



AGENDA PACKET



Wednesday, April 17, 2024 at 3:00 PM

**Atlantic County Library, 40 Farragut Ave,
Mays Landing**

WWW.ACMJIF.ORG

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

April 17, 2024 – 3:00 PM

Atlantic County Library, Mays Landing

AGENDA

- I. Meeting called to order by Chairman
- II. Flag Salute
- III. Statement of Compliance with Open Public Meetings Act
 - A. Notice of this meeting was given by:
 - 1. Sending sufficient notice herewith to:
 - a. *The Press of Atlantic City*
 - b. *Courier Post*, Cherry Hill, New Jersey; and
 - 2. Filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities; and
 - 3. Posting notice on the public bulletin boards of all member municipalities.
- IV. **Roll Call**
 - A. Fund Commissioners
 - B. Fund Professionals
 - C. Risk Management Consultants
- V. Move up Alternates (if necessary)
- VI. Approval of Minutes Pages 1-14
 - A. Adoption of the **March 20, 2024** minutes – **Motion – All in Favor**
- VII. Closed Session Minutes
 - A. Approval of the **March 20, 2024** Closed Session minutes – **Motion – All in Favor**

The Closed Session Minutes shall not be released to the public until the reason(s) for their remaining closed is no longer applicable and the Fund Solicitor has an opportunity to review them.
- VIII. Closed Session – Resolution 2024- _____ Authorizing a Closed Session of the Atlantic County Municipal Joint Insurance Fund to discuss matters affecting the protection of safety and property of the public and to discuss pending or anticipated litigation and/or contract negotiations – **Motion -Roll Call**
 - A. Claims Review Committee Report – Closed Session Items
 - B. Professionals’ Reports
 - 1. Claims Administrator’s Report
 - 2. Executive Director’s Report
 - 3. Safety Director’s Report
 - 4. Solicitor’s Report
- IX. Reopen Public Portion of Meeting – **Motion – All in Favor**
- X. Authorization of Claims Payments – **Motion - Roll Call**
- XI. Authorization to Abandon Subrogation (if necessary) – **Motion - Roll Call**
- XII. Claims Review Committee Report: – Open Session Items – April 11, 2024.....Handout
- XIII. Claims Administrator’s Report
 - A. Lessons Learned from LossesPage 15

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- XXII. Treasurer’s Report as of March 31, 2024.....Pages 123-218
 - A. Fund Status
 - B. Investment Report
 - C. Investment JCMI
 - D. Payment Register – **Motion to Approve - Roll Call**
 - E. April Bill List – **Motion to Approve – Roll Call**.....Page 215
 - F. Analysis of Non-Assessment Receipts
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- XXIII. MEL/RCF/EJIF/Cyber Reports
 - A. MEL Report – March 22, 2024.....Pages 219-220
 - B. RCF Report – March 22, 2024.....Page 221
 - C. EJIF Report – March 22, 2024.....Page 222
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- XXIV. Miscellaneous Business
 - A. Resolution 2024 - _____ Authorizing the Release of Fund Year 2022 Closed Session Executive Committee Meeting Minutes as Recommended by the Fund Solicitor –**Motion – Roll Call**.....Pages 224-226
 - B. Resolution 2024 - _____ Authorizing the Release of Fund Year 2023 Closed Session Executive Committee Meeting Minutes as Recommended by the Fund Solicitor –**Motion – Roll Call**.....Pages 227-228
 - C. Motion to Authorize the Fund Solicitor & Executive Director to Prepare, Advertise, and Receive Requests for Qualifications for the Position of Workers Compensation Defense Attorneys and Liability Defense Attorneys – **Motion – All in Favor**
 - D. Resolution 2024- _____ Appointing James Pacanowski, Ventnor City, as the Funds Representative to the MEL/RCF/EJIF for the remainder of 2024 – **Motion – Roll Call**.....Page 229

The Next Meeting of the ACMJIF will be held on **Wednesday, May 15, 2024
at **3:00 pm** via **Microsoft Teams****

- XXV. Public Comment
 - A. Motion to Open Meeting to Public Comment – **Motion - All in Favor**
 - B. Motion to Close Meeting to Public Comment – **Motion – All in Favor**

- XXVI. Motion to Adjourn Meeting – **All in Favor**



ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

Via Teams Conferencing

March 20, 2024 at 3:00 PM

OPEN SESSION MINUTES

The regular meeting of the Atlantic County Municipal Joint Insurance Fund (ACM JIF) was held on March 20, 2024 at 3:00 PM, prevailing time, via Teams Conferencing, Chair Liz Woods, Ocean City, presiding. The meeting was called to order at 3:00 PM.

FLAG SALUTE

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETING ACT

Notice of this meeting was given by: (1) sending sufficient notice herewith to *The Press of Atlantic City* and the *Courier Post*, Cherry Hill, New Jersey; (2) filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities of the Atlantic County Municipal Joint Insurance Fund; and (3) posting notice on the public bulletin boards of all member municipalities of the Atlantic County Municipal Joint Insurance Fund.

ROLL CALL of 2024 FUND COMMISSIONERS

Those in attendance were:

Kayla Lovallo, **Absecon City**
Bill Nimohay **Buena Borough**
Paul Dietrich, **Cape May City**
Ed Grant, **Cape May Point**
Heather Miller, **Commercial Twp.**
Dawn Marie Bascelli, **Deerfield Twp.**
Jessica Bishop, *Secretary*, **Dennis Twp.**
Lisa Marcolongo, **Estell Manor City**
Patricia Gatto, **Folsom Borough**
Alim Parks, Sr., **Galloway Twp.**
Anthony Strazzeri, Alt., **Linwood City**
Pam Tomassi, **Longport Borough**
Karen Fournier, **Lower Township**
Varvara Keun, **Middle Twp.**
Joe Calchi, **Millville City**
Dawn Stollenwerk, **Mullica Twp.**
Jennifer VanSant, **North Wildwood City**
Mary Canesi, **Northfield City**
Liz Woods, *Fund Chair*, **Ocean City**
Shurlana Stewart, Alt., **Pleasantville City**
Kellie Seib, **Sea Isle City**
Lucy Samuelson, **Somers Point City**
Kate McGonagle, Alt., **Stone Harbor Borough**
Rosemary Trout, Alt., **Upper Twp.**
Roy Spoltore, **Upper Deerfield Twp.**
Jim Pacanowski, **Ventnor City**

Michael Dougherty, **Waterford Twp.**
George Dick, **West Cape May Borough**
Joe Segrest, **West Wildwood City**
Teresa Seelman, Alt., **Weymouth Twp.**
Dan Dunn, **Wildwood City**
Connie Mahon, **Wildwood Crest**
Laurie Boyd, **Woodbine Borough**

Absent Fund Commissioners:

Scott Wahl, **Avalon Borough**
Mollye O'Neill, **Brigantine City**
Bob Campbell, **Downe Twp.**
Shantele Pollock, **Hamilton Twp.**
Dan Adams, **Margate City**
Jared Marandino, **Newfield Borough**

Present Fund Professionals:

Paul A. Forlenza, MGA, Executive Director, *RPA a Division of Gallagher*
Kamini Patel, MBA, CIC, CPCU, AIDA ®, Program Director, *RPA a Division of Gallagher*
Tracy Forlenza, Recording Secretary
Christopher Roselli, Account Manager, *Qual-Lynx*
Karen Beatty, Client Services Manager, *Qual-Lynx*
Chief Hummel, Safety Director, *J.A. Montgomery Consulting*
Robert Garish, Assistant Director of Public Sector, *J.A. Montgomery Consulting*
David DeWeese, Esquire, Fund Attorney, *The DeWeese Law Firm, P.C.*
Christopher J. Winter, Sr., CPM, Law Enforcement Risk Management Consultant
Jerry Caruso, Technology Risk Services Director, *Wintsec Consulting*
John Hansen, Fund Treasurer

Absent Fund Professionals were:

None

Present Risk Management Consultants were:

C. J. Adams Company
Atlantic Associates
J. Byrne Agency, Inc.
Conner Strong & Buckelew
Glenn Insurance
Hardenbergh Insurance
Insurance Agencies Inc.
Marsh & McLennan Agency
McMahon Agency, Inc.
William R. Mints Agency
Siracusa-Kauffman Insurance

Absent Risk Management Consultants were:

BCA Insurance
Barclay Insurance Group
Thomas Heist Insurance Agency

These minutes do not necessarily reflect the order in which some items were discussed.

MOVE UP ALTERNATES

Chair Woods entertained a motion to move Karen Fournier, Lower Township, to the Executive Committee in absence of Scott Wahl, Avalon, for voting purposes.

Motion by Ms. Bishop, seconded by Ms. Keun, to move Karen Fournier, Lower Township, to the Executive Committee in absence of Scott Wahl, Avalon, for voting purposes. All in Favor. Motion Carried.

APPROVAL OF MINUTES – OPEN SESSION

Chair Woods entertained a motion to approve the meeting minutes of the February 21, 2024 Executive Committee Meeting.

Motion by Ms. Fournier, seconded by Ms. Bishop, to approve the meeting minutes of the February 21, 2024 Executive Committee Meeting as presented. All in Favor. Motion carried by unanimous vote.

APPROVAL OF MINUTES – CLOSED SESSION

Confidential Closed Session Meeting Minutes were distributed to the Executive Committee Members.

Chair Woods entertained a motion to adopt the Closed Session Meeting Minutes of the February 21, 2024 Executive Committee meeting.

Motion by Ms. Bishop, seconded by Ms. Seib, to approve the Closed Session minutes of the February 21, 2024 Executive Committee meeting as presented. All in Favor. Motion carried by unanimous vote.

The Closed Session meeting minutes of the February 21, 2024 meeting shall not be released to the public until the reason(s) for their remaining closed is no longer applicable and the Fund Solicitor has had the opportunity to review them.

Confidential Closed Session Meeting Minutes were collected.

CLOSED SESSION - RESOLUTION #2024-21

Be it moved by the Atlantic County Municipal Joint Insurance Fund that the public be excluded from this portion of the meeting to permit the Executive Committee to consider in closed session matters affecting the safety and property of the public and to discuss pending or anticipated litigation and/or contract negotiations and that the minutes covering these matters and the results of closed session will be released to the public when the reasons for discussing and on them in closed session no longer exists as required by the Open Public Meeting Act.

Chair Woods entertained a motion to adopt Closed Session Resolution 2024-21.

Motion by Ms. Keun, seconded by Ms. Fournier, to adopt Resolution 2024-21 as presented.

ROLL CALL

Yeas:

Heather Miller, **Commercial**
Dawn Marie Bascelli, **Deerfield Twp.**
Jessica Bishop, Sec., **Dennis Twp.**
Karen Fournier, **Lower Twp.**
Varvara Keun, **Middle Twp.**
Liz Woods, *Chair*, **Ocean City**
Kellie Seib, **Sea Isle City**

Nays:

None

Abstain:

None

Motion carried by unanimous vote.

REOPEN PUBLIC PORTION OF THE MEETING

Chair Woods entertained a motion to reopen the public portion of the meeting.

Motion by Ms. Keun, seconded by Ms. Seib, to reopen the public portion of the meeting. All in favor.
Motion carried.

AUTHORIZATION OF CLAIMS PAYMENTS

The claims for payment were presented as discussed in *Closed Session*.

Chair Woods asked if there were any questions at this time. No questions were entertained.

Chair Woods entertained a motion to approve the claims for payment as discussed in *Closed Session*.

Motion by Ms. Keun, seconded by Ms. Miller to approve the claims payments as discussed in *Closed Session*.

They are as follows:

February 2024 PARs:

<i>Workers' Compensation</i>	<i>Property</i>	<i>GL</i>
2021221162 (03) MLT-2021221151 (01-03)	2024324892	2021214185
2024320664	2024314714	2022256707
2023308010	2021234993	2021217952
2024321509	2022242606	20212140701
2024324531	2024315535	
2021224070	2024324029	
2024326676		
2023282203		
2024313044		
2022260883		
2021214307		
2024326622		
2023288295		
2022256459		
2022250708		

ROLL CALL

Yeas:

Heather Miller, **Commercial**
Dawn Marie Bascelli, **Deerfield Twp.**
Jessica Bishop, Sec., **Dennis Twp.**
Karen Fournier, **Lower Twp.**
Varvara Keun, **Middle Twp.**
Liz Woods, *Chair*, **Ocean City**
Kellie Seib, **Sea Isle City**

Nays:

None

Abstain:

None

Motion carried by unanimous vote.

ABANDON SUBROGATION

There were no (0) files presented for Abandonment of Subrogation.

CLAIMS REVIEW COMMITTEE REPORT – OPEN SESSION ITEMS

Ms. Canesi noted that twenty-five (25) PARs including fifteen (15) Workers’ Compensation (7 Police, 3 Fire, and 5 Other), four (4) General Liability, zero (0) Auto, and six (6) Property claims were reviewed for settlement, continuing defense, or to advise of trial date.

Ms. Canesi reported to members that the recent claims audit completed by NorthShore results were discussed. This audit covered claims from 2018-2022 and was designed to measure the effectiveness and efficiency of the established policies and best practices procedures within Qual-Lynx. Utilizing a scale of 1 to 3, the overall score was 2.7 out of 3. There were strengths as well as some opportunities for improvement listed. The Committee received a plan from Qual-Lynx to address the findings and the Executive Director’s office will follow up with the TPA. Ms. Canesi asked that the claims audit be provided to the members of the Executive Committee by the Executive Director’s office. Mr. Forlenza noted that the claims audit will be distributed to the Executive Committee for review this week.

Ms. Canesi asked if there were questions. No questions were entertained.

CLAIMS ADMINISTRATOR’S REPORT

Lessons Learned from Losses – March

Mr. Roselli reported that the Lessons Learned from Losses this month focuses on *Office/Building Safety*. He noted that he outlined items on page 16 that can prevent some office mishaps and make your buildings safer. Not every claim is preventable, but some of these items will assist.

Mr. Roselli stated that recently a member of the public slipped in a municipal building. The fund commissioner was made aware and immediately inspected the area, photographed it and filled out an incident report. This is exactly what TO DO to help defend potential claims.

Mr. Roselli also noted that pages 17-20 are the updated “road maps” for reporting claims. These are broken out into claim type and who to contact. These can be found on the ACM website at www.acmjif.org

The remainder of the Claims Administrator’s report was provided in Closed Session.

MANAGED HEALTH CARE REPORT

Lost Time v. Medical Only Cases

Ms. Beatty presented the ACM JIF Lost Time v. Medical Only Cases (Intake Report).

	Feb	YTD
<i>Total Intakes (New Claims)</i>	38	83
<i>Report Only</i>	10	21
<i>Report Only % of Total</i>	26%	25%
<i>Medical Only</i>	22	44
<i>Lost Time</i>	4	15

<i>Medical Only/Lost Time Ratio</i>	85:15	75:25
<i>Occupational, Claim Petition, Cancer Presumption</i>	2	2
<i>COVID-19</i>	0	0
<i>Average Days to Report to QL</i>	0.8	1.5
<i>Average Days to Report to employer</i>	0.2	0.3

Nurse Case Management:

Ms. Beatty presented the self-explanatory *Nurse Case Management Report*.

<i>Nurse Case Management</i>	<i>Feb</i>
<i># of Cases Assigned to Case Management</i>	84
<i># of Case > 90 days</i>	63

PPO Penetration Report:

Ms. Beatty presented the self-explanatory *PPO Penetration Rate Report*.

<i>PPO Penetration Rate</i>	<i>Feb</i>	<i>YTD</i>
<i>Bill Count</i>	463	1,022
<i>Original Provider Charges</i>	\$703,736	\$1,561,393
<i>Re-priced Bill Amount</i>	\$204,621	\$456,120
<i>Savings</i>	\$499,116	\$1,105,274
<i>% of Savings</i>	71%	71%
<i>Participating Provider Penetration Rate- Bill count</i>	97%	98%
<i>Participating Provider Penetration Rate-Provider Charges</i>	97%	98%
<i>EPO Penetration Rate – Bill Count</i>	98%	98%
<i>EPO Penetration Rate –Provider Charges</i>	99%	99%

Transitional Duty Report

Ms. Beatty presented the *Transitional Duty reports*.

<i>Transitional Duty Summary Report</i>	<i>YTD</i>
<i>Transitional Duty Days Available</i>	1,041
<i>Transitional Duty Days Worked</i>	721
<i>% of Transitional Duty Days Worked</i>	69%
<i>Money Saved by Accommodating</i>	\$72,390
<i>Transitional Duty Days NOT Accommodated</i>	320
<i>% of Transitional Duty Days NOT Accommodated</i>	31%
<i>Cost of Days NOT Accommodated</i>	\$33,411

Ms. Beatty reported that starting **May 1, 2024**, Qual-Lynx would partner with Enlyte ScriptAdvisor for Pharmacy Benefit Management (PBM) services in New Jersey. ScriptAdvisor is a leading PBM solution provider in the workers' compensation industry. They have a wide network of pharmacies, including popular ones like Walgreens and CVS. The fill rate was \$3 and will be \$1 with ScriptAdvisor. The PBM program includes customized drug formularies, opioid and compound drug controls, pharmacist oversight, 24/7 support, and savings reporting. The transition will not interrupt patient care, and Qual-Lynx will

provide First Fill letters to ensure no out-of-pocket expenses for medications by existing claimants. She asked members to review her report in the agenda packet.

Ms. Beatty also announced her retirement at the end of March, but assisting in the transition of the new employee through May. Chair Woods congratulated Ms. Beatty.

Ms. Beatty asked if there were any questions. No questions were entertained.

LAW ENFORCEMENT LIABILITY CONSULTANT REPORT

Mr. Winter provided his report which can be found on pages 30-35 of the agenda.

Mr. Winter noted policy and procedure requests have been received and will be forwarded to requesting agencies that will contain current L/E best practices. He noted agency visits are ongoing with 4 completed in February. The training for Report Writing and Management of Aggressive Behavior (use of force) and are pending. He noted that he will meet with the ACM L/E Committee on March 25, 2024.

Mr. Winter stated that his attached bulletin on page 32 covers a lot of items already being discussed in the JIF such as motor vehicle accidents with officers, injuries sustained during arrests, fatigue in the job, EAP availability, and staffing shortages. He encouraged members to read his bulletin.

Mr. Winter asked if there are any questions. No questions were entertained.

SOLICITOR'S REPORT

Closed Claims

Mr. DeWeese reported there were six (6) cases closed since last month and four (4) with no payment to the Plaintiff.

Koch (minor) v. City of Absecon
Smith v. Township of Egg Harbor
Gerace (minor) v. Township of Middle
Benitez v. City of Pleasantville
Ronochi v. City of Ventnor
Bernal v. City of Woodbine

MEL EPL Helpline

Mr. DeWeese stated that there is a reminder in the agenda packet regarding the MEL EPL Helpline on page 36. He also urged members to review the MEL EPL Helpline Authorized Contact list on pages 37-38 and update them. He noted that if you have a "N/A", he strongly recommends to get someone appointed so they have access to this service. The resolution to make these changes is on the ACM JIF website. He noted that many members are using this Helpline as it is very beneficial.

Mr. DeWeese stated that he recently participated in a MEL EPL Committee meeting and it was noted by Mr. Pevner from Summit Risk that the use of the Helpline is eliminating potential claims.

Mr. DeWeese highlighted that on page 9 of the Claims Review Committee meeting minutes are the six (6) cases closed since last month of which four (4) had no payment. He stated this leaves 84 active GL cases.

Proposed Revised Litigation Management Guidelines

Mr. DeWeese announced that he had completed proposed revisions to the Litigation Management Guidelines (LMG). He noted that he is recommending substantial revisions to the LMG, and he explained that the last update was completed in 2017 and there have been significant changes in processes and procedures since that last revision. The Claims Review Committee was asked to review these at the March

meeting. Mr. DeWeese stated that he would like to present a resolution along with the revised Litigation Management Guidelines to the Executive Committee in April for adoption. In addition, Mr. DeWeese will include updated form reports as an appendix.

Indemnification and Hold Harmless Provisions

Mr. DeWeese noted that he has had several questions regarding indemnification and hold harmless requirements which are on the ACM JIF website. These are also in the process of being revised as well as the insurance requirements and will be sent out shortly for review. He would like to present a resolution along with the revised Indemnification and Hold Harmless Guidelines to the Executive Committee in April for adoption.

COMMITTEE REPORTS

Safety Committee Meeting Minutes – February 22, 2024

In Mr. Wahl's absence, Mr. Forlenza reported that the Safety Committee met on February 22, 2024 and the minutes are included in the agenda. He stated that action needs to be taken to adopt the revised Safety Committee Charter at tonight's meeting. He noted that the annual Safety Director's report was discussed and is attached to the minutes. He reported that eleven (11) members are up for renewal 1/1/25 and inspections by the Safety Director will be completed. He stated that loss ratio reports were discussed and that the ACM JIF continues to perform poorly at the MEL level with 128% loss ratio as of 12/31/23. He noted that the 12/31/23 snapshots can be found in Origami for your review. The Committee also discussed the upcoming Safety Breakfast and the Safety and Claims Coordinator Roundtable. The next meeting is May 16, 2024.

