

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
OPEN MINUTES
MEETING OF JANUARY 4, 2017
JAMESBURG, NEW JERSEY
10:50 AM**

SINE DIE MEETING

Meeting called to order by Paul Shives. The Open Public Meeting Notice was read into the record.

Pledge of Allegiance

ROLL CALL OF 2016 EXECUTIVE COMMITTEE:

Chairman:	Ocean	Paul Shives	Present
Secretary:	Central	Robert Landolfi	Present
Executive Committee:	Sub Essex JIF	Joe Catenaro	Present
	Monmouth	Thomas Nolan	Present
	Camden	Joe Wolk	Present
	Sub-Muni	Jim Gildea	Present
	PMM	Scott Carew	Present
	Trico	Robert Law	Present
Alternates:			
	#1 South Bergen	Greg Franz	Present
	#2 Bergen	Paul Tomasko	Present
	#3 Morris	Jon Rheinhardt	Present
	#4 Burlco	Meghan Jack	Present
	#5 NJUA	Bernie Rutkowski	Present

APPOINTED OFFICIALS PRESENT:

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

OTHERS PRESENT:

David Grubb, PERMA
Joseph Hrubash, PERMA
Cate Kiernan, PERMA
Brad Stokes, PERMA
Pauline Kontomanolis, PERMA
Nancy Ghani, PERMA
Jason Thorpe, PERMA
Joeen Ciannella, PERMA
Alison Kelly, Danskin Agency
John Casagrande, Danskin Agency
Jenna Bauer, Nisivoccia
Paul Miola, AJ Gallagher
Paul Forlenza, AJ Gallagher
Frank Covelli, RMC
Ezio Altamura, RMC

APPROVAL OF MINUTES: November 16, 2016

MOTION TO APPROVE OPEN AND CLOSED MINUTES OF NOVEMBER 16, 2016

MOTION:	Commissioner Wolk
SECOND:	Commissioner Gildea
VOTE:	Unanimous

CORRESPONDENCE :

Mr. Sacco thanked Chairman Shives for his leadership and support while serving as Chairman of the E-JIF.

OLD BUSINESS:

None.

ADJOURN SINE DIE MEETING:

MOTION:	Commissioner Catenaro
SECOND:	Commissioner Gildea
VOTE:	Unanimous

Mr. Sacco explained that in accordance with the by-laws, the Fund elects a Chairman, Secretary, Executive Committee, and Alternates.

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

MOTION: Commissioner Nolan
SECOND: Commissioner Shives
VOTE: Unanimous

Commissioner Catenaro indicated that the nominating committee had recommended the following slate:

Chairman:	Central	Robert Landolfi
Secretary:	Sub Essex JIF	Joe Catenaro
Executive Committee:	Monmouth	Thomas Nolan
	Camden	Joe Wolk
	Sub-Muni	Jim Gildea
	PMM	Scott Carew
	Trico	Robert Law
	Ocean	Paul Shives
Alternates:		
	#1 South Bergen	Greg Franz
	#2 Bergen	Paul Tomasko
	#3 Burlco	Meghan Jack
	#4 NJUA	Bernie Rutkowski
	#5 Morris	Greg Poff

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

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

MOTION: Commissioner Wolk
SECOND: Commissioner Jack
VOTE: Unanimous

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

Oaths of Office made a part of the Minutes

Mr. Sacco asked for a roll call of the full 2017 Board of Commissioners:

ROLL CALL OF 2017 COMMISSIONERS:

Central	Robert Landolfi	Present
Sub Essex JIF	Joe Catenaro	Present
Monmouth	Thomas Nolan	Present
Camden	Joe Wolk	Present
Sub-Muni	Jim Gildea	Present
PMM	Scott Carew	Present
Trico	Robert Law	Present
Ocean	Paul Shives	Present
South Bergen	Greg Franz	Present
Bergen	Paul Tomasko	Present
Burleo	Meghan Jack	Present
NJUA	Bernie Rutkowski	Present
Morris	Jon Rheindhardt	Present

Chairman Landolfi thanked Commissioner Shives for his service as Chairman and thanked the Board of Commissioners for his appointment. He then asked Mr. Sacco to review the reorganization resolutions with the committee. Mr. Sacco requested the following Resolutions be considered for adoption with one motion, unless an Executive Committee member objected:

RESOLUTION 1-17 CERTIFYING THE ELECTION OF ROBERT LANDOLFI AS CHAIRMAN AND JOSEPH CATENARO AS SECRETARY FOR FUND YEAR 2017:

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

RESOLUTION 2-17 FUND PROFESSIONAL APPOINTMENT AND PROFESSIONAL SERVICE AGREEMENTS: Resolution presented to confirm appointments of Fund Professionals approval of Professional Service Agreements.

