J.S.A. 40A:65-14, the governing bodies of two or more Local Units may enter into an agreement to provide for the formation of the joint operation of any public services, public improvements, works, facilities, or undertakings which the local units are empowered to operate; and

WHEREAS, pursuant to N.J.S.A. 40A:65-9 et seq. the E-JIF shall obtain coverage on behalf of its members JIFs in accordance with the Local Public Contracts Law; and

WHEREAS, in accordance with N.J.S.A. 40A:10-36 et seq., a JIF wishing to join the E-JIF to obtain the benefits of joint public entity membership may do so by adopting a resolution and executing an indemnity & trust agreement; and

WHEREAS, on October 18, 2023, representatives from the E-JIF presented information on the risk management programs and coverage available to the members of the Atlantic County Municipal Joint Insurance Fund (ACM JIF) should they decide to join the E-JIF; and

WHEREAS, on November 6, 2023, a joint meeting of the ACM JIF Coverage Committee and Finance Committee was held to discuss possible membership in the ACM JIF; and

WHEREAS, on November 20, 2023, the Chair of the ACM JIF Coverage Committee reported to the membership a recommendation to join the E-JIF effective January 1, 2024;

WHEREAS, the Executive Committee of the ACM JIF has determined that membership in the E-JIF is in the best interests of the members of the ACM JIF.

NOW THEREFORE BE IT RESOLVED that the Executive Committee of the Atlantic County Municipal Joint Insurance Fund do hereby resolve and agree to join the E-JIF as a Member for a period of three (3) years, effective January 1, 2024; and

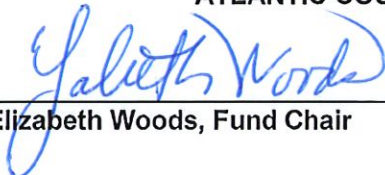
BE IT FURTHER RESOLVED that the application for membership is for the purpose of obtaining the following types of coverages:

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

And any other benefits and coverage that is provided to participating members in good standing; and

BE IT FURTHER RESOLVED that the Fund Chair and Fund Secretary of the Atlantic County Municipal Joint Insurance Fund, are hereby authorized and directed to execute any and all written agreements necessary for membership in the E-JIF including, but not limited to, the Indemnity and Trust Agreement, in order to implement membership by the Atlantic County Municipal Joint Insurance Fund in the E-JIF according to its Bylaws, N.J.S.A. 40A:10-36 et seq., administrative regulations and any other statutes or regulations pertaining thereto.

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND



Elizabeth Woods, Fund Chair



Roy Spoltore, Fund Acting Secretary

DATE: November 20, 2023

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 20TH the day of November, 2023, in the County of Atlantic by and Between: The New Jersey Municipal Environmental Risk Management Fund, hereinafter referred to as "E-JIF," and the **Atlantic County Municipal Joint Insurance Fund**, hereinafter referred to as the "FUND."

WITNESSETH:

WHEREAS, several local governmental units have formed the New Jersey Municipal Environmental Risk Management Fund as authorized and described in N.J.S.A. 40A:10-36 et seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the FUND has agreed to become a member of the E-JIF and to share in the obligations and benefits flowing from such membership with other members of the E-JIF in accordance with and to the extent provided for in the bylaws of the E-JIF and in consideration of such obligations and benefits to be shared by the membership of the E-JIF.

NOW THEREFORE, be it agreed as follows:

1. The FUND accepts the E-JIF's bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of the said bylaws, the pertinent statutes and administrative regulations pertaining to same and as set forth in the Risk Management Plan.
2. The FUND agrees to participate in the E-JIF with respect to the types of insurance listed in the FUND's Resolution to Join.
3. The FUND agrees to become a member of the E-JIF for an initial period not to exceed three (3) years, effective January 1, 2024 and ending December 31, 2026.
4. The FUND certifies that it has not defaulted on any claims if self-insured and has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof.
5. In consideration of membership in the E-JIF, the FUND agrees that it shall jointly and severally assume and discharge the liability of each and every member of the E-JIF, all of whom as a condition of membership in the E-JIF shall execute a verbatim counterpart of this Agreement and by execution hereof the full faith and credit of the FUND is pledged to the punctual payment of any sums which shall become due to the E-JIF in accordance with the bylaws thereof, this Agreement, the E-JIF's Risk Management Plan or any applicable statute.


6. If the E-JIF in the enforcement of any part of this Agreement shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the FUND agrees to reimburse the E-JIF for all such reasonable expenses, fees and costs on demand.
7. The FUND and the E-JIF agree that the E-JIF shall hold all monies paid by the FUND to the E-JIF as fiduciaries for the benefit of E-JIF claimants, all in accordance with administrative regulations.
8. The E-JIF has established a Trust Account entitled "Claims or Loss Retention Fund." The E-JIF shall maintain the Trust Account in accordance with N.J.S.A. 40A:10-36 et seq., N.J.S.A. 40A:5-1, and such other regulations or statutes as may be applicable. More specifically, the Trust Account shall be utilized solely for the payment of claims, allocated claim expense and excess insurance or reinsurance premiums for each such risk or liability or as "surplus" as such term is defined by the administrative regulations.
9. Each FUND who shall become a member of the E-JIF shall be obligated to execute this Agreement.

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND



E-JIF Fund Chair

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND



Elizabeth Woods, ACM JIF Fund Chair



Roy Spoltore, ACM JIF Fund Acting Secretary

November 20, 2023
Date