Mr. Forlenza noted that the revisions to the charter are shown in red on page 47. Since the Wellness Program was suspended, the Committee recommended removal of the Wellness Director as a member of the Safety Committee. Some additional changes have to do with the wellness program. He noted that also that the Safety Committee minutes prepared by his office, will be approved by the Safety Committee Chair.

Motion to Adopt the Revised Safety Committee Charter

Chair Woods entertained a motion to adopt the revised Safety Committee Charter.

Motion by Ms. Bascelli, seconded by Ms. Seib to adopt the revised Safety Committee Charter as presented. All in favor. Motion carried by unanimous vote.

Motion to Adopt the Claims Review Committee Charter

Mr. Forlenza stated that attached to the Claims Review Committee minutes is the revised Claims Review Committee Charter. He stated there was a proposed revision to add the Safety Director as a member of the Claims Review Committee. He noted that the Safety Director is already present at the meetings, but will add this language.

Chair Woods entertained a motion to adopt the revised Claims Review Committee Charter.

Motion by Ms. Bishop, seconded by Ms. Keun to adopt the revised Claims Review Committee Charter as presented. All in favor. Motion carried by unanimous vote.

EXECUTIVE DIRECTOR'S REPORT

EJIF Survey- Mr. Forlenza noted that the EJIF sent a survey to gather members' exposure data and they are still in need of six (6) members' responses; Absecon, Downe Twp, Upper Twp, West Cape May, Wildwood and Woodbine. He asked the Fund Commissioners to please complete the survey and forward back to Rich Erikson at the EJIF as soon as possible. He noted this is needed to identify certain items like underground storage tanks and other environmental exposures. The EJIF will then arrange to come out later this spring to meet with you. He noted that fifteen (15) surveys have been completed.

JIF Directories – Mr. Forlenza noted that last month the updated JIF directories were posted to the website. Please review them as the information comes directly from Origami so any errors in emails, mailing addresses, phone numbers, need to be corrected in Origami. Please also let our office know what is being corrected.

Certificates of Insurance - Mr. Forlenza noted that a list of the certificates of insurance issued are included in the agenda. He asked members to review and please make sure that these were requested by your municipality and issued properly. He asked that you reach out to Ed Cooney at the Underwriter's office if there are any questions.

Safety, OSB, and EPL/Cyber Reimbursement- Mr. Forlenza stated that the OSB, and EPL/Cyber balances for 2024 are listed in the agenda. Please submit the purchases made as soon as possible and do not wait until the deadline. The deadline to encumber the funds is December 31, 2024 and he noted that the Safety Incentive Program award money letter will be sent following the announcements at the Safety Breakfast on March 28, 2024 at Merighi's Savoy Inn, Vineland, NJ.

Elected Officials Training - Mr. Forlenza stated that the Elected Officials training is available to all members through the MSI. He stated that the credit is \$250 per Elected Official, capped at 5% of a member's 2024 MEL assessment. He noted that the turnout is still very low this year. He will send a reminder out to all members. He asked that you encourage your elected officials to take this training to receive the credit.

Payroll Audit – Mr. Forlenza stated that on or about February 15, 2024 a letter was emailed to all Municipal Clerks, with a copy to Fund Commissioners, advising that Bowman & Company will be performing workers' compensation exposure verification audits of members' 2023 payrolls. These payroll figures will serve as the basis for your 2025 workers' compensation excess premiums. Attached to the email was a spreadsheet that included employee counts by payroll classification as reported during last year's payroll audit. As employee counts have a tendency to be the most time consuming part of the payroll audit process, members were asked to review and update this spreadsheet upon receipt. Members are asked to send the required payroll data to the auditors for processing either via mail or electronically no later than March 12, 2024. Details on how to upload your information to Bowman was included in the February 15, 2024 correspondence. Once the information is processed, the auditor will contact each town to discuss the results of the audit and clarify any questions. Members who still have questions following the audit can contact a representative from Bowman to set up a mutually convenient date and time to meet and discuss the audit results.

Property Appraisals – Mr. Forlenza reported that on or about February 15, 2024, each member and their RMC's received a notification from our office asking that they review and update their property schedule located in the Origami Exposure Data Management System. Once a member responds, those that are going to receive a physical appraisal this year will be contacted by the Fund Property Appraiser, ASSETWORKS. Those that are not receiving a physical inspection in 2024 will have their building & contents values trended accordingly. All members are asked to complete the review and update process no later than March 25, 2024.

2024 Safety Kickoff Breakfast - Mr. Forlenza stated that the Safety Breakfast will be held on March 28, 2024 at Merighi's Savoy Inn, Vineland, NJ.

Safety and Claims Coordinator Roundtable - Mr. Forlenza noted that the Safety and Claims Coordinator Roundtable will be held online on April 30, 2024 via Teams.

New Fund Commissioner Orientation – Mr. Forlenza noted that Ms. Patel is finalizing the New Fund Commissioner Orientation and members will be notified of the two training dates.

Financial Disclosure Statement Filing – Mr. Forlenza stated the Division of Local Government Services

will notify us that the database is open and then each Fund Commissioner will file for their position of Fund Commissioner with the JIF using their unique PIN number. Newly appointed Fund Commissioners receive their Filing PIN # from our office once we are notified of their appointment. Any newly appointed Fund Commissioner that has not yet received their PIN# from the Executive Director's office, or has any questions, should contact Kris Kristie at Kristi_Kristie@rpadmin.com. Additional information will be sent to all Fund Commissioners once it is released by the Department of Community Affairs.

JIF Website – Mr. Forlenza noted that we are still working on the Members Only Section of the JIF website. He reported that all will be notified as soon as it is complete.

Mr. Forlenza asked if there were any questions. No questions were entertained.

SAFETY DIRECTOR'S REPORT

Mr. Garish stated that the Safety Director's Report begins on page 124. He stated that the report is self-explanatory.

Mr. Garish noted his report shows all activities for the month of February. He reminded members of the two training platforms: MSI LIVE and MSI NOW.

Mr. Garish stated that a new Work Zone Training was added for Police Officers, which mimics NIMS training. These will be held April 2, 2024 and May 16, 2024 on MSI LIVE.

Mr. Garish reminded members to inspect their playgrounds and parks with the warmer weather. Any assistance can be scheduled with his office. Mr. Garish posted some relevant bulletins in the chat.

MSI Safety Expo – Mr. Garish noted that another Safety Expo is scheduled for May 21, 2024 at Atlantic Community College and will have 4 different tracks of training. Excavation, Trenching and Shoring is one 4 hr. track; Leadership; and the Fast Track for Safety covering multiple topics. All information is on the J. A. Montgomery website or contact Mr. Garish directly.

Mr. Garish also requested that any member with new Safety Coordinators, please contact his office and update their lists. He will then schedule a meeting with them individually.

Mr. Garish asked if there were any questions. No other questions were entertained.

TECHNOLOGY RISK SERVICES DIRECTOR'S REPORT

Mr. Caruso asked the members to review his report beginning on page 127. He noted that February began the new Wizer training and as of today is 85% of members are compliant with this training. He did note that 3% have not opened the email. He will reach out to the members who have not started.

Mr. Caruso stated that anyone with critical issues were contacted by D2.

Mr. Caruso reiterated that the Cyber framework form for compliance with the "basic" standards is on the Cyber JIF website. Compliance with these standards helps reduce your deductible for a cyber-related incident. He noted that he would be working hard to get all members into at least the "basic level" of protection. ACM JIF is 62% compliant as of today.

Mr. Caruso reported that his bulletin this month is "Securing Office 365 Email". He has received several phone calls and thus put together good suggestions on securing it. Number 16 and 17 are his favorites.

Mr. Caruso asked if there were any questions. No questions were entertained.

TREASURER'S REPORT

Reports – February

Mr. Hansen presented the Treasurer's Report for the period ending **February 29, 2024**. The reports were made part of the agenda packet beginning on page 130. He noted the following information:

A.E.L.C.F. PARTICIPANT BALANCES

Member	2/29/24 (Includes unaudited interest)
Corbin City	828.00
Egg Harbor City	43,908.11
Egg Harbor Township	143,563.00
Hamilton Township	2,001.62
Hammonton Township	231,959.00
Middle Township	180,840.17
Mullica Township	28,953.08
Northfield	115,129.92
Pleasantville City	12.21
Stone Harbor	9,824.62
Upper Deerfield Township	76,826.40
Upper Township	220,157.61
Waterford Township	35,660.80
Total	\$1,089,724.54

Activity:

AELCF	941,069.75
Unaudited Interest	21,801.79
2023 Dividends Transferred	214,182.00
Dividends Applied to Assessment	<87,329.00>
AELCF 1/31/24	1,089,724.54

Receipt Activity for the Period:

	February	YTD
Subrogation Receipts	\$106,800.18	\$144,911.88
Other	\$0	\$0

Adjustment	\$0	\$21,606.01
Assessments	\$4,419,795	

Claim Activity for the Period

Claim activity for the month of **February** for claims paid by the Fund and claims payable by the Fund depict a total of 334 checks issued representing 884 claims payments totaling \$839,444.56, with an effect on cash position of \$717,254.58.

Cash Activity for the Period

The Fund's "Cash Position" at month end for **February** was \$49,540,465.85

Investment Interest

Interest Income:	February	YTD
JCMI	\$36,154.42	\$72,535.81
Treasury	\$131,168.48	\$517,747.69
Citizens	\$4,956.25	\$23,182.77
Citizens-sweep	\$13,371.11	\$16,132.53

Rate of Return: Only interest from the *ANALYSIS WORKSHEET* **3.24%** for **February**.

Allocation of Invested Funds

FUND	January Total	January Percentage	February Total	February Percentage
Treasury	\$22,022,399.00	49%	\$23,061,960.90	47%
JCMI	\$20,400,066.58	43%	\$20,318,090.99	41%
Citizens	\$3,899,402.95	8%	\$6,160,413.96	12%
TOTALS	\$47,321,868.53		\$49,540,465.85	

Mr. Hansen asked if there were any questions. No questions were entertained.

Payment Register

Chair Woods entertained a motion to approve the ***February 2024 Payment Register*** (Claims Activity).

Chair Woods asked if there were any questions at this time. No questions were entertained.

Motion by Ms. Bishop, seconded by Ms. Seib to approve the ***February 2024 Payment Register*** (Claims Activity) as submitted.

ROLL CALL

Yeas:

Heather Miller, **Commercial**
 Dawn Marie Bascelli, **Deerfield Twp.**
 Jessica Bishop, Sec., **Dennis Twp.**
 Karen Fournier, **Lower Twp.**
 Varvara Keun, **Middle Twp.**

Liz Woods, *Chair, Ocean City*
Kellie Seib, *Sea Isle City*

Nays: None
Abstain: None

Motion carried by unanimous vote.

Bill List – March

For the Executive Committee’s consideration, Mr. Hansen presented the ***March 2024 Bill List*** in the amount of **\$274,510.72**.

Chair Woods asked if there were any questions at this time. No questions were entertained.

Chair Woods entertained a motion for approval of the ***March 2024 Bill List***.

Motion by Ms. Bishop, seconded by Ms. Keun, to approve the ***March 2024 Bill List*** as presented.

ROLL CALL

Yeas: Heather Miller, **Commercial**
Dawn Marie Bascelli, **Deerfield Twp.**
Jessica Bishop, Sec., **Dennis Twp.**
Karen Fournier, **Lower Twp.**
Varvara Keun, **Middle Twp.**
Liz Woods, *Chair, Ocean City*
Kellie Seib, *Sea Isle City*

Nays: None
Abstain: None

Motion carried by unanimous vote.

MEL/RCF/CYBER/EJIF REPORTS

Mr. Forlenza encouraged any members that have an interest in being the MEL, RCF, and/or E-JIF representative to let him know, as we need a representative from our JIF. The MEL/RCF/Cyber meets 4-5 times yearly in person in Jamesburg, NJ. The next meeting is this Friday, March 22, 2024.

Mr. Forlenza asked that any member interested in being a MEL, RCF or EJIF representative to please contact his office to discuss further. He also stated that the role can be split with different representatives.

Mr. Merchel introduced himself noting that he was the former Chair of the PMM JIF and was the representative to the MEL/RCF/EJIF and can answer any questions. He stated that great information comes out of the meetings and being this representative is a good experience. He noted the meeting begins at 9am and lasts until noon in Jamesburg, NJ.

Mr. Pacanowski, Ventnor, the Cyber JIF representative for 2024, volunteered as the MEL/RCF/EJIF representative if no one else steps up.

MISCELLANEOUS BUSINESS

Next Meeting

Chair Woods reminded the members that the next meeting will be held IN PERSON on **Wednesday, April 17, 2024 at 3:00 PM** at the Atlantic County Library, Mays Landing, NJ.

PUBLIC COMMENT

Open Public Comment

Chair Woods entertained a motion to open the meeting to the public for comment.

Motion by Ms. Bishop, seconded by Ms. Keun, to open the meeting to the public. All in favor. Motion carried.

Close Public Comment

Chair Woods entertained a motion to close the public comment.

Motion by Ms. Bishop, seconded by Ms. Keun, to close the meeting to the public. All in favor. Motion carried.

MOTION TO ADJOURN

Motion by Ms. Keun, seconded by Ms. Seib, to adjourn the March 20, 2024 meeting of the ACM JIF. All in favor. Motion carried.

The meeting was adjourned at 4:08 PM.

Tracy Forlenza, *Recording Secretary* for

Jessica Bishop, *Fund Secretary*

LESSONS LEARNED FROM LOSSES

APRIL 2024 NEWSLETTER SUBROGATION



- When the JIF pays a Property or Workers' Compensation claim it has a right to subrogate if it is believed that someone else caused or contributed to the damage or injury. Subrogation allows the JIF to recoup certain claim costs from an at-fault party.
- Qual-Lynx and the office of JIF Solicitor, David DeWeese, undertake these efforts.
- In 1st party property we seek all damages including your deductible.
- In Workers' Compensation, we seek the amount paid for medical treatment, lost wages, and the face value of an award.
- Any amount recovered reduces how much was paid on that claim and therefore reduces the amount of your town's overall claims payments which reduces your insurance costs.
- The assistance of the town can be an integral part of the level of success achieved.

Example:

- An officer injured his elbow taking an intoxicated subject into custody. He underwent surgery to repair the injury and the total amount of the lien sought in subrogation against the intoxicated subject was almost \$54,000. We enlisted the help of the Solicitor's office as we were not finding success with our subrogation efforts. Their office had to file suit and the matter went to trial. The Judge found that the Defendant acted in a negligent manner, but we could not prove that the employee's injuries were caused by the Defendant's actions. The employee did not report the injury or seek medical treatment for almost a month and there was no mention of the injury in any of the incident reports.



Atlantic County Municipal JIF
Managed Care Summary Report
2024

Intake	March-24	March-23	2024 March YTD	2023 March YTD
# of New Claims Reported	46	52	130	156
# of Report Only	16	23	37	63
% Report Only	35%	44%	28%	40%
# of Medical Only	26	23	69	67
# of Lost Time	4	6	23	26
Medical Only to Lost Time Ratio	77:23	79:21	75:25	72:18
Claim Petition First Notice/Occupational	0	0	1	0
COVID-19	0	0	0	150
Average Days Reported To Qual-Lynx (Indemnity, Medical Only, Report Only)	1.6	5.8	6.3	7.6
Average Days Reported to Employer (Indeminty, Medical Only, Report Only)	0.3	4.7	0.9	2.4

Nurse Case Management	March-24	March-23
# of Cases Assigned to Case Management	87	91
# of Cases > 90 days	68	73

Savings	March-24	March-23	2024 March YTD	2023 March YTD
Bill Count	604	642	1626	1582
Provider Charges	\$711,067	\$822,154	\$2,272,460	\$1,771,657
Repriced Amount	\$202,288	\$291,042	\$658,408	\$583,985
Savings \$	\$508,778	\$531,111	\$1,614,052	\$1,187,672
% Savings	72%	65%	71%	67%

QualCare Network Provider Penetration Rate	March-24	March-23	2024 March YTD	2023 March YTD
Bill Count	96%	94%	97%	94%
Provider Charges	96%	96%	97%	96%

Exclusive Provider Panel Penetration Rate	March-24	March-23	2024 March YTD	2023 March YTD
Bill Count	97%	96%	98%	96%
Provider Charges	97%	95%	98%	97%

Transitional Duty Summary		2024 March YTD	2023 March YTD
% of Transitional Duty Days Worked		77%	67%
\$ Saved By Accommodating		\$149,176	\$128,206
% of Transitional Duty Days Not Accommodated		23%	33%
Cost Of Days Not Accommodated		\$47,819	\$75,512



DATE: April 05, 2024

TO: The Members of the Executive Board of the Atlantic County Municipal JIF

FROM: Christopher J. Winter L/E Risk Management Consultant

RE: ACM Activities (March)

1. Policy/Procedures: Policy and Procedure requests have been received and will be forwarded to requesting agencies that will contain current L/E best practices, NJ AG Guideline, NJ Police Licensing revisions and L/E Accreditation requirements.

2. Agency Visits:

Linwood PD Accreditation, agency updates and Police Licensing.

North Wildwood PD Accreditation, agency updates and Police Licensing
(Chief John Stevenson retired. The new Chief is Kathleen Madden).

Wildwood Crest PD Accreditation, agency updates and Police Licensing.

Additional agencies continue to be scheduled.

- Consultative Visits were provided to identify and discuss agency concerns, training, policy and procedures, trends and requests. L/E RMC services were outlined and provided to Chiefs and Command members present. Police agency's with Command changes were a priority and visited as well. Additional agency visits are being scheduled at this time to continue to build relationships with the Law Enforcement agencies within the ACM JIF.

3. Training: No training scheduled at this time, however training topics are being considered for future training dates. Additionally, a course is being discussed and reviewed to assist agency Resiliency Officers, to be conducted by Dr. Kelly, Ph.D., ABPP. and Captain William Walsh, Voorhees PD.



4. Law Enforcement Bulletins / Newsletters: No bulletin posted this month.

5. ACM JIF Law Enforcement Committee: A L/E Committee is being formulated with three (3) Police Chiefs from each county to represent (JIF) police agencies in Atlantic and Cape May County. I plan to meet with them on a quarterly basis virtually to discuss trends, concerns, training, policy and procedure assistance, potential risk and liability issues and L/E Accreditation guidance etc. This is being developed to maintain an ongoing forum throughout the year as an extension of the County Chiefs Associations, to identify areas as previously mentioned and to reduce potential risks. An initial meeting was conducted on March 26, 2024.

- a) Police licensing was discussed in regards to the progress of agency policy revisions. A brief discussion revealed the unknown by the New Jersey Police Training Commission (PTC) and frustration by Chiefs pertaining to the state portal, continuing education and forms that are supposed to be in order for agencies to use.
- b) Pre Employment is an ongoing process for agencies based on retirements and / or promotions thereby requiring officer replacement. Difficulty with finding candidates or getting candidates that can meet the qualifications required.
- c) JIF services were discussed. Not all police agencies have been receiving info related to Wellness, Qual Lynx and Cyber Security. I advised the Chiefs that I would be forwarding documents to them as I receive them etc.
- d) Positive responses were obtained regarding my services and assistance to agencies.

6. Meetings Attended:

ACM Executive Claim Meeting	03/14/2024
ACM Executive Meeting	03/20/2024
ACM L/E Comm Mtg	03/26/2024



Questions about employment issues? Call the New MEL Employment Practices Helpline

The MEL Safety Institute is pleased to announce the establishment of a NEW MEL Employment Practices Helpline (EPL), a dedicated resource to guide members on employment related issues.

The MEL EPL Helpline is staffed by attorneys that specialize in New Jersey employment law and understand the MEL JIF system. The three law firms staffing the EPL Helpline are affiliated with local Joint Insurance Funds (JIFs).

Who can use the EPL Helpline? MEL member municipalities will select and approve two individuals to use the helpline.

What hours is the EPL Helpline available? The helpline will be staffed during normal business hours, 9 a.m. – 5 p.m. Voicemail can be left afterhours for a callback.

What kinds of issues can be addressed? Any employment related topics or policies and procedures related to issues such as:

- Hiring
- Termination
- Harassment
- Discrimination
- Promotion/Demotion
- And more...

What are the MEL EPL Helpline numbers? MEL members can choose to call any of the MEL EPL Helpline firms listed below.