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

Resolution 3-17 - Establishing a Funds Records Program

Resolution 4-17 - Establishing a Fiscal Management Plan

Resolution 5-17 - Establishing Public Meeting Procedures

Resolution 6-17 - Purchase of Excess Insurance

Resolution 7-17 - Risk Management Plan

Resolution 8-17 - Establishing a Defense Panel

Resolution 9-17 - Establishing Meeting Compensation for Board Members

Resolution 10-17 - Establishing Standing Committees

**MOTION TO ADOPT RESOLUTIONS NO. 1-17 THROUGH 10-17 AS AMMENDED
ABOVE WITH THE CHANGES NOTED**

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

2017 STANDING COMMITTEES – Chairman Landolfi referred to the list of 2017 standing committees enclosed within the agenda packet. He advised that if any commissioner wishes to serve on a standing committee they should let him or the Executive Director know.

COVERAGE COMMITTEE

Tom Nolan
Robert Landolfi
Joe Catenaro

RULES & CONTRACTS COMMITTEE

Joe Wolk
Robert Landolfi

BUDGET & FINANCE COMMITTEE

Tom Nolan
Paul Shives
Robert Landolfi

NOMINATING COMMITTEE

Joe Catenaro
Robert Landolfi

CLAIMS COMMITTEE

Tom Nolan
Robert Landolfi
Greg Franz
Bernie Rutowski

CORRESPONDENCE

None

TREASURER

Mr. Cuccia began by thanking the Board for reappointment. He then presented his report and Resolution No. 28-16 confirming the December Bill List, Resolution No. 29-16 confirming the 2016 Dividend List and Resolution No. 11-17 approving the January Bill List as follows:

RESOLUTION 28-16 -DECEMBER BILL LIST

FUND YEAR	AMOUNT
2016	\$ 146,472.28
Total	\$ 146,472.28

RESOLUTION 11-17 - JANUARY BILL LIST

FUND YEAR	AMOUNT
2016	\$ 43,656.97
2017	\$ 581,972.00
Total	\$ 625,628.97

MOTION TO APPROVE PAYMENT OF BILLS - RESOLUTION NO. 28-16 AND 11-17

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

EXECUTIVE DIRECTOR/ADMINISTRATOR:

MID JERSEY JIF – Mr. Sacco informed the Board that the Mid Jersey JIF declined the Fund’s offer of membership. He advised that he and Mr. Hrubash would be following-up with that JIF to discuss possible membership in the future.

FINANCIAL FAST TRACK – Mr. Sacco referred to Financial Fast Track as of September 30, 2016 enclosed within the agenda booklet. He indicated that the Fund increased its surplus position by 1.2 million. He informed the Committee that the Fund’s statutory surplus position is at 16.3 million and added that the Fund is in excellent financial shape.

Mr. Sacco informed the Board that Mr. Kickham has retired as of January 1, 2017 and noted that the MEL would be honoring him with a resolution during its meeting.

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

ATTORNEY:

Mr. Semrau thanked the committee for his re-appointment. He reported that 2016 was a good year as there were no significant claims. He informed the Board that for 2017 the attorneys will be working on the Newark Bay recoveries from the carriers for the costs that the Fund has incurred. Mr. Semrau added that the attorneys hope to have final numbers by the end of the year.

UNDERWRITING MANAGERS:

Mr. Casagrande began his report by thanking the Board for reappointment on behalf of himself, and Mr. Avalone. He reported that the Storage Tank Policy Form has been revised and sent to Liberty's coverage counsel who has completed their review. He advised that the fund professionals will perform their own final analysis and present to the EJIF Coverage Committee for approval of this form.

Mr. Casagrande informed the Board that professionals met in December to discuss the potential expansion of coverage to include coverage for the transport of environmental pollutants. He advised that the consensus was to include a \$250,000 sublimit for this coverage. He noted that the appropriate policy language will be developed for consideration and a Coverage Committee meeting would be scheduled to review.

Mr. Casagrande reported that the coverage binder and invoice has been received for the 2017 Excess Limits. He added that limits for 2017 are increased from \$8 Million to \$9 Million, with the same retention of \$3 Million.

Mr. Casagrande indicated that all storage tank certificates of insurance for 2017 were distributed to the members with approved underground storage tanks (USTs) during the month of December.

Lastly, Mr. Casagrande reported that the "Periodic Testing & Construction Requirements for Aboveground Storage Tanks with Buried Piping Systems" has been updated. He added that includes the contact information for the EJIF Environmental Engineers and a referral for testing firms to the NJDEP website for approved tank testing firms.

ENVIRONMENTAL ENGINEERING:

Mr. Erickson thanked the Board for the appointment on behalf of First Environment. He advised that 2017 would be a challenging year as DEP has decided to eliminate Stage II Vapor Recovery systems citing that they are counterproductive.

Mr. Gulics also thanked the Board for the appointment on behalf of PS&S Engineering. He reported that during 2016 a lot of the membership did well with inspection scoring. He noted that the scoring would be re-visited during 2017.

ACTUARY

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

OLD BUSINESS:

None.

NEW BUSINESS:

None.

MEETING OPENED TO PUBLIC FOR COMMENT:

No public comments were made.

PUBLIC COMMENT PORTION OF THE MEETING CLOSED

CLOSED SESSION:

MOTION FOR EXECUTIVE SESSION TO DISCUSS CLAIMS AND POTENTIAL LITIGATION.

MOTION:	Commissioner Rheindhardt
SECOND:	Commissioner Tomasko
ROLL CALL VOTE:	Unanimous

MOTION TO RETURN TO OPEN SESSION

MOTION:	Commissioner Shives
SECOND:	Commissioner Wolk
VOTE:	Unanimous

MOTION TO APPROVE THE PARS AS PRESENTED DURING CLOSED SESSION

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

MOTION TO ADJOURN MEETING

MOTION:	Commissioner Landolfi
SECOND:	Commissioner Tomasko
VOTE:	Unanimous

Meeting Adjourned: 11:07 AM

Next Meeting:

**March 2017
Forsgate CC
Jamesburg, NJ**

Respectfully submitted,

Prepared by Jason D. Thorpe, Assistant Secretary

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

Resolution No. 28-16

DECEMBER 2016

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

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

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

FUND YEAR 2016

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001041			
001041	PAULUS,SOKOLOWSKI & SARTOR LLC	ENGINEERING SERVICES - 10/31/2016	30,340.35
			30,340.35
001042			
001042	PERMA RISK MANAGEMENT SERVICES	POSTAGE FEE 11/2016	20.70
001042	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR FEE 12/2016	20,778.00
			20,798.70
001043			
001043	CHARLES CUCCIA	TREASURER FEE 12/2016	1,577.00
			1,577.00
001044			
001044	PRINCETON PUBLIC AFFIARS GROUP	PROFESSIONAL SERVICES - 11/5/16-12/4/16	3,750.00
			3,750.00
001045			
001045	DANSKIN INSURANCE AGENCY INC	UNDERWRITING MANAGER FEE 12/2016	17,741.00
			17,741.00
001046			
001046	LONG HILL TOWNSHIP	REIMBURSE TESTING & CONSTRUCTION 2016	400.00
			400.00
001047			
001047	PAUL J. SHIVES	2016 MEETING ATTENDANCE	900.00
			900.00
001048			
001048	ROBERT M. LANDOLFI	2016 MEETING ATTENDANCE	600.00
			600.00
001049			
001049	NJ ADVANCE MEDIA	ACCT: XNJEN0555599 - 12/1/16 - PUBL NOT	181.35
001049	NJ ADVANCE MEDIA	ACCT: XNJEN0555599 - 10/31/16 - PUBL NOT	52.70
001049	NJ ADVANCE MEDIA	ACCT: XNJEN0555599 - 11/9/16 - SPEC MTG	20.15
			254.20
001050			
001050	SHERATON ATLANTIC CITY	LESS DEPOSIT ON 8/26/16	-500.00
001050	SHERATON ATLANTIC CITY	MEETING ROOM & LUNCH BUFFET - 11/16/16	2,331.98
			1,831.98
001051			
001051	PETER J. KING, LLC, ATTORNEY	CLAIMS ADMIN - 2016	25,168.00
			25,168.00
001052			
001052	ALLSTATE INFORMATION MANAGEMNT	ACCT: 736 - ACT & STOR - 11/30/2016	39.15
			39.15
001053			
001053	JAMES H. GILDEA	2016 MEETING ATTENDANCE	750.00