MEL EPL HELPLINE:

732-583-7474

Jodi Howlett
Cleary Giacobbe Alfieri Jacobs LLC
955 State Route 34, Suite 200
Matawan, NJ 07747955

MEL EPL HELPLINE:

609-522-5599

David S. DeWeese
The DeWeese Law Firm
3200 Pacific Avenue
Wildwood, New Jersey 08260

MEL EPL HELPLINE:

973-334-1900

Fred Semrau
Dorsey & Semrau
714 Main Street
Boonton, NJ 07005

What happens after the call? The attorney will provide the member with transcript of the call that includes recommendations. If the issue is beyond the scope of the MEL EPL Helpline the attorney will provide direction to the member on where to get appropriate assistance. All calls are confidential.



**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
RESOLUTION #2024-_____**

**A RESOLUTION ADOPTING THE REVISED ACMJIF LITIGATION MANAGEMENT
GUIDELINES.**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the Fund Commissioners of the Atlantic County Municipal Joint Insurance Fund have determined that the ACMJIF is distinguished from commercial insurance providers by virtue of the fact that it is formed by municipalities, it is funded by public monies appropriated by the member municipalities, it serves a public purpose and is responsible for the discharge of its function in a manner consistent with policies applicable to municipal government; and

WHEREAS, upon the recommendation of the Fund Solicitor and the Claims Review Committee, the Fund Commissioners of the Atlantic County Municipal Joint Insurance Fund have determined that it is appropriate to adopt the revised ACMJIF Litigation Management Guidelines; and

WHEREAS, the Fund Solicitor has previously provided a draft of these revised Litigation Management Guidelines to the Claims Review Committee of the ACMJIF for their review and approval, and the Claims Review Committee of the ACMJIF has recommended the adoption of these revised Guidelines by the Fund Commissioners, a copy of which are attached hereto; and

WHEREAS, the Commissioners of the Atlantic County Municipal Joint Insurance Fund have deemed it appropriate to adopt these revised ACMJIF Litigation Management Guidelines.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Atlantic County Municipal Joint Insurance Fund, assembled at a public session April 17, 2024, that:

1. The Litigation Management Guidelines which are attached hereto are hereby adopted as the Litigation Management Guidelines of the Atlantic County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that copies of this Resolution shall be provided to the Executive Director, Fund Solicitor, Claims Administrator and all Assigned Defense Counsel and Approved Associates of the ACMJIF Defense Panel for their information and attention.

This Resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund at a public meeting held on April 17, 2024.

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

Attest: _____
Secretary

By: _____
Chairperson

Date: April 17, 2024

LITIGATION MANAGEMENT GUIDELINES



ATLANTIC COUNTY
MUNICIPAL JOINT INSURANCE FUND

PREFACE

Since the inception of the Atlantic County Municipal Joint Insurance Fund (ACMJIF) in 1987, the number of Member Municipalities in the ACMJIF has grown from seven (7) Municipalities to the current number of thirty-nine (39) Municipalities in 2024.

The Municipal Joint Insurance Fund concept has continued to be very successful throughout the State of New Jersey, and the operation of these Funds has resulted in millions of dollars of monetary savings to not only the Member Municipalities but also the taxpayers of these Municipalities. The ACMJIF's proactive, effective and efficient handling and management of the claims on behalf of its Member Municipalities has produced and continues to produce outstanding results.

The adoption of an aggressive and consistent Litigation Management Philosophy by the Fund has been very effective in discouraging Plaintiffs' Attorneys and potential Plaintiffs from asserting claims against the Member Municipalities and their Employees. In addition, the philosophy adopted by the Fund has resulted in a significant reduction in the number of claims received, filed and paid. Immediately upon the receipt of notice of a potential claim, the Claims Administrator and the Fund Solicitor each perform extensive investigations and attempt to identify and establish defenses. Thereafter, once the litigation has commenced, the Fund Solicitor, Assigned Defense Counsel (ADC) and the Claims Administrator (CAS) identify the cases in which the Member Municipality has strong liability defenses, and the Fund determines that those cases will be aggressively defended. In those cases, ADC is directed to serve the Plaintiff's Attorneys with frivolous lawsuit notices (*R. 1:4-8*), and file Motions to Dismiss prior to filing responsive pleadings. If those strategies are unsuccessful, upon the completion of discovery, ADC is directed to file Motions for Summary Judgment. These strategies are effectively utilized to obtain the dismissal of these cases at the earliest stages possible. Our Litigation Philosophy is that the concept of settling a case, which the Fund has determined has strong liability defenses, for the cost of litigation is rarely an option. This philosophy has been very successful in sending the message to the potential Plaintiffs and to the Plaintiffs' Attorneys that settlement monies will not be paid on cases where there are strong liability defenses available to the Member Municipality. This Litigation Philosophy has effectively discouraged the filing of claims against our Member Municipalities, and our goal is to continue that trend into the future. In 2005 the number of active litigation files for General Liability, Automobile Liability and Police Civil Rights cases was one hundred and seventy-nine (179) cases. In 2024 the number of active litigation files has been reduced to eighty-eight (88) cases. In those cases where the Fund Solicitor, ADC and the Claims Administrator have identified that the Member Municipality has liability issues, the Fund has endeavored to expeditiously attempt to settle the case reasonably, and if that is not possible, the Fund will engage Fund approved Mediators to assist with the reasonable resolution of the case without incurring substantial legal expenses to defend the claim.

Our Fund Professionals (Fund Solicitor, ADC and Claims Administrator) each play very important roles in the successful litigation of claims; however, the ADC occupies the trenches, and the Fund and the Member Municipalities rely upon their representation and guidance for their ultimate successes in litigating the claims. Because of the importance of ADC's role, every three (3) years, the Fund advertises, through Requests for Qualifications (RFQs), the position of ADC for the Fund, and in response to that RFQ, the Fund receives numerous proposals from the best Insurance Defense Firms in South Jersey to serve as ADCs for the Fund. The Fund thoroughly reviews and evaluates each of these proposals in order to determine which firms and attorneys shall be awarded Contracts to serve as the ADC for the Fund. The Fund is fortunate to have the best and the brightest defense attorneys in South Jersey defending cases on behalf of our Member Municipalities and their employees.

The Fund has determined that one of the key components in the effective and efficient defense of claims is for our Fund Professionals to actively engage in regular communications regarding the handling of the claims. The Fund Solicitor conducts annual meetings with ADC and their Approved Associates, and annual meetings with the Supervisors and Adjusters from the Claims Administrator's Office to review and discuss current claims, trends and legal issues; to review and discuss the performance of the Litigation Management Team; to identify and address any communication issues and/or claims handling issues; and to improve the overall performance of the Fund Professionals in the handling and administration of the claims. In addition to the daily communications and meetings, these Litigation Management Guidelines are intended to be an invaluable tool to insure the efficient, effective and consistent management of all of our claims.

It is essential that each of the Contracted ADC and their Approved Associates review these Litigation Management Guidelines regularly, and that they have their support staff also regularly familiarize themselves with these Guidelines to ensure compliance in the best interest of the Fund and the Member Municipalities.

As always, it is the goal of all of the Fund Professionals to continue to work together as a team in the aggressive, effective and efficient management of litigated matters on behalf of the Member Municipalities and their employees and elected officials.

David S. DeWeese, Esquire
Fund Solicitor, ACMJIF

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ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

LITIGATION MANAGEMENT GUIDELINES

I. INTRODUCTION.

The purpose of these Litigation Management Guidelines is to emphasize, delineate and support the ACMJIF's Litigation Management Philosophy, to specifically describe the roles and relationships of the Fund Professionals, the Member Municipalities and their employees and elected officials to the litigation process and to supplement the ACMJIF Bylaws, Plan of Risk Management and other policies established by the Fund's Executive Committee.

The Fund recognizes that the total cost of defending, administering, managing and resolving litigated claims can be very expensive, and therefore, through the RFQ process, the Fund has been providing, and is determined to continue to provide, quality ADC, at very reasonable hourly rates, as an essential part of our Litigation Management program. In order to ensure high quality representation together with controlling the costs of litigation, the Fund has established and adopted these Litigation Management Guidelines which will serve the best interests of the Member Municipalities, the Fund Professionals (Fund Solicitor, ADC and Claims Administrator) and the Fund. These Litigation Management Guidelines will provide the Fund Professionals (Fund Solicitor, ADC and Claims Administrator) and the Member Municipalities with guidance as to the roles, duties and responsibilities of the Litigation Management Team throughout the process of defending claims and litigation. The Fund firmly believes that the establishment of these Litigation Management Guidelines is essential to providing the framework for our Litigation Team to successfully defend claims and for the continued success of the Fund.

The Fund is confident that outstanding, effective and efficient claims and litigation defense will be provided for our Member Municipalities when the Litigation Management Team combines all of their skills and resources and effectively communicate with one another from the inception of a claim through the ultimate disposition of the claim. It is imperative that every expense incurred during the claims and litigation process is determined to be reasonable, necessary and required to effectively and efficiently defend and resolve each and every claim. Our "loss experience" is comprised of two factors: loss and expense. It is our goal to control both of these factors while still adhering to our Litigation Management Philosophy. Therefore, a collaborative effort by the Litigation Management Team in the claims management and litigation management process is essential to accomplishing this goal. Jointly, the Team shall endeavor to identify and clarify all pertinent issues at the earliest possible stage of a claim. Thereafter, once the litigation strategy has been established, it is imperative that this "Team" shall immediately proceed toward an expeditious, efficient, cost effective and just disposition of a claim. Disposition of a claim at the earliest possible date is highly desirable, and is in the best interest of our Member Municipalities.

II. ROLE OF CLAIMS ADMINISTRATOR.

The Claims Administrator (CAS) for the ACMJIF is an integral member of the Litigation Management Team. The CAS and their staff are the Claims Manager for the Fund, and they are charged with the responsibility of the initial investigation, management and handling of claims prior to litigation being filed. In addition, they are charged with the responsibility of vigilantly and proactively anticipating and initiating all reasonable action necessary to investigate the claims and control the claims and its cost for the Fund and its Member Municipalities. It is for these reasons that the CAS will always retain primary responsibility for the management of a claim from its inception through final disposition. The CAS will work closely with our Fund Solicitor and the ADC, and they will continually monitor all assignments; provide input to the Fund Solicitor and ADC regarding the litigation strategies; prepare all Payment Authority Requests (PARs) for submission to the Claims Review Committee; participate in Mediations and Arbitrations; and upon the conclusion of a claim, provide the Member Municipalities with a copy of the Complaint, Court Order Dismissing the case (if applicable) and any Settlement Agreement and/or Release and Settlement Check (if applicable).

Upon the receipt of a claim, the CAS shall be responsible to immediately and thoroughly investigate the claim and determine the appropriate coverages for the claim under the ACMJIF policies of insurance. The CAS shall issue coverage letters to Member Municipalities within ten (10) days of their receipt of the claim explaining the coverage determination for matters under the General Liability Policy (GL), the Automobile Liability Policy (AL), the Police Civil Rights matters under the GL Policy, the Property Damage Policy (PD) and the Employment Practices Liability and Public Officials Liability Policy (EPL/POL). If the claim may be covered under the EPL/POL Policy, the CAS shall also, within ten (10) days of their receipt of the claim, provide notice of the claim to the Claims Administrator for the EPL/POL Policy with copies to the Fund Solicitor for a coverage determination by the EPL/POL carrier. The Municipal Claims Coordinators for the respective Member Municipalities should be utilized by the CAS to obtain all required information and documentation in order to analyze and effectively prepare for the defense of the claim. The CAS should contact the Fund Solicitor for any assistance required in the investigation and evaluation of a claim. In addition, the CAS should consult with the Fund Solicitor regarding any potential pre-suit assignments to ADC. If a claim, on a file where suit has not been commenced, is being presented for Payment Authority Request (PAR) to the Claims Review Committee, the CAS shall, at least thirty (30) days prior to the Claims Review Committee Meeting and the presentation of the PAR, provide a copy of the file to the Fund Solicitor so that the Fund Solicitor can properly evaluate the claim and provide their legal opinion to the CAS prior to the presentation of the PAR to the Claims Review Committee. If the claim cannot be settled by the CAS, with the assistance of the Fund Solicitor, prior to suit, the CAS, upon the receipt of a filed Complaint, shall request that the Fund Solicitor assign a member of the ADC Panel to handle the defense of the Member Municipality and/or their employee(s) in the litigation. The assignment shall be communicated by the Fund Solicitor to ADC, in writing, with copies to the CAS and the Member Municipality and/or their employees who have been named as Defendants, and the Fund Solicitor shall provide the ADC with detailed instructions regarding the handling of the claim.

The CAS shall immediately provide ADC with a complete copy of their file, and thereafter, they shall assist the ADC in conducting any further investigation as is deemed necessary to evaluate the liability and damages exposure of the Member Municipality, and thereafter, based upon that liability and damages determination, the CAS and ADC with the Fund Solicitor shall develop a litigation strategy for the appropriate handling of the matter.

Prior to suit being filed, it is the CAS's responsibility to investigate, negotiate and settle claims in accordance with the maximum amount the "Certifying and Appointing Officer" may approve under the ACMJIF's Risk Management Plan. However, once suit is filed, all of the further investigation and negotiations will be coordinated by the ADC, in consultation with the Fund Solicitor and the CAS after receiving the required authority from the Claims Review Committee. The ADC shall keep the Adjuster, the Supervisor of the CAS and the Fund Solicitor apprised of the status of all settlement negotiations.

When a settlement cannot be negotiated or it is determined that the claim will be aggressively defended, the CAS shall work closely with the ADC to complete all Discovery and then prepare the matter for the filing of a Summary Judgment Motion as expeditiously as possible. For cases in which the potential damages are significant, the CAS shall provide detailed quarterly reports of such claims to the Executive Director's Office, the Fund Solicitor, the Fund Solicitor for the Municipal Excess Liability (MEL) and the Claims and Litigation Manager for the MEL in accordance with the established "Large Loss" reporting requirements as outlined in their Contract and as required by the MEL.

When there is a proposed settlement of a claim, the CAS and the ADC shall be certain to immediately inform the appropriate representatives of the Member Municipality (Fund Commissioner, Claims Coordinator, Municipal Administrator and/or Municipal Clerk and the Municipal Solicitor for the Municipality) of the proposed terms of the settlement prior to finalizing the settlement. In addition, at the conclusion of the matter, the Member Municipality shall be provided by the CAS with a copy of the Complaint, Court Order Dismissing the case (if applicable) and any Settlement Agreement and/or Release and Settlement Check (if applicable).

III. ROLE OF ASSIGNED DEFENSE COUNSEL AND APPROVED ASSOCIATES.

The ACMJIF awards Contracts annually to ADC based upon an RFQ process that occurs every three (3) years. The ADC and their Approved Associates that are selected by the ACMJIF after the RFQ process are the only Attorneys permitted to represent the ACMJIF's Member Municipalities and /or employees, unless exceptional circumstances arise and the Fund Solicitor, with the approval of the Executive Committee of the ACMJIF, determines that other Attorneys are required to provide representation on a particular matter. Therefore, ADC shall only utilize the ADC and the Approved Associates that are designated in their Contract with the ACMJIF. If the contracted ADC, during the term of their Contract, desires to add additional ADC and/or Approved Associates to their Contract, ADC must submit the request to the Fund Solicitor together with the Resume of the individual or individuals being requested to be added. The Fund Solicitor shall review and evaluate the request, and if he determines that the request should be approved, he will present the request to the ACMJIF Claims Review Committee in the form of a draft of a Resolution for their recommendation to the ACMJIF Executive Committee. If the ACMJIF Claims Review Committee recommends the addition to the ADC's Contract, the ACMJIF Executive Committee shall vote on the Resolution, and if approved, the ADC and/or Approved Associate shall be added to the ADC's Contract.

The ADC who has been assigned to handle the litigation on behalf of a Member Municipality and/or its employee(s) owes the Member Municipality/employee the highest degree of care and good faith during his or her professional legal representation of that entity and/or individual. The Fund's contractual duty to provide a defense to the Member Municipality encompasses the expectation, by both the Member Municipality and the Fund, that ADC will use their best efforts to avoid or limit the liability of the Member Municipality, and to avoid or limit any assessment of damages against the Member Municipality. In all matters, the Fund expects that ADC will abide by the New Jersey's Rules of Professional Conduct and the ACMJIF's Conflict of Interest Policy (attached hereto), and that the ADC will diligently, effectively and efficiently provide zealous representation of the Member Municipality and/or employee.

Once ADC has been assigned to defend a claim, the Fund expects ADC to take a very aggressive approach in the handling of the case. If warranted, it is required that Motions to Dismiss and Motions for Summary Judgment are to be filed at the earliest date possible in the litigation. In cases where it is determined that the litigation is frivolous (for example, based upon a lack of jurisdiction or otherwise), ADC shall immediately provide notice to the Plaintiff's Attorney in accordance with R. 1:4-8. Likewise, if the filing of a Motion to Dismiss is deemed to be appropriate, it should be filed at the earliest date possible. It is imperative that Motions for Summary Judgment are filed immediately upon the expiration of the Discovery End Date (DED), if not sooner. Those Motions should assert all of the available and applicable Title 59 defenses and any and all other defenses that are available in each particular case. It should be clear that the aggressive, pro-active approach of our ADC toward the pursuit of the early dismissal of cases will be expected and required.

It is expected by the Fund that time entries for extensive legal research will not appear on billings/invoices/memos from either the ADC or an Approved Associate. The Fund Solicitor maintains a Brief and Opinions Bank containing effective briefs and judicial decisions dealing with commonly litigated issues. This Brief and Opinion Bank is accessible by all ADC and Approved Associates. These briefs and opinions, together with the vast experience of our ADC in the defense of municipalities, should eliminate and control any extensive legal research expenses. If legal research is determined to be required, ADC must obtain the prior approval from the Fund Solicitor to conduct the legal research, and ADC should be prepared to provide an accurate estimate for the time required to perform the research to the Fund Solicitor.

There are certain litigation expenses that require ADC to obtain the prior approval from the CAS and the Fund Solicitor. Those expenses include but are not limited to expert's fees, the expense and costs associated with depositions that take place outside of the State of New Jersey and investigator's fees and expenses. ADC must submit a request for the approval of these litigation expenses at least sixty (60) days prior to the date required for the expense to be incurred.

On all litigated matters and all pre-suit assignments, ADC shall submit to the CAS and the Fund Solicitor the following: initial summary and analysis of the file after reviewing pleadings and the CAS file, written summaries of all discovery (Interrogatories, Requests for Production of Documents, Requests for Admission and Depositions); written summaries of all medical records received; written summaries and analysis of all expert opinions and reports received; written summaries prior to and after all mediation sessions; written summaries prior to and after any Arbitration Hearing; written summaries of any judicial decisions on Motions and written summaries of all settlement recommendations and/or negotiations. The goal of ADC shall be to provide these summaries within ten (10) days of the occurrence of the event. In addition, ADC shall regularly review their litigation budget as contained in their Reports, and they shall revise the budget when it is determined to be necessary. Any budget revision shall be accompanied by a detailed explanation for the revision.

When it has been determined that there is a proposal that may cause a claim to be settled, it shall be the primary responsibility of ADC to inform the appropriate representatives of the Member Municipality (Fund Commissioner, Claims Coordinator, Municipal Administrator and/or Municipal Clerk and the Municipal Solicitor for the Municipality) of the terms of the proposed settlement prior to finalizing the settlement. In addition, the Member Municipality shall be provided with copies of all executed Settlement and/or Release documents. Finally, upon the disposition of the claim, other than by settlement, the ADC shall immediately communicate this disposition to the appropriate representatives of the Member Municipality, and thereafter provide them with copies of any and all Court Orders memorializing the disposition.

While the Contracts between the ACMJIF and ADC permit billing entries by Paralegals, the tasks billed by ADC's Paralegals shall be limited, and any clerical work which is performed by Paralegals shall not be billed.

Established procedures for the authorization of the delegation of litigation tasks by the ADC to Approved Associates have previously been adopted by the ACMJIF. Those procedures are incorporated into these Litigation Management Guidelines and they are set forth below, and they should be strictly adhered to by all ADC and Approved Associates.