			750.00
001054			
001054	JOSEPH E. WOLK	2016 MEETING ATTENDANCE	900.00
			900.00
001055			
001055	THOMAS F. NOLAN	2016 MEETING ATTENDANCE	900.00
			900.00
001056			
001056	FIRST ENVIRONMENT, INC.	PROFESSIONAL SERVICES - 10/2016	10,055.95
			10,055.95
001057			
001057	JOSEPH CATENARO	2016 MEETING ATTENDANCE	750.00
			750.00
001058			
001058	ROBERT LAW	2016 MEETING ATTENDANCE	900.00
			900.00
001059			
001059	GREGORY S. FRANZ	2016 MEETING ATTENDANCE	900.00
			900.00
001060			
001060	PAUL H. TOMASKO	2016 MEETING ATTENDANCE	900.00
			900.00
001061			
001061	JON RHEINHARDT	2016 MEETING ATTENDANCE	900.00
			900.00
001062			
001062	MEGHAN JACK	2016 MEETING ATTENDANCE	600.00
			600.00
001063			
001063	BERNARD RUTKOWSKI	2016 MEETING ATTENDANCE	900.00
			900.00
001064			
001064	FIRST ENVIRONMENT, INC.	PROFESSIONAL SERVICES - 11/2016	24,615.95
			24,615.95

Total Payments FY 2016

146,472.28

TOTAL PAYMENTS ALL FUND YEARS \$146,472.28

RESOLUTION NO. 1-17

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

**CERTIFYING THE ELECTION OF
CHAIRMAN AND SECRETARY FOR FUND YEAR 2017**

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

ROBERT LANDOLFI, CHAIRMAN

JOSEPH CATENARO, SECRETARY

BE IT FURTHER RESOLVED, that the Chairman and Secretary shall serve for the year 2017 and until their successors shall be elected and qualified.

ADOPTED: *this day before the Governing Body,*

RESOLUTION NO. 2-17

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

**APPOINTING CERTAIN PROFESSIONALS AND SERVICE ORGANIZATIONS
FOR FUND YEAR 2017**

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

WHEREAS, The FUND requires the services of certain professional service providers and service organizations for the 2015, 2016 and 2017 Fund years; and,

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

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

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

WHEREAS, responses were received from professional service providers and service organizations as listed below on July 15, 2014 at 2 pm; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Fund's Executive Committee that contracts for the following professionals were appointed for a three (3) year term, commencing on January 1, 2015 and ending December 31, 2017. (*unless otherwise specified*):

- I.** PERMA Risk Management Services is hereby appointed as **Administrator**, Mr. Stephen Sacco is appointed as **Executive Director** and Joseph Hrubash as **Deputy Executive Director** and as agent for process of service.

- II.** Fred Semrau, Esq. is hereby appointed as **Fund Attorney** and shall receive a retainer for administrative services, legal research and legal opinions.

- III.** Peter King, Esquire is appointed to serve as the FUND's **Claims Administrator**.
- IV.** Mr. Charles S. Cuccia is hereby appointed as **Fund Treasurer**.
- V.** Wilmington Trust is hereby appointed as **Asset Manager** to the FUND. –At an annual fee of 5 basis points on the market value of assets. *(1/1/16 – 12/31/18)*
- VI.** Mr. Francis (Bud) Jones of Nisivoccia LLP is hereby appointed as **Fund Auditor**.
- VII.** The Danskin Insurance Agency, Inc. and Conner Strong & Buckelew are hereby appointed as **Underwriting Managers** for the FUND.
- VIII.** AON Worldwide Actuarial Services, Inc, is hereby appointed as **Actuary** for the FUND.
- IX.** Richard Erickson of First Environment and Chris Gulics of PS & S are hereby appointed to provide **Environmental Engineering/Services** to the FUND as per the agreed pricing as a result of the 2015 RFQ process for the 2017 fund year. This will be a 1 year appointment with the FUND reserving the right to renew for an additional year.

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

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

BE IT FURTHER RESOLVED that the professional service fee compensation for the professionals shall increase 2% from the 2016 fund year for the period of January 1, 2017 through December 31, 2017; unless otherwise noted.

ADOPTED: *this day by the Governing Body,*

RESOLUTION NO. 3-17

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

ESTABLISHING A FUND RECORDS PROGRAM FOR FUND YEAR 2017

WHEREAS: The FUND must establish a formal record retention program for the 2017 Fund Year.

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

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

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

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

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

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

ADOPTED: *this day before the Governing Body*

RESOLUTION NO: 4-17

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as "THE FUND")
ESTABLISHING A FISCAL MANAGEMENT PLAN
FOR THE 2017 FUND YEAR

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

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

NOW, THEREFORE BE IT RESOLVED, THE FUND's Governing Body hereby appoints the following professionals for the 2017 Fund Year:

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

Robert Landolfi	CHAIRMAN
Joseph Catenaro	SECRETARY
Charles Cuccia	TREASURER
Greg Franz	COMMISSIONER

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

Charles Cuccia

Peter King

Matthew Petracca

Fred Semrau

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

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

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

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

ADOPTED: *this day before the Governing Body:*

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
2017 CASH MANAGEMENT AND INVESTMENT POLICY**

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

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

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

2.) **Permissible Investments**

Investments shall be limited to the following:

- a.) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
- b.) Government money market mutual funds.
- c.) Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
- d.) Bonds or other obligations of the local unit or bonds or other obligations of school districts of which the local unit is a part or within which the school district is located.
- e.) Bonds or other obligations, approved by the Division of Investment of the Department of Treasury for investment by local units.

- f.) Debt obligations of federal agencies or government corporations with maturities not greater than ten (10) years from the date of purchase, excluding mortgage backed obligations, providing that such investments are purchased through the New Jersey Division of Investment and are consistent the Division's own investment guidelines, and providing that the investment a fixed rate of interest not dependent on any index or external factors.
- g.) Local Government Investment Pools
- h.) Repurchase agreements of fully collateralized securities, subject to rules and conditions establish by the N.J. Department of Community Affairs.

No investment or deposit shall have a maturity longer than ten (10) years from date of purchase. At any given time, the Fund's investment portfolio shall conform to the following criteria:

- a) Any bonds or other obligations held by the FUND shall have a minimum long-term investment grade underlying credit rating, or equivalent rating provided by a Nationally Recognized Statistical Rating Organization as outlined by the U.S. Securities and Exchange Commission, with the exception of bonds issued pursuant to the Municipal Qualified Bond Act, which may have an underlying credit rating below investment grade so long as the Municipal Qualified Enhanced Rating is investment grade, or equivalent rating provided by NRSO.
- b) A minimum of thirty-five (35) percent of aggregate total par amount of bonds and other obligations shall have a minimum long-term, underlying credit rating of AA-, or equivalent rating by an NRSRO.
- c) The aggregate par amount of bonds or other obligations with a long-term underlying credit rating below A-, or equivalent rating by an NRSRO, shall not exceed thirty (30) percent of the aggregate total par amount of bonds, investments and other obligations held by the Fund.
- d) The aggregate par amount of bonds or other obligations with maturities longer than five (5) years shall not exceed sixty (60) percent of the aggregate total par amount of bonds, investments and other obligations held by the FUND.

Any exception to or deviations from the above criteria must be approved by the New Jersey Division of Local Governmental Services and the New Jersey Division of Investment.

3.) **Authorized Depositories**

In addition to the above, the FUND is authorized to deposit funds in certificates of deposit and other time deposits in banks covered by the Governmental Unit Depository Protection Act, NJSA 17:9-14 et seq. (GUDPA). Specifically authorized depositories are as follows:

Wells Fargo Bank
Investors Bank
Wilmington Trust

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

4.) **Authority for Investment Management**

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

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

In executing investments, asset managers shall minimize transaction costs by querying prices from at least three (3) dealers and purchasing securities on a competitive basis. When possible, federal securities shall be purchased directly from the US Treasury. Transactions shall not be processed through brokerages which are organizationally affiliated with the asset manager. Transactions may also be processed through the New Jersey Division of Investment by the Fund's asset managers.

5.) **Preservation of Capital**

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

6.) **Safekeeping**

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

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

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

appraisals and upon reasonable notice, and based upon changes in policy or procedures.

8.) **Reporting**

Asset managers will submit written statements to the treasurer and executive director describing the proposed investment strategy for achieving the objectives identified herein. Asset managers shall also submit revisions to strategy when justified as a result of changing market conditions or other factors. Such statements shall be provided to the Treasurer and Executive Director. The statements shall also include confirmation that all investments are made in accordance with this plan.

Additionally, the Investment Manager shall include a statement that verifies the Investment Manager has reconciled and determined the appropriate fair value of the Funds portfolio based on valuation guidelines that shall be kept on file in the Executive Director's office.

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

9.) **Audit**

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

10.) **Cash Flow Projections**

Asset maturity decisions shall be guided by cash flow factors payout factors supplied by the Fund Actuary and reviewed by the Executive Director and the Treasurer.