**PROCEDURES FOR THE AUTHORIZED DELEGATION OF LITIGATION
TASKS BY ASSIGNED DEFENSE COUNSEL**

- 1.) The Atlantic County Municipal Joint Insurance Fund (ACMJIF) shall, by Resolution, annually award Contracts to all the Assigned Defense Counsel (ADC) and their Approved Associates that are permitted to provide representation of the ACMJIF's Member Municipalities and/or their employees and/or their elected officials in accordance with the procedures set forth below.
- 2.) "Assigned Defense Counsel" shall be defined as very experienced and qualified defense attorneys who are partners in their Law Firms, and who have been approved after an RFQ process by a Resolution of the Executive Committee of the ACMJIF to be awarded a Contract to serve as ADC to provide representation to the Member Municipalities of the ACMJIF and/or their employees and/or their elected officials in General Liability, Automobile Liability, Police Civil Rights and Workers' Compensation matters.
- 3.) "Approved Associates" shall be defined as those individual attorneys, who are Associates of Assigned Defense Counsel's Law Firm, who are approved by a Resolution of the Executive Committee of the ACMJIF, and may be assigned by Assigned Defense Counsel to perform certain authorized litigation tasks as herein delineated.
- 4.) When the Fund Solicitor issues an Assignment Letter to ADC, he/she should thoroughly review the Complaint and any CAS file materials received, perform the appropriate in-house conflict of interest review, and, if it is determined that no conflict exists, ADC shall forward an executed Acceptance of Assignment to the Fund Solicitor, the Claims Administrator Supervisor and the Claims Administrator Adjuster assigned to the file.
- 5.) ADC shall initially determine whether a R. 1:4-8 Frivolous Lawsuit Notice should be issued and whether a Motion to Dismiss should be filed, and if so, ADC shall draft, serve and/or file the Notice and Motion. ADC shall prepare and completely review the Answer that is to be filed with the Court to ensure that the appropriate Answers, Separate Defenses, Crossclaims and Third Party Claims have been included. All Answers are to be executed by the ADC only. While Approved Associates may assist in the preparation of the first draft of the Answer, the Answer must be reviewed, approved and executed by ADC prior to being filed with the Court.
- 6.) Written Discovery requests and responses may be drafted by Approved Associates; however, the drafts must be reviewed, approved and executed by ADC.
- 7.) The forwarding of Subpoenas, legal research projects, compilation of medical records, appearances at Scheduling Conferences, and discovery motion practice may be handled by an Approved Associate under the supervision of ADC. All discovery motions must be reviewed, approved and executed by ADC.
- 8.) ADC shall attend all meetings with representatives of the Member Municipality, and Approved Associates who have performed work on the matter shall be permitted to also attend these meetings.

- 9.) The ADC must attend all Discovery Depositions of the Plaintiffs, representatives of the Member Municipalities, and all expert Depositions. With regard to Discovery Depositions of fact witnesses to the litigation, the ADC should make every effort to attend said Depositions; however, if the ADC is unable to attend (due to a Trial commitment or is otherwise unavailable), an Approved Associate may attend and handle those Depositions with the prior approval of the Fund Solicitor.
- 10.) All Briefs in support of Motions for Summary Judgment must be prepared and executed by ADC. While an Approved Associate may assist in the preparation of the Brief, the ADC shall be primarily responsible for the preparation, review and execution of all Briefs submitted to the Court.
- 11.) ADC shall attend all Oral Arguments on Motions for Summary Judgment. There shall be no exceptions. However, Approved Associates who have performed work on the matter shall be permitted to also attend oral arguments on the Motion.
- 12.) All Arbitration and Mediation Statements must be prepared and executed by the ADC, and all Arbitration Hearings and Mediation sessions must be attended by the ADC. However, Approved Associates who have performed work on the matter shall be permitted to also attend Mediation sessions and Arbitration Hearings.
- 13.) All Settlement Conferences must be attended by the ADC. However, Approved Associates who have performed work on the matter shall be permitted to also attend the Settlement Conferences.
- 14.) All *de bene esse* Depositions must be conducted by the ADC. However, Approved Associates who have performed work on the matter shall be permitted to also attend the Depositions.
- 15.) All Appearances, Hearings, and Conferences in Workers' Compensation Court must be attended by ADC unless there has been prior approval granted by the Fund Solicitor for an Approved Associate to cover the appearance. However, Approved Associates who have performed work on the matter shall be permitted to also attend all Workers' Compensation Court Hearings and Conferences.
- 16.) All Trials must be attended and conducted by the Assigned Defense Counsel. There shall be no exceptions. However, Approved Associates who have performed work on the matter shall be permitted to also all Trials.

IV. FUND SOLICITOR.

The Fund Solicitor shall have the exclusive responsibility for the selection and assignment of ADC to all claims and litigation matters subject to the provisions of the Bylaws of the Fund. The Fund Solicitor shall assign and designate ADC to the handling and defense of the Member Municipalities and/or their employees and/or their elected officials from the ADC who have entered into Contracts with the ACMJIF for that particular year and which have been annually approved by Resolution of the Executive Committee of the ACMJIF. The Fund Solicitor shall be responsible to monitor and evaluate the performance of all of the ADC and Approved Associates, and he or she shall provide the Claims Review Committee and the Executive Committee of the ACMJIF with an Annual Defense Panel Report, which analyzes the performance of the ADC and Approved Associates over the prior year. The Fund Solicitor shall actively participate and be involved in every claim and litigated matter on behalf of the ACMJIF and the Member Municipalities, and he or she shall also perform evaluations of: the liability and damages issues in each case; the litigation strategies to be employed by ADC; the settlement values of cases; and the negotiation of the settlement of all cases. The Fund Solicitor shall have the responsibility to assist the CAS in the pre-litigation investigation and evaluation of claims, and he or she shall also monitor the performance and billings of all ADC and Approved Associates, and shall generally supervise, monitor and assist in the management of all claims and litigated matters. The Fund Solicitor shall actively resolve all issues and disputes between the CAS and ADC so as to ensure the orderly implementation and maintenance of the policies and guidelines outlined herein. Whenever necessary, the Fund Solicitor shall act as the liaison between the Fund, ADC, CAS and the Member Municipalities and their employees and elected officials.

At least annually, the Fund Solicitor shall organize a meeting with all ADC and Approved Associates to review current legal trends, these Litigation Management Guidelines and the policies, procedures and guidelines of the Fund as they relate to the efficient and effective defense of claims. In addition, the Fund Solicitor shall meet periodically with representatives of the CAS to discuss and evaluate the performance of ADC and Approved Associates, provide updates in the law that affect the claims against the Fund's member municipalities, provide advice on the handling of specific claims, and discuss the litigation strategies of the Fund. Finally, the Fund Solicitor shall periodically review and update the Litigation Management Guidelines.

V. INTERACTION OF ALL PARTIES WITH THE GOAL OF PROMPT DISPOSITION.

The effective and efficient disposition of claims is dependent upon the communication, cooperation and assistance between the Fund Professionals (Fund Solicitor, ADC and CAS) who comprise the “Litigation Management Team”. Each of these Fund Professionals shall be responsible for his or her designated assigned duties, responsibilities and tasks as delineated in these Litigation Management Guidelines, and it is essential that the Fund Professionals communicate and cooperate with one another in order to accomplish the effective, efficient and successful management of these claims.

The Fund Solicitor, ADC and the CAS each share the common goal of the prompt and effective disposition of all claims and any litigated matters. An exchange of ideas and opinions by the “Litigation Management Team” is not only encouraged, but is required, in order to not only properly identify and evaluate the liability and damages issues for each claim, but also outline the most effective claims management and litigation strategies available to defend the claim in the best interest of the Fund, the Member Municipalities and their employees and elected officials. The collaborative efforts of the Fund Solicitor, the ADC and the CAS, through regular communications, are necessary for effective and successful claims management.

Upon the assignment of a claim by the Fund Solicitor to ADC, the CAS and the Municipal Claims Coordinator for the Member Municipality shall immediately provide the ADC and the Fund Solicitor with all of the investigative documents and information gathered prior to the assignment of ADC in order to avoid the duplication of efforts by ADC. ADC should thereafter promptly advise and supply the Fund Solicitor and the CAS with all pertinent documents and information that he or she has obtained through their investigation of the claim. If additional investigation is determined to be required, the Fund Solicitor, the CAS, and the ADC shall collectively determine how the task will be accomplished most efficiently and who will accomplish the task. Regular communications must then continue between the members of the “Litigation Management Team” with a constant view toward the aggressive defense of the claim with the ultimate goal being the effective and timely disposition of the claim. The expeditious disposition of claims against the Fund is most often accomplished through the service of *R. 1:4-8* Notices, the filing of Motions to Dismiss and the filing of Motions for Summary Judgment. However, there are some claims, based upon the identification of liability issues and/or the presence of significant injuries, that the exploration of the settlement of the claim is the best course of action. In these cases, the goal is to attempt to settle the claim early in the litigation process which may require the assistance of a Mediator. The Fund has identified Mediators who are very effective in settling cases, and it is in the best interest of the Fund and the Member Municipalities to direct these types of cases to these Mediators. The primary responsibility for determining the appropriate settlement authority shall be with the Fund Solicitor after consultation with the ADC and the CAS and as recommended by the Claims Review Committee, for approval by the Executive Committee, subject to the provisions of the Bylaws of the Fund and the Risk Management Program. It shall be the responsibility of the “Litigation Management Team” to effectively communicate to the Claims Review Committee and the Executive Committee the reasons why a case should be settled together with their respective opinions regarding the fair settlement value of the case. It shall then be determined by the Team how to best handle the settlement negotiations with the Plaintiff’s Attorney.

As detailed previously in these Litigation Management Guidelines, if it is determined that there are liability issues and/or damages issues on a particular claim, and the Plaintiff's Attorney is not reasonable in his/her valuation of the claim, then the Mediation process shall be utilized. Through the collective efforts of the Fund Solicitor, ADC and the CAS, an appropriate Mediator shall be selected for each claim, and the matter shall proceed expeditiously with the goal being to dispose of the claim early in the litigation process prior to incurring substantial legal expenses.

VI. FEES, COSTS, AND EXPENSES.

All ADC for the Fund have been chosen for their experience in aggressively defending municipalities, municipal employees and municipal elected officials in litigation, and for their vast knowledge of municipal law with emphasis on Title 59 and related issues. Therefore, it is expected that *pro-forma* briefs, motions, interrogatories, etc. should be billed accordingly. ADC is encouraged to utilize the Brief and Opinion Bank that has been established and maintained by the Fund Solicitor for the preparation of all briefs in support of Motions to Dismiss and Motion for Summary Judgment and Trial Briefs.

However, where a unique issue is involved and extraordinary research has been determined to be required, the ADC shall promptly notify the Fund Solicitor of their request and ADC shall provide the Fund Solicitor with a detailed explanation and justification for the request. The prior approval of the Fund Solicitor is required before incurring the expense and the ADC shall also provide an accurate estimate of the time that will be required to perform and complete the research. All conclusions, results and/or memoranda from the legal research should be submitted to the Fund Solicitor and CAS for their review.

On each claim, the ADC shall submit to the Fund Solicitor and the CAS the Quarterly Summary Invoices together with the Quarterly Litigation Report, and the ADC shall also simultaneously submit to the Fund Solicitor the "Confidential and Privileged Memo" containing all billing, itemized with detailed entries describing the work performed and delineating the time spent for each entry in one-tenth of an hour increments with no reference to the monetary value of the increments. The date, description of the services rendered, and identity of the persons providing such service must be provided for each entry. The Fund should not be billed by ADC for the preparation of any Reports required by these Litigation Management Guidelines. Appropriate documentation must be provided for all out-of-pocket costs and disbursements. Each Summary Invoice shall reflect the current period outstanding fees plus cumulative paid fees and expenses from the inception of the legal activities of the claim. The Fund Solicitor shall review all "Confidential and Privileged Memos" to determine the appropriateness of the entries and the time allocated to each entry. The Fund Solicitor shall direct any questions and/or issues with the Memo directly to ADC. Once the Fund Solicitor has approved the "Confidential and Privileged Memo", he shall forward the Memo to the CAS for their subsequent review and approval. Any Billing Guidelines that are approved by the Fund shall be strictly adhered to by all ADC.

ADC shall not bill the Fund for office expenses such as postage, copies, mileage, tolls, legal research services, etc. If an extraordinary expense is anticipated, the ADC shall request the approval of the Fund Solicitor prior to incurring any such expense, and said approval shall only be provided in extraordinary circumstances.

VII. REVIEW OF LEGAL SERVICES.

Occasionally, the Fund may audit and review the legal product of ADC. It is expected that ADC will cooperate with the Fund and make available all files requested for review.

The review will address the overall quality of the legal work performed including the following:

1. Services performed by ADC:
 - a. Was contact promptly made with the representatives of the member municipality and the CAS?
 - b. Did the ADC follow the initial instructions and guidelines set forth by the CAS and the Fund Solicitor?
 - c. Were responsive pleadings filed in a timely manner?
 - d. Did ADC report recommendations for defending the claim to the CAS and the Fund Solicitor in a timely manner?
 - e. Did ADC perform any research that required prior authorization, and did the Fund benefit from the research?
 - f. Did the ADC promptly perform and provide reports regarding all reasonable and necessary discovery?
 - g. Did ADC effectively communicate with all necessary parties at all stages of the litigation?
 - h. Did ADC aggressively move the case to a conclusion and was there a constant attempt to seek early disposition?
 - i. Did ADC submit required reports, billings and budgets on a complete and timely basis, and were these reports, billings and budgets accurate?
 - j. Did ADC promptly file the appropriate Motions to Change Venue, Dismiss the Complaint and or For Summary Judgment?
 - k. Did ADC effectively and timely communicate the disposition of the claim to the Member Municipality, and provide the Member Municipality with copies of all of the settlement documents?
2. The legal fees for the legal services rendered compared with the legal work performed:
 - a. Were the time and event entries contained in the “Confidential and Privileged” Memos in accordance with the Litigation Management Guidelines and were the time entries reasonable?
 - b. Were the time and event entries itemized to one-tenth of an hour?

- c. Were the time and event entries submitted quarterly in accordance with the Litigation management Guidelines?
- d. Were the time and event entries excessive for the work that was performed?
- e. Were the services performed and/or the legal fees charged commensurate with the complexity of the case assigned?
- f. Were the time and event entries for each task appropriate?
- g. Were the costs billed appropriately and did the ADC receive approval from the Fund Solicitor prior to incurring the costs?

VIII. CONCLUSION.

The purpose of these Litigation Management Guidelines is to detail the expectations of the CAS, ADC, Approved Associates and the Fund Solicitor in the handling of claims on behalf of the Fund and the Member Municipalities. It has been determined that adherence to these Guidelines will result in the most efficient and effective handling and disposition of litigation, and will also produce a cost-effective benefit to the Member Municipalities of the Fund. The Fund firmly believes that an aggressive and consistent Litigation Management Philosophy that is consistently implemented by the Litigation Management Team, in accordance with these Litigation Management Guidelines, is in the best interest of the Fund and its Member Municipalities.

SAMPLE ASSIGNMENT LETTER

_____, 2024

Attorney
Address

Re:

Dear _____:

Enclosed herewith please find a copy of a Summons and Complaint which have been filed in the above-captioned matter in the Superior Court of New Jersey, County of _____. I am assigning the defense of this matter to you on behalf of the Atlantic County Municipal Joint Insurance Fund (ACMJIF) member, _____.

This matter arises from the Plaintiff's allegations as contained in the Complaint that on

_____.

Initially, I would request that you immediately make the appropriate investigation in your office to determine whether a conflict exists regarding this matter. Please advise Qual-Lynx, as well as my office, as soon as possible, if a conflict does, in fact, exist.

Please adhere to the Litigation Management Guidelines of the Atlantic County Municipal Joint Insurance Fund in the handling of this matter. In accordance with those Guidelines, the Initial Acceptance of Assignment should be returned immediately, the Thirty (30) Day Report will be due on _____, and the Sixty (60) Day Report will be due on _____.

The Qual-Lynx Claims Adjuster handling this matter is _____, and _____, Claim Supervisor, and I should be provided with copies of all reports regarding this matter.

All billings must be submitted quarterly, with the original bill going to the claims adjuster and copies to this office and the claims supervisor. The bills must be attached to the quarterly report as outlined in the Litigation Management Guidelines.

Be advised that all Independent Investigations, Independent Medical Examinations and Expert Witnesses which may be required in this matter are to be coordinated through the Claims Adjuster and Claims Supervisor from Qual Lynx.

Attorney
Re:
Date
Page Two

Within five (5) to ten (10) days, you will be receiving a copy of the Qual Lynx file concerning this matter. If you have not received this information within said time period, please contact me immediately.

As I am sure you are aware, these General Liability matters are reviewed on a monthly basis by the Atlantic County Municipal Joint Insurance Fund Executive Committee. Therefore, any settlement authority in this matter must be approved by the Committee, which in some cases may take up to thirty (30) days.

Finally, be advised that the Municipal Claim Coordinator for _____ is _____, at _____. Any requests for information for answers to Interrogatories and the scheduling of Depositions should be arranged through said Municipal Claims Coordinator.

If you have any questions or need for additional information, please do not hesitate to contact me.

Very truly yours,
THE DEWEESE LAW FIRM, P.C.

David S. DeWeese

DSD/b
Enclosure

cc: _____, Executive Director, ACMJIF
_____, Qual Lynx Account Manager
_____, Qual Lynx Claim Supervisor
_____, Claim Adjuster, Qual Lynx Associates
_____, Fund Commissioner
_____, Municipal Claim Coordinator

OUTLINE OF REPORTS TO BE SUBMITTED BY ASSIGNED DEFENSE COUNSEL TO THE
CLAIMS ADMINISTRATOR AND THE FUND SOLICITOR

- I. Initial Acceptance of Assignment. To be returned immediately upon receipt of assignment. (Form)
- II. Thirty (30) Day Report. To be completed within thirty (30) days of the Assignment. (Form)
- III. Sixty (60) Day Report. This Report is identical to the Thirty (30) Day Report. The Thirty (30) Day Report should be copied and that portion which was not completed should be answered and any changes necessary should also be made to the form. All additions and/or revisions should be highlighted in “BOLD”. (Form)
- IV. Quarterly Report. These Reports are due at the end of every quarter subsequent to the filing of the Sixty (60) Day Report. The Report should indicate the status since the last report and the tasks that are anticipated to be completed in the next quarter. (Form)
- V. Discovery Completion Report. This Report is a narrative that is due within ten (10) days of the Discovery End Date. The items to be contained in this Report are as follows:
 - A. General statement of facts, with references to the relevant interrogatory answers and testimony at depositions;
 - B. Assessment of liability, with reference to Statutory Law and Case Law, if necessary;
 - C. Assessment of damages, with reference to the method of determination and a detailed description of the Plaintiff’s injuries and the Plaintiff’s current condition. If possible, the determination of damages should be broken down into the various components, such as pain and suffering, lost wages, loss of services, property damage, etc.
 - D. Assessment of the credibility of all parties and witnesses.
 - E. Recommendations of Assigned Defense Counsel. For example, is the case able to be settled? Should it be settled or should the case proceed to Arbitration or Mediation? Are there any Motions that should be filed, and if so, what type of Motion should be filed and when will it be filed? What is the likelihood of success on any Motion to be filed?
- VI. Pre-Arbitration/Pre-Mediation Report. This Report must be submitted at least fifteen (15) days prior to any scheduled Mediation and/or Arbitration. (Form)
- VII. Post-Arbitration/Post-Mediation Report. This report must be submitted within seven (7) days after the Mediation and/or Arbitration. This Report should not be a review of all of the facts of the case, but instead it should indicate who attended the session, Assigned Defense Counsel’s impressions of all individuals who were present, Assigned Defense Counsel’s evaluation of the Mediator or Arbitrators, the results of the Mediation/Arbitration, the rationale of the Arbitrators in arriving at their decision or the opinion of the Mediator as to the fair settlement value of the case, and Assigned Defense Counsel’s recommendations as to whether the case should be settled or whether the case should proceed to Trial. (Form)
- VIII. Pre-Trial Report. This Report must be submitted at least thirty (30) days prior to the scheduled date for Trial. (Form)

- IX. Miscellaneous Reports. The Assigned Defense Counsel should advise the Claims Administrator's staff and the Fund Solicitor when a significant event or change in Assigned Defense Counsel's analysis occurs during the course of the litigation. For example, if a witness suddenly appears who can have a determinative effect on liability or damages, or if facts are determined that might adversely impact the claim or the defense of any party, notice should be provided immediately. This Report should be communicated by way of correspondence. Additionally, the Claims Administrator's staff and the Fund Solicitor must immediately receive copies of all Motions filed by any party, the return dates of the same as well as the dates of all other scheduled appearances, such as Arbitration, Mediation, Oral Argument, etc.
- X. Post-Litigation Analysis. To be submitted within ten (10) working days of the completion of the litigation, whether the case was settled, dismissed, or tried to a verdict. (Form)

Please note that the original of all reports, along with any enclosures, is to be forwarded to the Claims Adjuster assigned to the claim. A copy of the Reports, with copies of enclosures, must be emailed to the Fund Solicitor, and a copy of the Reports only is to be emailed to the Claims Supervisor. The Claim Administrator's staff and the Fund Solicitor should receive copies of all pleadings.