11.) **Cash Management**

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

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

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

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

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

RESOLUTION NO: 5-17

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter the "FUND")**

ESTABLISHING PUBLIC MEETING PROCEDURES FOR FUND YEAR 2017

WHEREAS, the FUND must establish meeting procedures for Fund Year 2017, and

NOW, THEREFORE BE IT RESOLVED BY the Funds Governing Body

- I.** That the FUND shall hold public meetings during the year 2017 at 10:50 AM on Wednesday March 1, 2017 at the Forsgate CC; Wednesday, June 7, 2017 at 10:50 AM at the Forsgate CC, Wednesday, September 6, 2017 at 10:50 AM at the Forsgate CC, Wednesday, October 18, 2017 at 10:50 AM at the Forsgate CC and on November 15, 2017 at noon at the Sheraton Hotel, Atlantic City, NJ; and Wednesday, January 3, 2018. Unless noted, locations will be at Forsgate Country Club.
- II.** Each Public Comments session is limited to thirty (30) minutes; any one person may address the Chairperson for a maximum of five (5) minutes; once a particular topic has been addressed by a member of the public, subsequent comments on that same topic by other people is limited to a maximum of two (2) minutes; citizens who have spoken once during the session will not be recognized a second time; and speakers are required to state their names and addresses and direct all inquiries to the Chairman.
- III.** The following is hereby designated the official newspaper (s) of the FUND:

The Star Ledger, Newark, NJ; and In addition, the EJIF's webpage is designated for official notices – www.NJEJIF.org.
- IV.** The FUND Secretary or designated assistant shall provide notice of any and all meetings, including special or emergency meetings, to each official newspaper and shall issue all official notices required to be published in at least one of the official newspapers.

ADOPTED this day;

RESOLUTION NO. 6-17

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

**RESOLUTION FOR THE PURCHASE OF EXCESS INSURANCE FOR FUND YEAR
2017**

WHEREAS, the NJ Municipal Environmental Risk Management Fund, hereafter, the FUND, at its December 4, 1996 meeting authorized the purchase of excess insurance; and this being completed;

NOW, THEREFORE BE IT RESOLVED that the FUND ratifies and confirms the purchase from Liberty International Underwriters, Inc. The following coverage, to be effective January 1, 2017 through December 31, 2017:

The Aggregate Excess Liability coverage of \$9,000,000 excess of the \$3,000,000 attachment point annual aggregate at a rate of 14.09 cents per capita for Fund Year 2017 based on a population of 3,741,825.

ADOPTED: this day before the Governing Body

RESOLUTION 7-17

NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND

2017 RISK MANAGEMENT PLAN

Introduction

In 1984, the commercial insurance marketplace excluded all environmental risk from general liability insurance policies underwritten for public entities and other local units, and for many years subsequent, there had been no coverage available for these exposures. As a result of the liability insurance crisis beginning the following year, New Jersey Public entities developed joint insurance funds and in 1988 formed the Municipal Excess Liability Joint Insurance Fund (MEL) to provide excess casualty coverage for the newly created pools. At that time, the pools were not large enough to address the environmental liability issue and environmental coverage remained a void. However, by 1991, the MEL had grown to over 200 communities and adopted a long-range plan that proposed the establishment of a specialized pool to provide environmental coverage. A study committee was formed in 1992 and enabling legislation was signed into law in October 1993.

The New Jersey Municipal Environmental Risk Management Fund, hereinafter referred to as the “FUND” was established by property/casualty joint insurance funds which seek to provide their member public entities and utility authorities with environmental coverage in six (6) areas:

Coverage A: Third Party Liability

Coverage B: On-Site Clean-up Costs

Coverage C: Public Officials Pollution Liability

Coverage D: De Minimus Abandoned Waste Sites

Coverage E: Defense Costs

Coverage F: Storage Tank Systems

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

COVERAGE A - THIRD PARTY LIABILITY

1. Background:

The activities of public entities may result in an actual or alleged pollution conditions which causes bodily injury or damage to property of others. The extent of the coverage under Coverage

A is to provide protection to the local unit for claims triggered by pollution conditions for which the local unit is alleged to be responsible.

2. Scope of Coverage:

To pay on behalf of the Local Unit losses due to liability for bodily injury and/or property damage caused by pollution conditions emanating from a covered location or arising from covered operations.

3. POLLUTION CONDITIONS:

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

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

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

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

5. Limit of Liability:

\$1,000,000 per loss per local unit

\$1,000,000 annual aggregate per local unit

COVERAGE B – ONSITE CLEANUP COSTS

1. Background:

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

2. Scope of Coverage:

Emergency Remediation of pollutants deposited by third parties:

\$ 50,000 per loss per local unit

\$ 100,000 annual aggregate per local unit

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

COVERAGE C - PUBLIC OFFICIALS POLLUTION LIABILITY

1. Background:

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

2. Scope of Coverage:

Pay on behalf of the local unit and its public officials that are legally obligated to pay as a result of pollution conditions caused by the wrongful acts of Public Officials.