INITIAL ACCEPTANCE OF ASSIGNMENT

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

ASSIGNED DEFENSE COUNSEL INITIALLY ASSIGNED TO HANDLE THIS MATTER: _____

TO THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND:

I have been assigned the above captioned matter to defend the litigation on behalf of _____ . Our Law Firm hereby makes the following representations to the Atlantic County Municipal Joint Insurance Fund:

1. Assigned Defense Counsel who shall be responsible for this file is:

2. The Approved Associate(s) who will also perform work on this file is (are):

3. The Assigned Defense Counsel, the Approved Associate(s) and this law firm have the experience and requisite ability necessary to handle this matter.
4. The Assigned Defense Counsel, the Approved Associate(s) and this law firm will have the time available to properly represent the member municipality and/or its employee(s), including the preparation for and attendance at all depositions, hearings, and trial.
5. The Assigned Defense Counsel, the Approved Associate(s) and this law firm will comply with the Atlantic County Municipal Joint Insurance Fund’s Litigation Management Guidelines and all of the policies and procedures relating to litigation (including billing procedures).
6. The Assigned Defense Counsel, Approved Associate(s) and this law firm have no ethical or legal conflicts that would disqualify the firm or the attorney(s) from representing the defendants insured by the Atlantic County Municipal Joint Insurance Fund in the pending litigation.

Law Firm: _____

BY: _____
Esquire

Date: _____

Original: Claims Adjuster _____ (with enclosures)

cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)

Claims Supervisor: _____ (without enclosures)

_____ 30 Day Report (Due _____)

_____ 60 Day Report (Due _____)

DEFENSE ATTORNEY'S SUIT STATUS REPORT

THE COMPLETED THIRTY-DAY REPORT SHOULD BE COPIED
AND USED AS THE BASIS FOR THE SIXTY-DAY REPORT.

(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

A. GENERAL INFORMATION

A. 1. PLAINTIFF

Name: _____

Age: _____

Marital Status: _____

No. of Dependents: _____

A. 2. CO-DEFENDANT(S)

A. 3. THIRD PARTY DEFENDANT (S)

A. 4. Have you received the contents of the file from Qual Lynx?

Yes _____

No _____

A. 5. Does the file contain all information and/or documentation necessary to evaluate the liability and damages issues in this case?

Yes _____

No _____

If not, what information and documentation is required?

B. LITIGATION INFORMATION

B. 1. Court:

Venue:

Jury Trial:

Yes _____

No _____

Bifurcation:

Yes _____

No _____

B. 2. Designated Trial Counsel:

This Defendant: _____

Co-Defendant(s): _____

Plaintiff: _____

Third Party Defendant(s): _____

Plaintiff's Attorney's Experience: _____

B. 3. Date Complaint Filed: _____

Date Answer Filed: _____

Date Crossclaim Filed: _____

Date Third Party Claim Filed: _____

Names of Third-Party Defendant (s): _____

Frivolous Lawsuit Notice (R. 1:4-8) to Plaintiff's Attorney: _____

B. 4. Plaintiff's Cause(s) of Action (Negligence, wrongful death, civil rights, property damage, etc.):

B. 5. Interrogatories Propounded Yes _____ No _____

Date(s): _____

Date Answers to Interrogatories propounded by this Party are due:

Plaintiff: _____

Co-Defendants _____

Third Party Defendant(s) _____

Parties upon whom Interrogatories were propounded:

B. 6. Depositions Scheduled: Yes _____ No _____

Date(s): _____

Parties and Witnesses to be deposed: _____

B. 7. Discovery End Date: _____

B. 8. Anticipated Trial Date: _____

B. 9. Plaintiff's Demand for Damages: (Pursuant to R.4:52)

C. PRELIMINARY LITIGATION STRATEGY

C. 1. Should any party (ies) be added Yes _____ No _____

If Yes, state name(s) and what has been (will be) done to add said party(ies):

C. 2. Is (Are) there any unknown party(ies)? Yes _____ No _____

Have they been appropriately noted at time Answer filed? Yes _____ No _____

Are any special investigative services required to determine identity? Yes _____ No _____

Explain: _____

C. 3. Will any preliminary Motions be required?

(Venue, Jurisdiction, Motion to Dismiss, Title 59 defenses, Summary Judgment, etc.)?

State nature of Motion, factual basis for same, and return date or anticipated return date _____

C. 4. Besides the standard negligence defenses, have any special defenses been asserted (e.g., Title 59 defenses)? Yes _____ No _____

If Yes, state the nature of the defense and factual basis for same. _____

C. 5. Do you suggest any additional investigation? Yes _____ No _____

If Yes, explain in further detail: _____

C. 6. Are any Motions by any party (including this Defendant) to be anticipated at the completion of discovery? Yes _____ No _____

If Yes, set forth nature of Motion and basis for same.

When do you anticipate that these Motions will be filed?

C. 7. Do you anticipate the need for any type of expert witnesses on behalf of this Defendant? (e.g., independent medical examination, accident reconstruction, police professional, etc.)?

Yes _____ No _____

If Yes, explain in further detail:

C. 8. Do you have any comments or suggestions regarding the preliminary litigation strategy?

C. 9. Do you recommend that this matter be submitted to Mediation? If so, when would you anticipate that the Mediation Process would commence and who would you recommend as the Mediator?

D. DEFENSE ATTORNEY'S ASSESSMENT OF EXPOSURE

D. 1. DAMAGES

- Pain and suffering:
- Lost Wages:
- Punitive:
- Property Damage:
- Per Quod:

D. 2. Medical Specials to date: _____

D. 3. Liability as against this defendant: Yes ___ No ___

If Yes, give your assessment of percentage of liability of this defendant, co-defendants, third party defendants, and the plaintiff's contributory and/or comparative negligence and the factual basis for same:

If No, set forth the factual basis upon which you base this assessment: _____

D. 4. For 60 Day Report Only:

Has your assessment of damages or liability changed since the initial assessment?

Yes _____ No _____

If Yes, explain: _____

D. 5. Your assessment of the value of this case today:

30 Day Report _____

60 Day Report _____

D. 6. Recommended settlement offer today:

30 Day Report _____

60 Day Report _____

D. 7. BUDGET-Anticipated Legal Fees and Expenses-

Through completion of discovery: _____

Through completion of ESP/Arbitration: _____

Through trial: _____

Should the Initial Budget be revised, and if so, why: _____

D. 8. Have there been any settlement negotiations? Yes _____ No _____

Explain: _____

MISCELLANEOUS COMMENTS BY DEFENSE ATTORNEY

ASSIGNED DEFENSE COUNSEL

Defense Attorney (30-Day Report)

Defense Attorney (60-Day Report)

Original: Claims Administrator: _____ (with enclosures)

cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)

Claims Supervisor: _____ (without enclosures)

QUARTERLY LITIGATION REPORT

TO BE FILED BY THE END OF EACH CALENDAR QUARTER
SUBSEQUENT TO THE SUBMISSION OF THE SIXTY (60) DAY REPORT
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. Date of last report submitted.

2. Have all interrogatories propounded on behalf of this Defendant been answered?
Yes _____ No _____
If No, set forth the name(s) of the party(ies) with overdue answers, when the answers were due, and what is being done to obtain answers:

3. Has discovery been completed?
Yes _____ No _____

4. State, in narrative form, what has transpired since the submission of the last report.

5. What actions do you intend to take within the next calendar quarter in regard to this matter?

6. Have any settlement negotiations taken place since the submission of the last report?
Yes _____ No _____
Explain:

7. Do you anticipate filing any Motions, such as a Motion to Dismiss or a Motion for Summary Judgment in this matter?
Yes _____ No _____
If so, when do you anticipate filing the Motion?

8. Are you recommending that this matter be submitted to Mediation?
Yes _____ No _____
If so, when will the matter be submitted to Mediation?

9. Has anything happened since the submission of your last report that would change your assessment of liability or damages or your litigation budget?

Yes _____ No _____

Explain:

10. Do you anticipate the need for any type of expert witness on behalf of this defendant (e.g. independent medical examination, accident reconstruction, police professional, etc.)?

Yes _____ No _____

Explain:

11. Miscellaneous comments of defense counsel:

12. Attach quarterly billing to this report.

Assigned Defense Counsel: _____

BY: _____
Esquire

Original: Claims Administrator: _____ (with enclosures)

cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)

Claims Supervisor: _____ (without enclosures)

PRE-ARBITRATION/PRE-MEDIATION REPORT

TO BE SUBMITTED AT LEAST FIFTEEN (15) WORKING DAYS
BEFORE THE SCHEDULED ARBITRATION/MEDIATION
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. Scheduled Date of Arbitration/Mediation:
2. Is this matter ready to proceed to Arbitration/Mediation?
Yes _____ No _____
If No, set forth why:
3. Name of the Attorney who will be preparing the Arbitration/Mediation Memorandum and appearing at the Arbitration:
If different from original attorney, state why:
4. If representatives/witnesses are to be present at the Arbitration/Mediation, have proper arrangements been made for their attendance, including the service of subpoenas?
Yes _____ No _____
If No, set forth why:
5. Have representatives of the Member Municipality received notice of the date for the Arbitration/Mediation?
If so, who received notice?
6. Who will be appearing at the Arbitration/Mediation on behalf of the Member Municipality?
7. Attach copy of any Arbitration/Mediation Memorandum that you intend to submit to the Arbitrators/Mediator.
8. Miscellaneous comments of Assigned Defense Counsel:

Assigned Defense Counsel: _____

BY: _____

Original: Claims Administrator: _____ Esquire (with enclosures)
cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
Claims Supervisor: _____ (without enclosures)

POST ARBITRATION/POST MEDIATION REPORT

TO BE SUBMITTED WITHIN FIVE (5) DAYS UPON COMPLETION
OF ARBITRATION

(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. What was the assessment of liability placed on each of the parties by the Arbitrators?
Describe their analysis of the liability issues:

2. Attach copy of the Report of Arbitration containing the decision of the Arbitrators.

3. What was the assessment of the Plaintiff's damages by the Arbitrators? Be certain to clarify whether the assessment of damages was for the full value of the Plaintiff's injuries or if the figure was simply the amount the Arbitrators determined the Plaintiff should receive.

4. Who attended the Arbitration on behalf of the Member Municipality?

5. What were the names of the Arbitrators?

Describe the experience of the Arbitrators, if known:

6. In your opinion, did the Arbitrators fully comprehend the factual and/or legal issues?
Yes _____ No _____
If answer is No, explain:

7. Does plaintiff's attorney indicate a willingness to settle this matter at the figure set forth by the Arbitrators?
Yes _____ No _____
If No, set forth what he would be willing to settle the case for and any reasoning he gave you therefor:

8. In your opinion, should the case be settled for the amount set forth by the Arbitrators?
 Yes _____ No _____
 Explain, with reference to your opinion as to whether or not the case should be settled, and the amount which you would propose to offer.
9. Should a Trial De Novo be requested and filed on behalf of the client?
 Yes _____ No _____
 Explain and indicate the date by which the Trial De Novo must be filed.
10. Were you satisfied with results of Arbitration?
 Yes _____ No _____
 Explain:
11. Did the results of the Arbitration change your assessment of this case?
 Yes _____ No _____
 Explain:
12. Additional comments by Assigned Defense Counsel:

Assigned Defense Counsel: _____

BY: _____
 Esquire

Original: Claims Administrator: _____ (with enclosures)
 cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
 Claims Supervisor: _____ (without enclosures)

PLEASE ADJUST THE CONTENT OF THIS REPORT FOR MEDIATIONS.

PRE-TRIAL REPORT

TO BE SUBMITTED AT LEAST THIRTY (30) DAYS
PRIOR TO THE FIRST SCHEDULED DATE FOR TRIAL
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. Is this matter ready to proceed to trial?

Yes _____ No _____

If No, explain:

2. Scheduled Trial Date: _____ Name of Judge: _____

3. Have arrangements been made for all witnesses, including expert witnesses, to appear at the time of trial?

Yes _____ No _____

If No, explain:

Will there be any de bene esse depositions?

Of whom?

4. Will any requests be made for special jury instructions?

Yes _____ No _____

Explain: (If special request to be made, attached copies of same.)

Will you submit *voir dire* questions for the jury?

If so, please attach copies.

Have you prepared a Witness List?

If so, please attach a copy.

5. Should any attempt be made to settle this matter prior to trial?

Yes _____ No _____

Explain:

6. Will you submit *voir dire* questions for the jury? If so, please attach copies.

7. Have you prepared a witness list? If so, please attach a copy.
8. Should any additional attempts be made to settle this matter prior to trial? Explain.
9. Have representatives of the Member Municipality received notice of the trial date? If so, who received the notice?
10. As succinctly as possible, set forth your trial strategy.
11. What is your assessment of the probability of success if the matter proceeds to Trial?
12. Who (Assigned Defense Counsel) will be handling the Trial on behalf of the member?

Assigned Defense Counsel: _____

BY: _____
Esquire

Original: Claims Administrator: _____ (with enclosures)
 cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
 Claims Supervisor: _____ (without enclosures)

POST-LITIGATION ANALYSIS

TO BE SUBMITTED WITHIN TEN (10) DAYS
OF COMPLETION OF LITIGATION
(Attach extra sheets, if necessary)

DATE OF REPORT: _____

CAPTION: _____

MEMBER MUNICIPALITY/EMPLOYEE: _____

QUAL LYNX CLAIM NO: _____

DATE OF LOSS: _____

1. This case was concluded by:
Settlement _____,
Dismissal _____, or
Jury Verdict _____.
2. Set forth the final terms resulting from the Settlement or Trial of this matter:
3. How did this result compare with your analysis of the case throughout Litigation?
4. Did this case conclude along the lines of the Arbitration/Mediation? Explain:
5. If tried to verdict, do you anticipate anyone, including this party, filing an appeal?
Yes _____ No _____
Explain:
6. Did you receive proper cooperation from the Claims Administrator's office?
Yes _____ No _____.
Explain:
7. Do you have any recommendations how cooperation and communication between the Assigned Defense Counsel, the Fund Solicitor and the Claims Administrator' staff can be improved in the future?
8. Did you receive proper cooperation from the Fund Solicitor's office?
Yes _____ No _____.
Explain:

9. Do you have any recommendation as to how the relationship between the Assigned Defense Counsel and the Fund Solicitor can be improved in the future?
10. Were you satisfied with your and your firm's performance on behalf of the defendant in this matter?
 Yes _____ No _____.
 If No, explain:
11. Did you receive proper support services, such as investigation, from the Claims Administrator?
 Yes _____ No _____.
 If No, explain:
12. If any expert witnesses were utilized in representing this defendant, whether medical or non-Medical, please evaluate each expert witness in terms of knowledge, abilities, cooperation with the defense, and their credibility. Would you use this expert in the future?
 Yes _____ No _____.
 If No, explain:
13. In dealing with the Municipal Claims Coordinator and Municipal representatives for the member municipality, did you receive their full cooperation?
 Yes _____ No _____.
 If No, explain:
14. Were the representatives of the Member Municipality provided with notice of the outcome of the litigation?
 Yes _____ No _____.
 If so, who was provided with notice and how was the notice provided?
15. Please utilize this space to make any post-litigation comments you may have. These comments should include reference to the administrative procedures of the Fund, the degree of cooperation between and among the Assigned Defense Counsel, Claims Administrator's staff, Fund Solicitor and the Member Municipalities representatives.

Assigned Defense Counsel: _____

BY: _____
 Esquire

Original: Claims Administrator: _____ (with enclosures)
cc: Fund Solicitor: David S. DeWeese, Esquire (with enclosures)
Claims Supervisor: _____ (without enclosures)

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND CONFLICT OF INTEREST POLICY

The Commissioners of the Atlantic County Municipal Joint Insurance Fund have determined that the Atlantic County Municipal Joint Insurance Fund is distinguished from commercial insurance providers by virtue of the fact that it is formed by Municipalities, it is funded by public monies (Taxpayer Dollars) appropriated by the Member Municipalities, it serves a public purpose and is responsible for the discharge of its function in a manner consistent with the ethical policies applicable to Municipal Government. As a result, the Fund has adopted a policy applicable to potential conflicts of interest by the officials and professional staff of the Atlantic County Municipal Joint Insurance Fund.

Findings:

1. The Atlantic County Municipal Joint Insurance Fund is a joint enterprise of the following municipalities:

City of Absecon, Borough of Avalon, City of Brigantine, Borough of Buena, City of Cape May, Borough of Cape May Point, Commercial Township, Deerfield Township, Dennis Township, Downe Township, City of Estell Manor, Borough of Folsom, Galloway Township, Hamilton Township, City of Linwood, Borough of Longport, Lower Township, City of Margate, Middle Township, City of Millville, Mullica Township, Borough of Newfield, City of North Wildwood, City of Northfield, City of Ocean City, City of Pleasantville, City of Sea Isle City, City of Somers Point, Borough of Stone Harbor, Upper Township, Upper Deerfield Township, City of Ventnor, Waterford Township, Weymouth Township, Borough of West Cape May, Borough of West Wildwood, City of Wildwood, Borough of Wildwood Crest and Borough of Woodbine, providing those municipalities with General Liability, Police Professional, Property, Workers' Compensation, Cyber Liability and Employment Practices Liability and Public Officials Liability coverage.

2. The municipalities which are members of the Atlantic County Municipal Joint Insurance Fund are jointly responsible for the defense and payment of claims against each other in accordance with the standards and limitations applicable to the Atlantic County Municipal Joint Insurance Fund.

3. While in some aspects of its activity the Atlantic County Municipal Joint Insurance Fund functions in a manner similar to that of a commercial insurance provider, it is clearly distinguished by the fact that it is created by the Member Municipalities; it is governed by Fund Commissioners appointed by the Member Municipalities; its funding is provided exclusively by the Member Municipalities and thereby constitutes public funds; those associated with the Atlantic County Municipal Joint Insurance Fund are compensated with those public funds; the function of the Atlantic County Municipal Joint Insurance Fund is to fulfill a public purpose by providing insurance coverage exclusively to its Member Municipalities; there is a need for those appointed by the Atlantic County Municipal Joint Insurance Fund to freely discuss and evaluate potential liability exposures of the Member Municipalities and to receive information on municipal activities and operations in the same manner as those directly appointed by the Member Municipalities to advise them; and the Atlantic County Municipal Joint Insurance Fund is bound by many of the same laws and regulations applicable to Municipalities with regard to financial records, public contracts and public meetings.

Conflict of Interest Policy

4. It is hereby determined by the Fund Commissioners of the Atlantic County Municipal Joint Insurance Fund that it is in the best interests of the Atlantic County Municipal Joint Insurance Fund and the Member Municipalities to establish a policy regarding potential conflicts of interest affecting those appointed or retained by the Atlantic County Municipal Joint Insurance Fund.

5. It is further determined that it would be inappropriate for an individual appointed or retained by the Atlantic County Municipal Joint Insurance Fund, or for any person owning or employed by the business entity with which the appointed individual is associated, to undertake the representation or appearance on behalf of a party in a matter or claim adverse to that of the Member Municipalities. The potential conflict of interest or appearance of a conflict of interest specifically extends to the assertion of claims against the Member Municipalities and to appearances before agencies of those Municipalities.

6. In determining the nature and extent of the conflict-of-interest policy, guidance can be drawn from the Opinions of the Advisory Committee on Professional Ethics that address the restrictions on Municipal Attorneys and those associated with their law offices and the reasons underlying those Opinions. In adopting this Policy, however, the Fund Commissioners of the Atlantic County Municipal Joint Insurance Fund are aware of Opinion No. 640 issued for attorneys by the Advisory Committee on Professional Ethics which compared a Municipal Joint Insurance Fund to a commercial insurance company and determined that there was not a conflict between representing a Joint Insurance Fund and appearing before a Municipal Agency. To the extent of the policy adopted by this Resolution, the Commissioners of the Atlantic County Municipal Joint Insurance Fund do not adopt the rationale of Opinion No. 640 and hereby determine that the nature of the Atlantic County Municipal Joint Insurance Fund; its creation by the Member Municipalities; its funding by the Member Municipalities; its governance by the Municipal Officials appointed by the Member Municipalities and the need to share confidential information regarding potential liabilities affecting the Member Municipalities is sufficient to present a potential conflict of interest or the potential for an appearance of a conflict of interest and that the same must be avoided by those associated with the Atlantic County Municipal Joint Insurance Fund.

Exceptions.

7. The general policy prohibiting those retained or appointed by the Atlantic County Municipal Joint Insurance Fund from appearing before agencies of the Member Municipalities shall not be applicable to the representation of parties in the Municipal Court for motor vehicle violations, including drunk driving, provided that the defense is not based upon and the parties are not asserting any claim against a police officer, a Municipal Employee or the Municipality for any alleged wrongful or improper action. It is noted that even traffic violations require sensitivity to potential conflicts, since charges arising out of a motor vehicle accident, could well result in a subsequent claim against the Municipality. Those situations which would present a conflict of interest between the representation of a client and the representation of municipal interests should be avoided. Claims against Member Municipalities will need to be evaluated and defended by the Atlantic County Municipal Joint Insurance Fund and the defense should not be compromised by the representation of a party asserting a claim.

8. The general policy prohibiting those retained or appointed by the Atlantic County Municipal Joint Insurance Fund from appearing before agencies of the Member Municipalities may be waived with regard to the representation of parties with minor development applications before the Planning Board or the Zoning Board of Adjustment. Where a person retained or appointed by the Atlantic County Municipal Joint Insurance Fund seeks to appear before the Planning Board or the Zoning Board of Adjustment of a Member Municipality for any relatively minor application, in which there is not a substantial adversarial relationship to the Municipality, a waiver of the conflict-of-interest policy may be requested for that application. The request for the waiver shall be reviewed by the Executive Director and the Solicitor for the Atlantic County Municipal Joint Insurance Fund and the Commissioner representing the Municipality in which the application is to be considered to the Atlantic County Municipal Joint Insurance Fund to determine whether a waiver shall be allowed in the particular matter after considering the nature of the application and whether any use or significant bulk variances are requested.

9. Nothing in the policy adopted herein shall bar an individual from representing or appearing for himself or herself or a member of his or her immediate family residing with him or her before any municipal agency.



To: Fund Commissioners

From: Paul A. Forlenza, MGA, RMC, Executive Director

Date: April 17, 2024

Re: **Executive Director's Report**

A. Lost Time Accident Frequency Report (pgs. 76-77)

The February 2024 Lost Time Accident Frequency Summary and the Statewide Recap for February 2024 are attached for your review.

B. Certificates of Insurance (pgs. 78-93)

Summaries of the Certificates of Insurance issued during 2/22/24-3/22/24 are attached for your review.

C. Financial Fast Track Report (pgs. 94-95)

The Financial Fast Track Report for Year End 2023 and February 29, 2024 is attached for your review. This report is generated by the Administrative Consultant and provides a "snapshot" of the JIF's financial status. The JIF's surplus position as of Year End was **\$13,760,513** and for February 29, 2024 was **\$14,153,594**

D. Regulatory Filing Checklists (pgs. 96-97)

Enclosed please find two regulatory filing checklists that we provide each month as part of our due diligence reporting on behalf of the JIF. These checklists provide an outline of required reporting to the Departments of Banking and Insurance and Community Affairs on an annual and a monthly basis, and the status of the items outlined.

E. 2023 Safety Incentive Program Awards (pg. 98)

A letter from our office describing how to collect your 2023 Safety Award Money was emailed out to all members on March 29, 2024. If you have any questions on how to collect your 2023 Safety Incentive allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is December 31, 2024. All encumbered funds had to be claimed by January 31, 2025.**

F. 2024 Optional Safety Budget (pg. 99)

A consolidated announcement letter including instructions on how to collect your 2024 Optional Safety Allowance was emailed to all members on or about February 13, 2024. If you have any questions on how to collect your 2024 Optional Safety Budget allowance, please contact our office **Please note that the deadline to claim or encumber these funds is December 31, 2024. All encumbered funds have to be claimed by January 31, 2025.**

G. 2024 EPL/Cyber Risk Management Budget (pg. 100)

A consolidated announcement letter including instructions on how to collect your 2024 EPL/Cyber Risk Management Allowance was emailed to all members on or about February 13, 2024. If you

have any questions on how to collect your 2024 EPL/Cyber Risk Management Allowance, please contact our office. **Please note that the deadline to claim or encumber these funds is December 31, 2024. All encumbered funds have to be claimed by January 31, 2025.**

H. Employment Practices Liability Compliance Status (pg. 101)

Reports regarding each member's compliance status with the MEL EPL/POL Risk Management Plan is included in the agenda for your review. Each member should review this report carefully to insure its accuracy. If you believe the report to be inaccurate regarding the status of your compliance with the Program can be directed to Sandra Cantwell at scantwell@permainc.com.

I. Statutory Bond Status (pgs. 102-104)

The latest listing of Statutory Bonds issued by the MEL for JIF members is included for your review. This list should be reviewed for accuracy. Please note that these bonds are written for the individual NOT the position to be bond. All applicants for a bond must complete an underwriting application and submit it to the Fund Underwriter for approval. Any questions on the status of an application or a bond listed on the report should be directed to Jonathon Tavares at 856-614-4493 or jtavares@connerstrong.com.

J. Skateboard Park Approval Status (pg. 105)

Enclosed, please find a spreadsheet depicting the status of all approved skateboard parks or those currently under construction by a member municipality. The MEL has established a process, outlined in MEL Coverage Bulletin **2024-06**, which must be followed by all members who wish to construct a skateboard park and have the Atlantic JIF and MEL provide said facility with coverage. Any member with a park currently under construction or in the review process should review the enclosed spreadsheet to be sure that it accurately depicts the status of your facility. All members considering construction of a skateboard park should contact the Executive Director's office prior to moving forward.

K. Capehart & Scatchard Updates (pgs. 106-111)

John Geaney, Esq. of the law firm of Capehart & Scatchard periodically provides updates on court cases dealing with workers' compensation, ADA, and FMLA issues. Copies of his latest updates are included for your information.

L. Land Use Training Certification (pg. 112)

Attached for your review is a list of members that have provided a certification to the Fund Underwriter indicating that at least some of their Board Members have completed the Optional Land Use Training Program. Land Use Board members that complete the training program will be eligible for enhanced coverage should they be personally named in a Land Use claim. Please note that only those Board members that have completed the training are eligible for the enhanced coverage. If you would like additional copies of the Land Use Liability Training Booklets, please contact the Executive Director's office. If you have any questions regarding the individuals that have completed the training, please do not hesitate to contact Jonathon Tavares at 856-614-4493 or jtavares@connerstrong.com.

M. Monthly Activity Calendars (pgs. 113-114)

Attached for your review are the monthly activity calendars for the months of April/May 2024.

N. Elected Officials Training (pgs. 115-116)

Once again, this year, the Fund will be sponsoring Elected Officials training via the MEL Safety Institute website. The MEL will reduce each member's 2024 MEL Assessment by \$250 for each municipal elected official who completes the training. This credit will also be extended to the

member's CEO (i.e. Municipal Manager or Administrator) who completes the training. The total credit is limited to 5% of a member's 2024 MEL Assessment. Information on how to access the training was emailed to all Municipal Clerks, Fund Commissioners, & RMC's on January 3, 2024, with a reminder sent on April 4, 2024. If you have any questions, or need assistance with the training, please contact the MSI Helpline at 866-661-5120

O. Safety & Claims Coordinator Roundtable

The JIF will hold the 2024 Safety, Claims, & Wellness Coordinator Roundtable via Zoom Conferencing on Tuesday, April 30, 2024 starting at 10:00 am and running approximately one hour. An invitation was emailed to all members from the Safety Directors office on April 5, 2024.

P. New Fund Commissioner Orientation

This year, the Executive Directors office will hold two (2) New Fund Commissioner Orientation sessions; one in May and the other later this Fall via Microsoft Teams. Anyone who would like an overview of the JIF is welcome to sign up and participate. An email notification with further details on how to participate in this training will be emailed to all members later this month.

Q. Financial Disclosure Statement Filing

The Division of Local Government Services utilizes an "on line" process for completion and submission of Financial Disclosure forms. Each Fund Commissioner has a unique PIN # for which to file for their position of Fund Commissioner with the JIF and newly appointed Fund Commissioners receive their Filing PIN # from our office once we are notified of their appointment. An email was sent to all Fund Commissioners on April 3, 2024 along with LFN 2024-08 stating the Financial Annual Filing platform was open for filing and the deadline to file without penalty was April 30, 2024. If you have confirmation of your filing, please be sure to keep it should the Executive Directors office receive notice of non-filer status.

R. Special Law Enforcement Officer Training

The Annual SLEO Training will be provided again this year in two (2) sessions in May. Additional information will be forthcoming.

S. Quarterly Attendance (pg. 117)

A report detailing attendance records through the first quarter of the 2024 Fund Year is attached. Please be sure to review your attendance, and contact Ms. Kristie at Kristi_Kristie@RPAdmin.com if you feel there are any discrepancies in the report.

T. Website (www.acmjif.org)

Please take a moment to explore the website, which contains a plethora of information in an easy to read format and navigate site. If you have any questions, comments, or feedback, please contact Megan Matro at 856-446-9141 or Megan_Matro@rpadmin.com.

U. New Member Activity

Nothing to report.

**Atlantic County Municipal Joint Insurance Fund
2023 SIP Qualifiers Award**

Member Municipality	Town Size	Opening Balance	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	December 2024	Paid in 2025	Total YTD Expenses	Ending Balance	Encumb Funds	LUNCH AWARD
Absecon City	M	2,500.00				2,500.00										2,500.00	0.00		N/A
Avalon Borough	M	2,500.00														0.00	2,500.00		
Brigantine City	L	2,750.00														0.00	2,750.00		N/A
Buena Borough	S	2,250.00														0.00	2,250.00		N/A
Cape May City	L	2,750.00														0.00	2,750.00		N/A
Cape May Point Borough	XS	2,000.00				2,000.00										2,000.00	0.00		N/A
Commercial Township	XS	2,000.00														0.00	2,000.00		N/A
Deerfield Township	XS	2,000.00														0.00	2,000.00		N/A
Dennis Township	S	2,250.00														0.00	2,250.00		N/A
Downe Township	XS	2,000.00														0.00	2,000.00		N/A
Estell Manor City	XS	2,000.00				2,000.00										2,000.00	0.00		N/A
Folsom Borough	XS	2,000.00				2,000.00										2,000.00	0.00		N/A
Galloway Township	XL	3,000.00				3,000.00										3,000.00	0.00		
Hamilton Township	XL	3,000.00				3,000.00										3,000.00	0.00		N/A
Linwood City	M	2,500.00														0.00	2,500.00		N/A
Longport Borough	S	2,250.00														0.00	2,250.00		N/A
Lower Township	L	2,750.00														0.00	2,750.00		N/A
Margate City	L	2,750.00				2,750.00										2,750.00	0.00		N/A
Middle Township	L	2,750.00														0.00	2,750.00		N/A
Millville City	XL	3,000.00				3,000.00										3,000.00	0.00		N/A
Mullica Township	S	2,250.00				2,250.00										2,250.00	0.00		N/A
Newfield Borough	XS	2,000.00														0.00	2,000.00		N/A
North Wildwood City	L	2,750.00														0.00	2,750.00		N/A
Northfield City	M	2,500.00				2,500.00										2,500.00	0.00		N/A
Ocean City	XL	3,000.00														0.00	3,000.00		N/A
Pleasantville City	XL	3,000.00														0.00	3,000.00		N/A
Sea Isle City	L	2,750.00				2,750.00										2,750.00	0.00		N/A
Somers Point City	M	2,500.00														0.00	2,500.00		N/A
Stone Harbor Borough	M	2,500.00														0.00	2,500.00		N/A
Upper Township	M	2,500.00														0.00	2,500.00		N/A
Upper Deerfield Township	S	2,250.00														0.00	2,250.00		N/A
Ventnor City	L	2,750.00				2,750.00										2,750.00	0.00		N/A
Waterford Township	M	2,500.00														0.00	2,500.00		
West Cape May Borough	XS	2,000.00														0.00	2,000.00		N/A
West Wildwood Borough	XS	2,000.00														0.00	2,000.00		N/A
Weymouth Township	XS	2,000.00														0.00	2,000.00		N/A
Wildwood City	XL	3,000.00				3,000.00										3,000.00	0.00		N/A
Wildwood Crest Borough	M	2,500.00				2,500.00										2,500.00	0.00		N/A
Woodbine Borough	XS	2,000.00														0.00	2,000.00		N/A
Total By Line		\$95,750.00	0.00	0.00	0.00	36,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36,000.00	59,750.00		

Must be Claimed or Encumbered by December 31, 2024. All Encumbered Funds Must be Claimed by January 31, 2025

**Atlantic County Municipal Joint Insurance Fund
2024 Optional Safety Budget**

Member Municipality	Opening Balance	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	December 2024	Paid 2025	Total YTD Paid	Remaining Balance	Date Encumbered
Absecon City																N/A	
Avalon Borough	\$1,500.00														\$0.00	\$1,500.00	
Brigantine City	\$2,000.00														\$0.00	\$2,000.00	
Buena Borough																N/A	
Cape May City	\$1,500.00														\$0.00	\$1,500.00	
Cape May Point Borough	\$1,000.00														\$0.00	\$1,000.00	
Commercial Township	\$1,500.00														\$0.00	\$1,500.00	
Deerfield Township																N/A	
Dennis Township																N/A	
Downe Township																N/A	
Estell Manor City																N/A	
Folsom Borough																N/A	
Galloway Township																N/A	
Hamilton Township	\$2,000.00														\$0.00	\$2,000.00	
Linwood City	\$1,500.00														\$0.00	\$1,500.00	
Longport Borough																N/A	
Lower Township	\$2,000.00														\$0.00	\$2,000.00	
Margate City																N/A	
Middle Township																N/A	
Millville City																N/A	
Mullica Township																N/A	
Newfield Borough	\$1,000.00														\$0.00	\$1,000.00	
North Wildwood City																N/A	
Northfield City	\$1,500.00														\$0.00	\$1,500.00	
Ocean City	\$2,500.00														\$0.00	\$2,500.00	
Pleasantville City	\$2,500.00														\$0.00	\$2,500.00	
Sea Isle City																N/A	
Somers Point City																N/A	
Stone Harbor Borough	\$1,500.00														\$0.00	\$1,500.00	
Upper Township																N/A	
Upper Deerfield Township																N/A	
Ventnor City																N/A	
Waterford Township	\$1,500.00														\$0.00	\$1,500.00	
West Cape May Borough	\$1,000.00														\$0.00	\$1,000.00	
West Wildwood Borough																N/A	
Weymouth Township	\$1,000.00														\$0.00	\$1,000.00	
Wildwood City	\$2,500.00														\$0.00	\$2,500.00	
Wildwood Crest Borough																N/A	
Woodbine Borough																N/A	
Total By Line	\$28,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$28,000.00	

Must be Claimed or Encumbered by December 31, 2024. All Encumbered Funds Must be Claimed by January 31, 2025

**Atlantic County Municipal Joint Insurance Fund
2024 EPL/CYBER Risk Management Budget**

Member Municipality	Opening Balance	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	Sept. 2024	October 2024	November 2024	December 2024	Paid in 2025	Total YTD Expenses	Ending Balance	Date Encumbered
Absecon City	725.00														0.00	\$725.00	
Avalon Borough	725.00														0.00	\$725.00	
Brigantine City	725.00														0.00	\$725.00	
Buena Borough	725.00														0.00	\$725.00	
Cape May City	725.00														0.00	\$725.00	
Cape May Point Borough	725.00														0.00	\$725.00	
Commercial Township	725.00														0.00	\$725.00	
Deerfield Township	725.00														0.00	\$725.00	
Dennis Township	725.00														0.00	\$725.00	
Downe Township	725.00														0.00	\$725.00	
Estell Manor City	725.00														0.00	\$725.00	
Folsom Borough	725.00														0.00	\$725.00	
Galloway Township	725.00			725.00											725.00	\$0.00	
Hamilton Township	725.00														0.00	\$725.00	
Linwood City	725.00														0.00	\$725.00	
Longport Borough	725.00														0.00	\$725.00	
Lower Township	725.00				725.00										725.00	\$0.00	
Margate City	725.00			725.00											725.00	\$0.00	
Middle Township	725.00														0.00	\$725.00	
Millville City	725.00														0.00	\$725.00	
Mullica Township	725.00														0.00	\$725.00	
Newfield Borough	725.00														0.00	\$725.00	
North Wildwood City	725.00														0.00	\$725.00	
Northfield City	725.00														0.00	\$725.00	
Ocean City	725.00														0.00	\$725.00	
Pleasantville City	725.00														0.00	\$725.00	
Sea Isle City	725.00														0.00	\$725.00	
Somers Point City	725.00														0.00	\$725.00	
Stone Harbor Borough	725.00														0.00	\$725.00	
Upper Township	725.00														0.00	\$725.00	
Upper Deerfield Townshi	725.00														0.00	\$725.00	
Ventnor City	725.00														0.00	\$725.00	
Waterford Township	725.00														0.00	\$725.00	
West Cape May Borough	725.00														0.00	\$725.00	
West Wildwood Borough	725.00														0.00	\$725.00	
Weymouth Township	725.00														0.00	\$725.00	
Wildwood City	725.00														0.00	\$725.00	
Wildwood Crest Borough	725.00														0.00	\$725.00	
Woodbine Borough	725.00														0.00	\$725.00	
Total By Line	\$28,275.00	\$0.00	\$0.00	\$1,450.00	\$725.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,175.00	\$26,100.00	

Must be Claimed or Encumbered by December 31, 2024. All Encumbered Claims Must be Claimed by January 31, 2025



TO: Elected Officials, Fund Commissioners, & Municipal Clerks, ACM, BURLCO, & TRICO JIFs

FROM: Paul A. Forlenza, MGA, RMC, Executive Director

DATE: January 4, 2024

RE: **2023 -2024 Elected Officials Training Invitation**

For more than 20 years, the ACM, BURLCO, & TRICO JIFs have offered our elected officials the opportunity to participate in annual voluntary training. The 2023-2024 Elected Officials Training will take place online via the MEL Safety Institute (MSI). This 45-minute training video provides important information on the challenges facing local elected leaders in managing local government risks and tools available to assist our members. Instructions on how to access this training are attached.

The online training format allows for participation by all our elected officials, and the convenience of completing this training when their schedule permits, prior to the May 1, 2024 deadline. By utilizing the MEL Safety Institute, my office will be able to better track the completion of the training and document the credits due to members' assessments.

Within a week or so of completing the online training, those that complete the course will receive an email from my office highlighting the various risk management programs discussed during the training and how they can be accessed by our members.

Please remember that for every elected official that completes the training, their municipality will earn a \$250 credit towards your municipality's 2024 MEL Assessment (capped at 5% of your 2024 MEL Assessment). Also, your highest ranking administrative official is eligible to earn this credit by completing the course.

On a final note, if you attended the Elected Officials Training at the League of Municipalities in November 2023, you will receive credit for the training.

Thank you for your attention to this matter. As always, please feel free to contact me should you have any questions.

File: MEL/2024/Elected Officials Training Tab: Initiation

2023-2024 ELECTED OFFICIALS RISK MANAGEMENT SEMINAR



This seminar is designed to provide a general understanding of the legal principles pertaining to governmental operations. Municipal Elected Officials, Authority Commissioners, and a member's Chief Executive Officer (i.e., Municipal Manager/Administrator or Executive Director) who completes this course by May 2024 may qualify for a \$250 credit (capped at approx. 5% of MEL assessment) in their local unit 2024 assessment.

Login to LMS

1. Click to access the [MSI Learning Management System](#).
2. If you have previously taken MSI classes, enter your username and password.
3. If you are new or do not know your username/password, check with your Training Administrator, or call the MSI Help Line at (866) 661-5120.
4. Click the [Request Training button](#) on the top right of your [Home Screen](#).
5. Select the check box to the right of the course [2023-2024 Elected Officials Risk Management Seminar](#).
6. Scroll to the bottom of the page to submit your selection.
7. The course now shows in the [Assigned](#) section of your [Home Screen](#).
8. Click the program name to launch the course.
9. Upon completion of the course, a screen with your [Certificate of Completion](#) will appear and can be printed.
10. The course and certificate will now appear in the [Completed](#) section of your Home Screen. Learning transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

If you have questions or need assistance, contact the [Andrea Felip at 856-552-4740](#) or afelip@jamontgomery.com.