3. Limit of Liability:

\$1,000,000 per loss per local unit

\$1,000,000 annual aggregate per local unit

COVERAGE D - DE MINIMUS ABANDONED WASTE SITES

1. Background:

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

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

2. Scope of Coverage:

The FUND, under Coverage D, will pay on behalf of the insured(s) for the negotiated settlement amount, up to policy sub-limits, to fund remedial efforts and a settlement agreement that will indemnify the insured(s) from future liability at a Federal or State Abandoned Toxic Waste Site. Legal defense shall be included subject to the **Aggregate Defense Costs Limit.** ~~policy limits.~~

3. Abandoned Waste Site & Minor PRP Designation

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

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

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

5. Conditions:

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

6. Limit of Liability:

\$50,000 per local unit

COVERAGE E – DEFENSE COSTS

1. Background:

Public entities may be faced with future environmental litigation arising from past and present operations including those for the disposal of trash, sludge and other pollutants. While the FUND provides coverage for claims arising from pollution conditions occurring on owned property after inception and for storage tank systems, no coverage under Coverages A & B is offered for the past pollution event or for off premise environmental liability.

2. Scope of Coverage:

The FUND will provide legal representation to the local unit arising from any pollution conditions to which this policy applies.

3. Exclusions: SEE EXCLUSIONS UNDER SECTION IV of the policy.

4. Conditions:

a) Legal service provided only for a claim to which this policy applies.

b) Legal service provided solely by approved FUND attorney(s).

5. Limit of Liability:

\$500,000 per loss per local unit

\$500,000 annual aggregate per local unit

COVERAGE F - STORAGE TANK SYSTEMS COVERAGE (STANDALONE POLICY FORM)

1. Background

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

2. Scope of Coverage:

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

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

This policy is site specific: Only scheduled underground storage tanks at scheduled locations are covered.

No coverage applies to underground storage tanks that are rejected, unknown and/or unscheduled. These tanks may be eligible for up to \$10,000 in remediation expenses, subject to the approval of the FUND.

3. Accidental Release:

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

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

The coverage does not apply to:

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

Storage Tank Exclusions continued-

- 3) Any claim arising from any accidental release at any place other than scheduled sites.
- 4) The cost of installation, replacement or repair of any storage tank or any other receptacle including the cost of excavation or backfilling, piping and valves, all leak detection systems and all containment systems and all monitoring systems.
- 5) Any routine maintenance, measurement or testing expense which is not occasioned by a pollution event.
- 6) Any fines, exemplary or punitive damages, statutory or other penalties, trebled or other multiple damages.
- 7) Any unregulated tanks that exceed the 20 year age limit as of January 1, 2014.

5. Limit of Liability:

\$ 1,000,000 each incident -Coverage A

\$ 1,000,000 each corrective action -Coverage B

\$ 1,000,000 Aggregate Limit

\$ 100,000 Aggregate Defense Limit

\$ 10,000 Sub Limit – Undisclosed/**Unknown** Tanks Per location, Per Policy/Fund Year

RISK RETAINED BY THE FUND

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

AMOUNT OF RESERVE TO BE ESTABLISHED

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

All elements of the liability claim investigation are considered in establishing a reserve after the FUND is notified of its potential exposure. While conditions may change as further information becomes available, “stair stepping” or frequent changes in reserves is to be avoided.

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

ASSESSMENTS

A. Budget Preparation:

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

2) The budget shall be reviewed by an Actuary who shall comment on its adequacy and shall recommend changes, as appropriate.

B. Budget Adoption:

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

C. Annual Assessment:

- 1) The annual assessment of each participant shall be its pro rata share of the budget for the upcoming year for each line of coverage as computed by the actuary.
- 2) The calculation of pro rata shares shall be based on each participant's composite premium by fund year for that line of coverage.
- 3) The total amount of each participant's annual assessment shall be certified by a majority vote of the Fund Commissioners/Executive Committee to the governing body of each participant at least one month prior to the beginning of the next calendar year.
- 4) The annual assessment shall be paid to the FUND in two (2) installments, to be determined by the Fund Commissioners/Executive Committee, which shall conform with N.J.A.C. 12:15-2.15(a).
- 5) The Treasurer shall deposit each participant's assessment into the appropriate accounts, including the administrative account, the claim or loss retention trust fund accounts, or any other account as permitted by law.
- 6) If a participant becomes a member of the FUND or elects to participate in a line of coverage after the start of the fund year, such participant's assessments and supplemental assessments shall be reduced in proportion to that part of the year which has elapsed.