2024 ACM Meeting Attendance

Municipality	Name	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	# FC Attended	#ALT Attended	Total Meetings	% FC Attended	%ALT Attended	Combined Attendance
(Mtg Occurred=Y)		Y	Y	Y												3			
Absecon	Lovallo/Thompson	N/A	FC	FC										2	0	3	67%	0%	67%
Avalon	Wahl/Waldron	FC	FC	N/A										2	0	3	67%	0%	67%
Brigantine	O'Neill/Blowers	FC	Alt	N/A										1	1	3	33%	33%	67%
Buena Boro	Nimohay/Jones	FC	FC	FC										3	0	3	100%	0%	100%
Cape May	Dietrich/Burke	N/A	FC	FC										2	0	3	67%	0%	67%
Cape May Point	Grant/Redington	N/A	FC	FC										2	0	3	67%	0%	67%
Commercial Twp	Miller/Horseman	FC	FC	FC										3	0	3	100%	0%	100%
Deerfield	Bascelli/Seifrit	N/A	FC	FC										2	0	3	67%	0%	67%
Dennis	Bishop/Justice	FC	FC	FC										3	0	3	100%	0%	100%
Downe	Campbell, B./Lockley	N/A	Alt	N/A										0	1	3	0%	33%	33%
Estell Manor	Marcolongo./Masker	N/A	FC	FC										2	0	3	67%	0%	67%
Folsom	Gatto/Schenker	FC	FC	FC										3	0	3	100%	0%	100%
Galloway	Parks/Spinelli	FC	FC	FC										3	0	3	100%	0%	100%
Hamilton	Pollock/Noll	FC	FC	N/A										2	0	3	67%	0%	67%
Linwood	Napoli/Strazzeri	FC	FC	Alt										2	1	3	67%	33%	100%
Longport	Tomassi/Kelly	FC	FC	FC										3	0	3	100%	0%	100%
Lower	Fournier/Ridgway	N/A	FC	FC										2	0	3	67%	0%	67%
Margate	Adams/Power	Alt	FC	Alt										1	2	3	33%	67%	100%
Middle	Keun/Schumann	FC	FC	FC										3	0	3	100%	0%	100%
Millville	Calchi/Shapiro	N/A	FC	FC										2	0	3	67%	0%	67%
Mullica	Stollenwerk	N/A	FC	FC										2	0	3	67%	0%	67%
Newfield	Marandino	N/A	N/A	N/A										1	0	3	33%	0%	33%
North Wildwood	vanSant	N/A	FC	FC										2	0	3	67%	0%	67%
Northfield	Canesi/Campbell	N/A	FC	FC										2	0	3	67%	0%	67%
Ocean City	Woods/Wood	FC	FC	FC										3	0	3	100%	0%	100%
Pleasantville	Williams/Stewart	Alt	FC	Alt										1	2	3	33%	67%	100%
Sea Isle	Seib/Savastano	FC	FC	FC										3	0	3	100%	0%	100%
Somers Point	Samuelsen/Heath	FC	Alt	FC										2	1	3	67%	33%	100%
Stone Harbor	Craft/McGonagle	N/A	FC	FC										2	0	3	67%	0%	67%
Upper Deerfield	Spoltore/Vagnarelli	FC	FC	FC										3	0	3	100%	0%	100%
Upper Township	DeMarzo/Trout	N/A	FC	Alt										1	1	3	33%	33%	67%
Ventnor	Pacanowski/Iannuzzelli	FC	FC	FC										3	0	3	100%	0%	100%
Waterford	Dougherty/Regn	N/A	FC	FC										2	0	3	67%	0%	67%
West Cape May	Dick/Vitelli	FC	FC	FC										3	0	3	100%	0%	100%
West Wildwood	Segrest, Joe/O'Hala	FC	FC	FC										3	0	3	100%	0%	100%
Weymouth	Ayres/Seelman	N/A	Alt	Alt										0	2	3	0%	67%	67%
Wildwood City	Dunn/Pinto	FC	FC	FC										3	0	3	100%	0%	100%
Wildwood Crest	Mahon/Feketics	N/A	FC	FC										2	0	3	67%	0%	67%
Woodbine	Boyd/Gurdgiel	N/A	FC	FC										2	0	3	67%	0%	67%
39		21	38	34	39	39	39	39		39	39	39	39	83	11	117	71%	9%	80%
		54%	97%	87%	100%	100%	100%	100%		100%	100%	100%	100%						

N/A	No representation for this municipality
FC	Fund Commissioner in attendance
ALT	Alt. Fund Commissioner in attendance

Atlantic County Municipal Joint Insurance Fund

TO: Fund Commissioners, Safety Coordinators, and Risk Managers
FROM: Robert Garish, JIF Safety Director
DATE: April 3, 2024

J. A. MONTGOMERY CONSULTING SERVICE TEAM & LOSS CONTROL ACTIVITIES

Keith Hummel Associate Director Public Sector Risk Control khummel@jamontgomery.com Office: 856-552-6862	Mailing Address: TRIAD 1828 CENTRE Cooper Street, 18 th Floor Camden, NJ 08102	Robert Garish Assistant Director Public Sector rgarish@jamontgomery.com Office: 856-552-4650 Cell: 609-947-9719
Thomas Reilly Risk Control Consultant treilly@jamontgomery.com Office: 856-446-9205	P.O. Box 99106 Camden, NJ 08101	Jacqueline Cardenosa Risk Control Consultant jcardenosa@jamontgomery.com Office: 856-552-6888
Melissa Meccariello Administrative Assistant mmeccariello@jamontgomery.com Office: 856-479-2070		

LOSS CONTROL SURVEYS

- Township of Waterford on March 1, 2024
- City of Margate on March 12, 2024
- City of Ventnor on March 13, 2024
- City of Estell Manor on March 14, 2024
- Borough of Folsom on March 14, 2024
- Township of Weymouth on March 14, 2024
- Borough of Woodbine on March 14, 2024

LAW ENFORCEMENT LOSS CONTROL SURVEYS

- City of Wildwood on March 13, 2024
- City of North Wildwood on March 28, 2024

MEETINGS ATTENDED

- Claims Committee Meeting on March 14, 2024
- Executive Fund Committee Meeting on March 20, 2024
- Annual Safety Breakfast on March 28, 2024

MEL SAFETY INSTITUTE (MSI)

All MSI communications will be distributed exclusively through the NJ MEL app, and an MSI Newsletter will be emailed to summarize the communications sent through the app.

If you would like to receive communications from MEL and MSI related to your position or operations, follow the directions to select from the list of available Push Notification “subscriptions.” Click here for [NJ MEL App Directions](#).

MSI SAFETY DIRECTOR

- MSI Leadership Academy
- March Is Ladder Safety Month
- Fall Protection: Understanding Warranty Requirements
- MSI Expo: Morris County Public Safety Training Academy, Wednesday, April 3, 2024, 8:30 am
- Hand Laceration Prevention Best Practices
- Respirators: Counterfeit P100 Filters
- New LMS
- MSI LIVE Schedule

MSI LAW ENFORCEMENT

- Juvenile’s Right to Attorney Representation – MSI LE Bulletin
- E-Bikes E-Scooters & Bicycle Considerations – MSI LE Bulletin
- Work Zone Training – MSI LE Training Announcement

MSI NOW

[MSI NOW](#) provides on-demand streaming videos and online classes that can be viewed 24/7 by our members. Topics pertain to many aspects of safety, risk control, employment practices, and supervision, and most can be viewed in under 20 minutes.

MSI NOW	
Municipality	Number of Videos
Absecon	1
Avalon	10
Cape May	1
Commercial	4
Dennis	1
Estell Manor	1
Galloway	3
Hamilton	2

MSI NOW	
Municipality	Number of Videos
Longport	1
Margate	7
Middle	6
Northfield	1
Pleasantville	5
Sea Isle City	1
Upper Deerfield	1
Waterford	1
West Wildwood	1
Weymouth	2
Wildwood	2
Wildwood Crest	1

MSI LIVE

[MSI LIVE](#) features real-time, instructor-led in-person, and virtual classes. Experienced instructors provide an interactive experience for the attendee on a broad spectrum of safety and risk control topics. Most MSI LIVE offerings have been awarded continuing education credits for municipal designations and certifications. The MSI LIVE catalog provides a description of the course, the intended audience, and available credits.

The [MSI LIVE Schedule](#) is available for registration. Please register early, under-attended classes will be canceled.

To maintain the integrity of the MSI classes and our ability to offer CEUs, we must abide by the rules of the State agency that issued the designation. Chief among those rules is the attendee of the class must attend the whole session. **Attendees who enter the class more than 5 minutes late or leave early will not be awarded CEUs for the class or receive a certificate of completion.**

For virtual classes, the MSI utilizes the Zoom platform to track the time each attendee logs in and logs out. Also, we can track participation, to demonstrate to the State agency the student also participated in polls, quizzes, and question & answer activities during the class. The MSI maintains these records to document our compliance with the State agency.

If you need assistance using the MSI Learning Management System, please call the MSI Helpdesk at 866-661-5120.

NOTE: We need to keep our list of MSI Training Administrators up-to-date. If there are any changes or deletions, or you need to appoint a new Training Administrator, please advise Andrea Felip at afelip@jamontgomery.com.

Technical Risks Services Director Monthly Executive Report



April 5, 2024

Summary

This month I attended an intense boot camp provided by the Criminal Justice Institute and hosted by the Salem County OEM. This was a 32-hour course covering a wide range of pertinent topics concerning Cyber Defenses. I was encouraged to see many of our JIF members in attendance.

March was devoted to the continued push for Wizer Cyber Hygiene Training for 2024. We still have a small percentage of users who have not even logged in yet. Reminders have been sent. All members are encouraged to follow up with their users. The good news is almost 90 % of ACM has been trained! For the stragglers please advise your staff that Hygiene training is mandatory for deductible savings and BASIC Cyberframework compliance.

Vulnerability probing and penetration testing continues. There are a few towns with critical vulnerabilities. These towns have been notified. Please address these open items as soon as possible.

BASIC Cyberframework forms are rolling into our office, and we are clearing them with Underwriting. As of this writing Trico is about 69% compliant with BASIC. I have met with several members to clear up any confusion with the forms. Please get these into me as soon as possible to lock in the BASIC requirements. Currently these requirements are extremely easy to accomplish but they can change in a moment's notice without warning. Lock in your position today!

Page 4 of the CyberFramework document reads STOP GET A TECHNOLOGY EXPERT! This is becoming an increasingly difficult task for some towns. The local break/fix tech guy may have a friendly attitude but you need a real Managed Service Provider (MSP) capable of installing the products that you need to protect your environment AND provide the monitoring support needed make those products work for you. This adds cost to your IT budget so choosing wisely is very important.

This month's bulletin is on choosing an IT vendor for a municipality, especially when adhering to the New Jersey Cyber Risk Management Fund (Cyber JIF) Cybersecurity Framework which involves a meticulous process to ensure compliance with the advanced security measures outlined in the framework. This selection is paramount for maintaining robust cybersecurity defenses, managing risks effectively, and potentially reducing cyber insurance deductibles. Please use this as a template in your decision-making process.

Stay Cybersafe,

Jerry Caruso
Technical Risks Services Director



Choosing an IT vendor

Initial Screening:

Ensure potential vendors are familiar with the NJ Cyber JIF Cybersecurity Framework and are capable of complying with its requirements. This includes basic, intermediate, and advanced security controls, such as data management, account management, vulnerability management, and more.

Detailed Evaluation:

Third-Party Risk Management

Vendor Assessment: Utilize the 3rd Party Risk Assessment tool mentioned in the framework to evaluate potential IT vendors. This assessment should cover security requirements, indemnification, and proper insurance.

Defensive Tools and Strategies

Capability Review: Check that the vendor can support defensive tools and strategies, including email and web browser protections (CIS 9), malware defenses (CIS 10), and network monitoring defense (CIS 13). Their solutions should enable the municipality to deploy protective DNS, use anti-exploitation tools, and ensure 24x7 support in case of an incident.

Support for Policy and Procedure Implementation

Ensure the IT vendor can assist in implementing the necessary policies and procedures outlined in the advanced section of the framework. This includes developing a Business Continuity Plan that addresses technology assets and ensuring that the organization's technology practices policy is in compliance with the Cyber JIF's Cyber Risk Management Program.

Proven Experience and References

Past Performance: Seek references from other municipalities or public sector entities that have utilized the vendor's services. This can provide insights into the vendor's ability to comply with the NJ Cyber JIF framework and their effectiveness in implementing the required security controls.

Contractual Agreements

Security Requirements: Ensure that all contractual agreements with the chosen vendor include strict security requirements, indemnification clauses, and adequate insurance coverage. This protects the municipality in case of security breaches or failures in service delivery.

Conclusion

Selecting an IT vendor based on the Cyber JIF Cybersecurity Framework involves a comprehensive evaluation of the vendor's ability to meet specific security controls, manage third-party risks, support defensive strategies, and adhere to stringent policies and procedures. By following this structured approach, a municipality can ensure that its IT vendor not only complies with the Cyber JIF framework but also strengthens its Cybersecurity posture against evolving threats.

April 8, 2024

To the Members of the
Executive Board of the
Atlantic County Municipal
Joint Insurance Fund

I have enclosed for your review and, in some cases consideration, documents of presentation relating to claims, transfers, and the financial condition of the Fund. The statements included in this report are prepared on a “modified cash basis” and relate to financial activity through the month period ending **March 29, 2024**, for Closed Fund Years 1987 to 2019, and Fund Years 2020, 2021, 2022, 2023, and 2024. The reports, where required, are presented in a manner prescribed or permitted by the Department of Insurance and the Division of Local Government Services of the Department of Community Affairs.

All statements contained in this report are subject to adjustment by annual audit.

A summary of the contents of these statements is presented below.

**A.E.L.C.F. PARTICIPANT
3/31/2024
INCLUDES UNAUDITED INTEREST
BALANCES**

Corbin City	\$ 828.00
Egg Harbor City	\$ 43,908.11
Egg Harbor Township	\$143,563.00
Hamilton Township	\$ 2,011.62
Hammonton Township	\$ 231,959.00
Middle Township	\$ 180,840.17
Mullica Township	\$ 28,953.08
Northfield	\$ 115,129.92
Pleasantville	\$ 12.21
Stone Harbor	\$ 9,824.62
Upper Deerfield Township	\$ 76,826.40
Upper Township	\$ 220,157.61
Waterford Township	\$ 35,660.80
	<u>\$1,089,724.54</u>
AELCF	\$ 941,069.75
UNAUDITED INTEREST	\$ 21,801.79
2023 DIVIDENDS TRANSFERRED	\$ 214,182.00
DIVIDENDS APPLIED TO ASSESSTMENT	<\$ 87,329.00>
AELCF 2/29/2024	\$1,089,724.54

SUMMARY REPORT OF AELCF/DIVIDENDS/RETRO PROGRAM

-attached

RECEIPT ACTIVITY FOR THE PERIOD

Subrogation Receipts

MAR: \$71,938.75 YTD: \$216,850.63

Other:

MAR: \$ -0- YTD: \$ -0-

Adjustment:

MAR: \$ 1,777.00 YTD: \$ 23,383.01

CLAIM ACTIVITY FOR THE PERIOD:

ACTIVITY

The enclosed report shows claim activity during the period:

MAR:

Checks Issued: 310 Claim Payments: 989 Total Issued: \$600,414.30

Effect on Cash Position: \$519,597.23

CASH ACTIVITY FOR THE PERIOD:

ACTIVITY

The enclosed reconciliation report details that during the reporting period the Fund's "Cash Position" changed as follows:

JAN:	Ending Balance	<u>\$47,321,868.53</u>
FEB:	Ending Balance	<u>\$49,540,465.85</u>
MAR:	Ending Balance	<u>\$48,853,734.46</u>

INVESTMENT INTEREST & INVESTMENTS:

Please refer to the schedule entitled: **ANALYSIS OF INVESTMENT ACTIVITY** which summarizes all the required adjustments to the investments of JCMI, Treasuries, and Investors:

INTEREST EARNED:

JCMI	MAR: \$ 39,974.09	YTD: \$112,509.90
Treasury	MAR: \$ -0-	YTD: \$517,747.69
Citizens	MAR: \$ 4,483.93	YTD: \$ 27,667.70
Citizens-sweep	MAR: \$ 18,813.89	YTD: \$ 34,946.42

Note: some off-set adjustments are required for administrative charges.

RATE OF RETURN-only interest as FROM ANALYSIS WORKSHEET.
MAR: 1.54%

ALLOCATION OF FUNDS:

	<u>JAN</u>	
Treasury-	\$22,022,399.00	49%
JCMI-	\$20,400,066.58	43%
Citizens-	\$ 3,899,402.95	8%
	<u>\$47,321,868.53</u>	

	<u>FEB</u>	
Treasury-	\$23,061,960.90	47%
JCMI-	\$20,318,090.99	41%
Citizens-	\$ 6,160,413.96	12%
	<u>\$49,540,465.85</u>	

	<u>MAR</u>	
Treasury-	\$23,067,694.88	47%
JCMI-	\$20,396,434.75	42%
Citizens-	\$ 5,389,604.83	11%
	<u>\$48,853,734.46</u>	

Executive Committee

4/8/2024

Page 4

BILL LIST FOR THE PERIOD:

Vouchers to be submitted for your consideration at the scheduled meeting show on the accompanying bill list at the end of my report.

The information contained in this cover report is a summary of key elements related to activity during the reporting period. Other detailed information is contained in the attached documents and, if desired, a more specific explanation on any question can be obtained by contacting me at 609-425-1136 or email ocjjh4263@gmail.com.

Respectfully Submitted,

John J. Hansen

John J. Hansen
Treasurer

**ATLANTIC COUNTY MUNICIPAL JIF
BILL LIST - APRIL 2024**

	Payable To:	FY 2024	FY 2023	Appropriation	Description
1	Risk Program Administrators LLC	90,345.00		Prof Services/Administration	April 2024 Fees
2	Risk Program Administrators LLC	37.04		Misc/Postage/Copies/Fax	March 2024 Fees
3	Risk Program Administrators LLC	80.47		Misc/Meeting Expense	QR holder and QR app; split
4	The DeWeese Law Firm, P.C.	11,780.00		Prof Services/Attorney	April 2024 Fees
5	Qual-Lynx	73,432.00		Prof Services/Claims Administration	April 2024 Fees
6	Joyce Media	390.00		Misc/JIF Website	April 2024 Fees
7	Christopher J. Winter Sr.	2,083.00		Training/Police Risk Services	Law Enforcement Consultant-April 2024 fee
8	Tracy Forlenza	571.00		Misc/Recording Secretary	April 2024 Fees
9	J.A. Montgomery Consulting	19,019.00		Prof Services/Safety Director/Loss Control	April 2024 Fees
10	Wintsec Consulting LLC	4,584.00		Prof Services/Technology Risk Serv Dir	April 2024 Fees
11	John Hansen	2,167.00		Prof Services/Treasurer	April 2024 Fees
12	John Hansen	9.85		Misc/Postage/Copies/Fax	Virtual meeting March-cks sent
13	Conner Strong & Buckelew	1,031.00		Prof Services/Underwriting Mgr	April 2024 Fees
14	Apex Insurance Services c/o Lexington Insurance	1,029,620.50		EPL/POL Policy - Excess Insurance	EPL, POL, LU Coverage; P#038248748-01; 1/1/24-1/1/25; 2 of 2 installment
15	ARC Reprographics	540.00		Misc/Printing	Safety Breakfast 3/28/24 handouts; Inv#282786
16	Bowman & Company LLP		10,496.50	Prof Services/Auditor	Inv#115602 12/31 Auditor progressive billing
17	Bowman & Company LLP	11,037.00		Prof Services/Payroll Auditor	Inv#115603 2023 payroll auditor progressive billing
18	Conner Strong & Buckelew	2,492.00		Misc/Fidelity Bond (Admin/TPA/Treasurer)	Exe Dir/Treasurer/Claims admin fidelity bond
19	Insight Public Sector SLED	14,333.00		EPL/CYBER/Cyber Risk Services	DBA Wizer; online cyber training, notification, phishing
20	Iron Mountain	144.21		Misc/Records Retention Service	Inv#JJCH931; Storage 4/1-30/24; Service 2/21-3/26/24
21	Merighi's Savoy Inn	7,653.36		Safety Incentive Program	Safety Breakfast 3/28/24
22	William Walsh	600.00		Safety Incentive Program	Safety Breakfast Presentor
23	City of Absecon		2,500.00	Safety Incentive Program	Direct Check Reimbursement
24	Borough of Cape May Point		2,000.00	Safety Incentive Program	Direct Check Reimbursement
25	City of Estell Manor		2,000.00	Safety Incentive Program	Direct Check Reimbursement
26	Borough of Folsom		2,000.00	Safety Incentive Program	Direct Check Reimbursement
27	Hamilton Township		3,000.00	Safety Incentive Program	Direct Check Reimbursement
28	Galloway Township		3,000.00	Safety Incentive Program	Direct Check Reimbursement
29	Lower Township	725.00		EPL/CYBER/EPL/Cyber Incentive Program	Malware
30	City of Margate		2,750.00	Safety Incentive Program	Direct Check Reimbursement
31	City of Millville		3,000.00	Safety Incentive Program	Direct Check Reimbursement
32	Mullica Township		2,250.00	Safety Incentive Program	Direct Check Reimbursement
33	City of Northfield		2,500.00	Safety Incentive Program	Direct Check Reimbursement
34	City of Sea Isle City		2,750.00	Safety Incentive Program	Direct Check Reimbursement
35	City of Ventnor		2,750.00	Safety Incentive Program	Direct Check Reimbursement
36	City of Wildwood		3,000.00	Safety Incentive Program	Direct Check Reimbursement
37	Borough of Wildwood Crest		2,500.00	Safety Incentive Program	Direct Check Reimbursement
38	Glenn Insurance	6,242.00		Risk Management Consultants	1st Qtr Pymts -Somers Pt and Weymouth
39	Siracusa-Kaufman Insurance Agency	1,500.00		Risk Management Consultants	1st Qtr Pymts -Mullica
	Subtotals	1,280,416.43	46,496.50		
	JIF BILL LIST TOTAL		1,326,912.93		



Municipal Excess Liability Joint Insurance Fund

9 Campus Drive – Suite 216
Parsippany, NJ 07054
Tel (201) 881-7632
Fax (201) 881-7633

Date: Friday March 22, 2024

To: Atlantic County Municipal Joint Insurance Fund

Subject: MEL March 2024 Report

Management Committee: This committee met on March 18th and discussed the following contracts and/or services that were up for renewal:

- **Fund Treasurer** - Michael Zambito, has submitted his resignation notice as of July 1, 2024. The MEL will recognize and honor Mr. Zambito's years of service to the MEL at its June 10, 2024 meeting. In addition, a replacement candidate will be submitting a proposal for services; more information will be provided at the next meeting.
- **Joint Cash Management & Investment Program (JCMI) Professionals** – The Board of Fund Commissioners adopted a resolution authorizing award of Professional Service Agreement to Eagle Asset Management for Asset Manager, The Bank of New York for Custodial Services/Accounting and NW Financial Services as Financial Advisor.
- **Archivist** – The Board of Fund Commissioners adopted a resolution authorizing award of services to PolicyFind for Confidential Insurance Archaeology Services.
- **Southern New Jersey Marketing Consultant** – This contract is set to expire on May 8th; the Fund office in conjunction with the Qualified Purchasing Agent (QPA) issued Request for Proposals (RFP) and received one proposal from PJM Consultants LLC.

Banking Services Request For Proposals (RFP): The Joint Cash Management & Investment Program (JCMI) Operating Committee issued an RFP for Banking Services, which was due on January 17th. Responses were submitted by Citizens Bank (*incumbent*), Republic Bank and TD Bank. The JCMI Operating Committee reviewed the responses and made a recommendation to the MEL Investment Committee at their March 19th meeting; copies of those minutes were submitted for information. The Board of Fund Commissioners adopted a resolution awarding services to TD Bank effective July 1, 2024.

Emergency Restoration Services Vendors: The Fund's Qualified Purchasing Agent (QPA) prepared a Request for Qualifications (RFQ) #24-02 for Emergency Restoration Services, which was due on March 6th. Via this process, the MEL prequalifies vendors that provide emergency cleanup and restoration services to assist members in securing these services during an emergency. Eleven (11) responses were received and reviewed by the QPA; the QPA's bid summary report was submitted for information and noted all but one (1) vendor was "responsive". The Board of Fund Commissioners approved the list of Emergency Restoration Service vendors. A copy of the responses will be posted to the MEL website for members to access. Confirmed vendors are:

1. AllRisk Property Damage Experts
2. Belfor Property Restoration
3. CPR Restoration and Cleaning LLC
4. Ferreira Construction Co Inc.
5. Montana Construction Corp. Inc
6. National Restoration LLC
7. Nela Carpentry & Masonry
8. Rapid Recovery Services LLC
9. Timeless Restore LLC dba ServiceMaster by Timeless
10. Vaspro LLC dba SERVPRO

MEL Committee Reports:

Safety & Education Committee: This committee met on February 9, 2024; submitted for information were the minutes of that meeting. Committee is scheduled to meet next on May 3, 2024 at 10:30AM.

Coverage Committee: A meeting of this committee will be scheduled during the 2nd quarter of 2024.

Legislative Committee: This committee last met on February 23, 2024; submitted for information were the minutes of that meeting.

Claims Committee: This committee last met on January 8, 2024 and met after today's meeting. Minutes of these meetings are sent to the full MEL Board separately from the agenda.

MEL Financials: The preliminary year-end financials indicate the MEL will close out Fund Year 2023 with approximately \$14.3 million in surplus and is not expected to be issuing any additional assessments to the local JIFs.

Residual Claims Fund (RCF): Submitted for information was a copy of Commissioner Clarke's report on the RCF 2024 Reorganization meeting.

Cyber JIF: Submitted for information was the Cyber JIF report on the 2024 Reorganization meeting. The Cyber JIF met on March 21st and will be considering reimbursement to those JIFs that already contracted for cyber security control services at their next meeting.

2023/2024 Elected Officials Seminar: The MEL's Annual Elected Officials Seminar was held as part of the League of Municipalities Conference. Credits for attendees have been applied to the billing. The course has now been uploaded into the MEL's Learning Management System. Submitted for information were the directions to access the program.

2024 MEL, MR HIF & NJCE JIF Educational Seminar: The 14th annual seminar will be conducted virtually on 2 half-day sessions: Friday April 19th and Friday April 26th from 9AM to 12PM. The seminar qualifies for Continuing Educational Credits including CFO/CMFO, Public Works, Clerks, Insurance Producers and Purchasing Agents. There is no fee for employees, insurance producers, as well as personnel who work for services companies associated with the Municipal Excess Liability Joint Insurance Fund (MEL JIF), Municipal Reinsurance Health Insurance Fund (MR HIF) and New Jersey Counties Excess Joint Insurance Fund (NJCE JIF). A copy of the invitation, along with directions to register was submitted for information.

MEL Memorandum/Notices to Members: In early February, the Fund Attorney prepared a memorandum, which addressed "Recent Trends in Billboard Litigation". The memo included some information to assist members in evaluating billboard litigation and existing sign ordinances that may require revisions.

2024 Financial Disclosures: JIF Commissioners should anticipate the online filing of the Financial Disclosure forms inclusive of any other municipal related positions that require filing. It is anticipated the Division of Local Government Services will distribute a notice with filing instruction in March with a deadline to file by April 30th.

Retirement Acknowledgement: Donna Setzer of QualCare, the MEL's Managed Care Organization announced her retirement as of March 31st and was acknowledged for her years of service on the MEL account.

NJ Code of Conduct for Youth Sporting Events: Fund Attorney summarized a claim arising out of the NJ Code of Conduct for Youth Sporting Events statute. In 2022, the state amended the law to establish guidelines for conduct of behavior by any student, coach, official, parent or other person, which could result in a ban on attending future sport events and includes a remediation process for the banned individual.

Order of Meetings: The Board was asked to consider changing the order of meetings, so the MEL meeting occurs first since the RCF and EJIF typically adopt initiatives led by the MEL. In addition, consideration was asked to hold the MEL and RCF claims meetings on separate days than the regular JIF meetings.

Executive Session: An executive session was held to discuss a claim matter. Board confirmed authorization given to Fund Attorney to meet with the town, along with one or two members of the board.



Municipal Excess Liability Residual Claims Fund

9 Campus Drive – Suite 216
Parsippany, New Jersey 07054
Tel (201) 881-7632
Fax (201) 881-7633

March 22, 2024

Memo to: Atlantic County Municipal Joint Insurance Fund

Re: RCF March Meeting

2024 Cash Management Plan Amendment: Resolution 2-24 Establishing the RCF 2024 Fiscal Management Plan, adopted at the RCF January reorganizational meeting, was amended to include an additional claims signatory from Qual-Lynx.

Crime Bond Renewal: The Board passed a motion to renew Selective Insurance policy for commercial crime coverage for the Fund's Executive Director, Treasurer and Claims as of 5/1/2024 for a premium of \$1,514.00. The policy was enhanced to include additional coverages for 2024.

Financial Disclosures: JIF Fund Commissioners should anticipate the online filing of the Financial Disclosure forms in April.

Claims Committee: The Claims Review Committee met on January 8, 2024 and the morning of the Commissioner's meeting.

Next Meeting: The next meeting of the RCF is scheduled for June 10, 2024 at 10:30 AM at Forsgate Country Club.



**New Jersey Municipal Environmental
Risk Management Fund**

9 Campus Drive, Suite 216
Parsippany, New Jersey 07054
Tel (201) 881-7632
Fax (201) 881-7633

DATE: March 22, 2024
TO: Atlantic County Municipal Joint Insurance Fund
SUBJECT: Summary of Topics Discussed at E-JIF Meeting

REVISED 2024 BUDGET AND RELATED 2024 PROFESSIONAL FEE AMENDMENTS:

The EJIF 2024 budget that was adopted at the January 8, 2024 meeting was been revised to reflect a new member, Willingboro MUA, who joined February 1, 2024. The change is .05% and does not need to be filed with the state. The change in membership slightly changed the professional fees for Fund Attorney, Executive Director, Underwriting Managers, Environmental Services and Claims Administrator. A motion was passed to adopt the amended budget and approve the changes for the mentioned Fund professionals. A motion was passed to adopt the amended budget and approve the changes for the mentioned Fund professionals.

BANKING SERVICES REQUEST FOR PROPOSALS (RFP): The MEL's Joint Cash & Management Investment Program (JCMI) oversaw the release of an RFP for banking services and later this morning the MEL will discuss the appointment. At our next meeting in June the EJIF will discuss the outcome of the MEL's decision and decide if the Fund will follow the MEL's lead. No action was taken at the March meeting.

FINANCIAL DISCLOSURES: JIF Commissioners should anticipate the online filing notice of the Financial Disclosure forms inclusive of any other municipal related positions that require filing before the deadline of April 30th.

NEXT MEETING - The next meeting of the EJIF is scheduled for Monday June 10, 2024 at Forsgate Country Club, Monroe Twp, N.J



NEW JERSEY CYBER RISK MANAGEMENT FUND

9 Campus Drive – Suite 216

Parsippany, NJ 07054

Tel 201.881.7632

Date: March 21, 2024

To: Atlantic County Municipal Joint Insurance Fund

Banking Services: The Cyber JIF will review the MEL's decision to appoint a new banking services provider and consider if they will follow the MEL's lead.

Cyber Security Framework: Using feedback and questions received from the membership over the past year, the Underwriting Manager made updates to the Cyber Security Framework to better assist members in obtaining Basic, Intermediate or Advanced cyber compliance. Members are encouraged to continue sharing their feedback. The Underwriting Manager's office notified Fund Commissioners and Risk Management Consultants that the updates have been posted on the Cyber JIF website in the Secure Documents section for members only.

Cyber Website: The Cyber JIF website has had an increase in activity and member login requests has increased as well. Login requests are vetted through each JIF's Executive Director's office.

Cyber Controls: D2 Cybersecurity, the JIF's vendor for cyber training, phishing and vulnerability scanning, began launching their training program to registered members in February. Deadline to complete the training is June 30, 2024.

Cyber Best Banking Practice Reference: The following wording was shared for members wishing to update their cash management plan to meet the MEL's JCMI requirement. This language ensures that should the JCMI make any changes, that every municipality does not have to amend their plans, it is automatically incorporated: "The Township will follow the MEL's JCMI Banking Best Practices governing Wire Transfers, ACH Payments and Check Issuance. The Finance Office will further confirm that its financial institutions adhere to these requirements."

JIF Reimbursements: A motion was passed to consider reimbursement for JIF's that already have contracted cyber control services, and a resolution will be presented next month.

Timing of Collecting Deductibles: XL, the excess carrier, bills the Cyber JIF as it makes payments until its deductible is met. The Board passed a motion to bill back the deductible to the member on a quarterly basis until the deductible is exhausted rather than at the close of the claim.

Financial Disclosures: The New Jersey Department of Community Affairs will soon open their website for financial disclosures. The Fund office will notify Fund Commissioners and the deadline to complete filing is April 30th.

Next Meeting Date: Thursday, May 16, 2024 at 3:30 PM via video / audio teleconference.

**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
RESOLUTION #2024-___**

**RESOLUTION AUTHORIZING THE RELEASE OF FUND YEAR 2022 CLOSED SESSION
EXECUTIVE COMMITTEE MEETING MINUTES AS RECOMMENDED BY THE FUND
SOLICITOR**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund is subject to the provisions of NJSA 10:4-6 the “Open Public Meetings Act”; and

WHEREAS, in 2022, the Executive Committee, during regularly scheduled meetings of the Fund, deemed it necessary to enter into a closed session to discuss matters affecting the safety and property of the public and to discuss pending or anticipated litigation and/or contract negotiations as authorized by NJSA10:4-12; and

WHEREAS, in accordance with NJSA10:4-14 minutes of these closed sessions were transcribed by the Fund Recording Secretary and approved by the Executive Committee; and

WHEREAS, in correspondence dated February 15, 2024 the Fund Recording Secretary requested that the Fund Solicitor review the closed session meeting minutes from Fund Year 2022 to make a determination as to whether any of these minutes could be released to the public; and

WHEREAS, in correspondence dated March 29, 2024, a copy of which is attached hereto and incorporated herein by reference, the Fund Solicitor advised the Executive Director’s Office that the Closed Session Minutes from the 2022 Executive Committee Meetings can be released to the public in their entirety, except for the following specific sections of these minutes, as the matters discussed are still unresolved;

1. In the May 18, 2022 minutes, the discussion on page 2 entitled “Recreational Marijuana and Employee Testing” should be redacted.
2. In the June 15, 2022 minutes, the discussion on page 2 entitled “Beaches” should be redacted.
3. In the September 21, 2022 minutes, the discussion on page 2 entitled “Police Civil Rights Cases” should be redacted.
4. In the December 21, 2022 minutes, the discussion on page 2 entitled “Wildwood Boardwalk” should be redacted.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Atlantic County Municipal Joint Insurance Fund that the Closed Session Minutes from the 2022 Executive Committee Meetings can be released to the public in their entirety, except for the following specific sections of these minutes, as the matters discussed are still unresolved;

1. In the May 18, 2022 minutes, the discussion on page 2 entitled “Recreational Marijuana and Employee Testing” should be redacted.
2. In the June 15, 2022 minutes, the discussion on page 2 entitled “Beaches” should be redacted.
3. In the September 21, 2022 minutes, the discussion on page 2 entitled “Police Civil Rights Cases” should be redacted.
4. In the December 21, 2022 minutes, the discussion on page 2 entitled “Wildwood Boardwalk” should be redacted.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Fund Recording Secretary and Executive Director for their knowledge and action as required.

This Resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund at a public meeting held on April 17, 2024.

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

Attest: _____
Secretary

By: _____
Chairperson



DAVID S. DEWEESE, ESQUIRE
david@deweese-lawfirm.com

D. SCOTT DEWEESE, II, ESQUIRE
scott@deweese-lawfirm.com

JOHN AMENHAUSER, ESQUIRE
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Of Counsel

MICHELLE L. DEWEESE, ESQUIRE
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Phone: (609) 522-5599
Facsimile: (609) 522-3003
www.DeWeeseLawFirm.com

March 29, 2024

Paul A. Forlenza, Executive Director, ACMJIF
ARTHUR J. GALLAGHER
RISK MGT. SERVICES, INC.
P.O. Box 530
6000 Sagemore Drive, Suite 6203
Marlton, New Jersey 08053

[via paul_forlenza@riskprogramadministrators.com]

RE: ACMJIF 2022 Closed Session Meeting Minutes

Dear Paul:

Please be advised that I have reviewed the previous redactions from the Closed Session Meeting Minutes from the Fund Year 2022 (January through December) and based upon my review of those redactions, the redactions to the 2022 minutes should remain redacted.

If you have any questions or need for additional information, please do not hesitate to contact me.

Very truly yours,
THE DEWEESE LAW FIRM, P.C.

David S. DeWeese

DSD/b

cc: Tracy Forlenza, Recording Secretary, ACMJIF
Kris Kristie, Sr. Account Representative, Risk Program Administrators
Kamini Patel, MBA, CIC, CPCU, Pooling Administrator
Chris Roselli, Acct. Mgt., Qual-Lynx
Elizabeth Woods, ACMJIF Fund Chair

THE DEWEESE LAW FIRM
3200 PACIFIC AVENUE
WILDWOOD, NEW JERSEY 08260

**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
RESOLUTION #2024-___**

**RESOLUTION AUTHORIZING THE RELEASE OF FUND YEAR 2023 CLOSED SESSION
EXECUTIVE COMMITTEE MEETING MINUTES AS RECOMMENDED BY THE FUND
SOLICITOR**

WHEREAS, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund is subject to the provisions of NJSA 10:4-6 the “Open Public Meetings Act”; and

WHEREAS, in 2023, the Executive Committee, during regularly scheduled meetings of the Fund, deemed it necessary to enter into a closed session to discuss matters affecting the safety and property of the public and to discuss pending or anticipated litigation and/or contract negotiations as authorized by NJSA10:4-12; and

WHEREAS, in accordance with NJSA10:4-14 minutes of these closed sessions were transcribed by the Fund Recording Secretary and approved by the Executive Committee; and

WHEREAS, in correspondence dated February 15, 2024 the Fund Recording Secretary requested that the Fund Solicitor review the closed session meeting minutes from Fund Year 2023 to make a determination as to whether any of these minutes could be released to the public; and

WHEREAS, in correspondence dated March 29, 2024, a copy of which is attached hereto and incorporated herein by reference, the Fund Solicitor advised the Executive Director’s Office that the Closed Session Minutes from the 2023 Executive Committee Meetings can be released to the public in their entirety;

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Atlantic County Municipal Joint Insurance Fund that the Closed Session Minutes from the 2023 Executive Committee Meetings can be released to the public in their entirety;

BE IT FURTHER RESOLVED that a copy of this Resolution by forwarded to the Fund Recording Secretary and Executive Director for their knowledge and action as required.

This Resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund at a public meeting held on April 17, 2024.

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

Attest: _____
Secretary

By: _____
Chairperson



DAVID S. DEWEESE, ESQUIRE
david@deweese-lawfirm.com

D. SCOTT DEWEESE, II, ESQUIRE
scott@deweese-lawfirm.com

JOHN AMENHAUSER, ESQUIRE
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Facsimile: (609) 522-3003
www.DeWeeseLawFirm.com

March 29, 2024

Paul A. Forlenza, Executive Director, ACMJIF
ARTHUR J. GALLAGHER
RISK MGT. SERVICES, INC.
P.O. Box 530
6000 Sagemore Drive, Suite 6203
Marlton, New Jersey 08053

[via paul_forlenza@riskprogramadministrators.com]

RE: ACMJIF 2023 Closed Session Meeting Minutes

Dear Paul:

Please be advised that I have reviewed the Closed Session Meeting Minutes from the Fund Year 2023 (January through December), and based upon my review of those minutes, the minutes can be released in their entirety.

If you have any questions or need for additional information, please do not hesitate to contact me.

Very truly yours,
THE DEWEESE LAW FIRM, P.C.

David S. DeWeese

DSD/b

cc: Tracy Forlenza, Recording Secretary, ACMJIF
Kris Kristie, Sr. Account Representative, Risk Program Administrators
Kamini Patel, MBA, CIC, CPCU, Pooling Administrator
Chris Roselli, Acct. Mgt., Qual-Lynx
Elizabeth Woods, ACMJIF Fund Chair

THE DEWEESE LAW FIRM
3200 PACIFIC AVENUE
WILDWOOD, NEW JERSEY 08260

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

RESOLUTION 2024-

APPOINTING JAMES PACANOWSKI, II AS THE FUND’S REPRESENTATIVE TO THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND, THE RESIDUAL CLAIMS JOINT INSURANCE FUND, AND THE ENVIRONMENTAL RISK MANAGEMENT JOINT INSURANCE FUND FOR THE 2024 FUND YEAR

Whereas, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to NJSA 40A:10-36, et seq.; and

Whereas, the Atlantic County Municipal Joint Insurance Fund is a member of the Municipal Excess Liability Joint Insurance Fund, the Residual Claims Joint Insurance Fund, and the Environmental Risk Management Fund; and

Whereas, as a member of each of these Funds, the Atlantic County Municipal Joint Insurance Fund actively participates in the meetings and operations of each of these Funds through the appointment of a representative to each Fund; and

Whereas, the appointment of the representative to each of these Fund’s is at the discretion of the Chair of the Atlantic County Municipal Joint Insurance Fund; and

Whereas, James Pacanowski, Fund Commissioner from the City of Ventnor, has stated that he will serve as the Atlantic County Municipal Joint Insurance Fund’s representative to the Municipal Excess Liability Joint Insurance Fund, the Residual Claims Joint Insurance Fund, and the Environmental Risk Management Joint Insurance Fund during the remainder of the 2024 Fund Year; and

Whereas, the Fund Chair has determined that it is in the best interest of the Atlantic County Municipal Joint Insurance Fund to appoint James Pacanowski as the Fund’s representative to the Municipal Excess Liability Joint Insurance Fund, the Residual Claims Joint Insurance Fund, and the Environmental Risk Management Joint Insurance Fund for the remainder of the 2024 Fund Year.

Now, therefore, be it resolved by the Fund Commissioners of the Atlantic County Municipal Joint Insurance Fund that James Pacanowski, Fund Commissioner from the City of Ventnor, is hereby appointed as the Atlantic County Municipal Joint Insurance Fund’s representative to the Municipal Excess Liability Joint Insurance Fund, the Residual Claims Joint Insurance Fund, and the Environmental Risk Management Joint Insurance Fund for the remainder of the 2024 Fund Year; and

Be it Further Resolved that these appointments shall be effective April 18, 2024; and

Be it Further Resolved that a fully executed copy of this resolution be forwarded to the Municipal Excess Liability Joint Insurance Fund, the Residual Claims Joint Insurance Fund, and the Environmental Risk Management Joint Insurance Fund.

This resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund at a public meeting held on April 17, 2024.

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

By: _____
CHAIRPERSON

Attest: _____
SECRETARY

Date: _____