D. Supplemental Assessments:

1) The Fund Commissioners/Executive Committee shall, by majority vote, levy upon the participants additional assessments wherever needed or so ordered by the Commissioner of Insurance to supplement the FUND's claim, loss retention or administrative accounts to assure the payment of the FUND's obligations.

a) All supplemental assessments shall be charged to the participants by applicable fund year and shall be apportioned by that year's earned assessments for that line of coverage.

b) All participants shall be given thirty (30) days advance written notice of the FUND's intention to charge an additional assessment, and the FUND shall conduct a hearing before adopting the supplemental assessment.

c) Participants shall have thirty (30) days to pay the FUND from the date any supplemental assessment is adopted.

2) The FUND shall submit to the Commissioner of Insurance and the Commissioner of Community Affairs a report of the causes of the FUND's insufficiency, the assessments necessary to replenish it and the steps taken to prevent a reoccurrence of such circumstances.

E. Failure or Refusal to Provide Required Assessments:

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

F. Insolvency and/or Bankruptcy of Fund Members

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

LOSS ADJUSTMENT PROCEDURES

The FUND will be presented with various claims against the coverage provided to the participating public entities. These claims can be large or small, justified or frivolous. The primary function of the Fund

Attorney and Claims Servicing Company will be to investigate each claim for the FUND and make a determination as to the validity, scope and value of the claim.

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

A. Coverage:

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

B. Facts:

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

C. Liability:

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

D. Injuries:

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

E. Reserves:

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

F. Claims Control:

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

G. Legal Defense and Fees:

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

- 1) Establishing a list of approved defense attorneys. This list includes attorneys with special qualifications, previous experience and a reasonable fee structure. It is expected

that the approved defense attorneys will provide the highest quality defense for the FUND at the most reasonable cost.

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

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

ADOPTED: *this 4th day of January 2017 by the Governing Body*

RESOLUTION NO. 8-17

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

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

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

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

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

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

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

Peter J. King, Esq.
King & Petracca
51 Gibraltar Drive, Suite 1 D
Morris Plains, NJ 07950

M. James Maley, Jr., Esq.
Maley & Associates
931 Haddon Avenue
Collingswood, NJ 08108

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

Giordano Halleran & Ciesla
125 Half Mile Road, Suite 300
Red Bank, NJ 07701

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

BE IT FURTHER RESOLVED by the Commissioners of the New Jersey Municipal Environmental Risk Management Fund, that the following fee schedule for Defense Attorney's for 2017 is established:

1. Partners – \$170/hour
2. Associates with five years experience – \$145/hour
3. Associates - \$135/hour
4. Paralegals - \$85/hour

ADOPTED: this day before the Governing Body

RESOLUTION # 9-17

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
ESTABLISHING MEETING COMPENSATION FOR
BOARD OF COMMISSIONER MEMBERS
FOR THE 2017 FUND YEAR**

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

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

ADOPTED: this day before the Governing Body

RESOLUTION NO. 10-17

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

ESTABLISHING STANDING COMMITTEES FOR FUND YEAR 2017

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

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

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

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

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

ADOPTED: *this day before the Governing Body,*

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND BILLS LIST

Resolution No. 11-17

JANUARY 2017

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

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

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

FUND YEAR 2016

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001065			
001065	PAULUS,SOKOLOWSKI & SARTOR LLC	ENGINEERING SERVICES - 11/30/2016	24,989.35
001065	PAULUS,SOKOLOWSKI & SARTOR LLC	LESS PHASE FEE - OVERPAYMENT 10/16	-507.88
			24,481.47
001066			
001066	AON RISK CONSULTANTS, INC.	ACTUARY SERVICES - OCT - DEC 2016	15,425.50
			15,425.50
001067			
001067	PRINCETON PUBLIC AFFIARS GROUP	PROFESSIONAL SERVICES 12/2016	3,750.00
			3,750.00
		Total Payments FY 2016	43,656.97

FUND YEAR 2017

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001068			
001068	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR FEE 01/2017	21,193.00
			21,193.00
001069			
001069	CHARLES CUCCIA	TREASURER FEE 01/2017	1,608.00
			1,608.00
001070			
001070	DANSKIN INSURANCE AGENCY INC	UNDERWRITING MANAGER FEE 01/2017	18,102.00
			18,102.00
001071			
001071	LIBERTY INTERNATIONAL UNDERWRITERS	TLE-NY-102515-117 2017 EXCESS POLICY	541,069.00
			541,069.00
		Total Payments FY 2017	581,972.00

TOTAL PAYMENTS ALL FUND YEARS \$ 625,628.97