

RESOLUTION NO. 2018-38

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
RESOLUTION TO RENEW MEMBERSHIP IN THE
MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND**

WHEREAS, the **Burlington County Municipal Joint Insurance Fund**, a nonprofit public entity in the State of New Jersey, was formed pursuant to N.J.S.A. 40A:10-36 et seq. to provide risk management to its member municipalities in the form of General Liability, Auto Liability, Property and Workers' Compensation coverage; and

WHEREAS, it has been determined that excess coverage is available from the Municipal Excess Liability Joint Insurance Fund, hereinafter referred to as MEL, as established pursuant to N.J.S.A. 40A:10-36 et seq., provided in accordance with N.J.S.A. 40A:10-42; and

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

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

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

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

WHEREAS, the Board of Fund Commissioners of the **Burlington County Municipal Joint Insurance Fund** has determined that membership in the MEL is in the best interests of the member municipalities:

NOW THEREFORE BE IT RESOLVED that the Board of Fund Commissioners of the **Burlington County Municipal Joint Insurance Fund** does hereby resolve and agree to renew membership in the MEL for a period of three (3) years, the commencement of which shall be January 1, 2019 and

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

- 1) Excess Workers' Compensation and Employers' Liability Insurance and,
- 2) Excess Liability Insurance excess of the Primary Liability provided by the above mentioned Joint Insurance Fund as indicated on the application previously submitted and,
- 3) Excess Property, including Crime.

BE IT FURTHER RESOLVED that the **Burlington County Municipal Joint Insurance Fund** hereby adopts the Bylaws of the MEL and in accordance therewith, it is understood that coverage is not effective until membership is approved by the MEL Commissioners/Executive Committee, State Department of Banking & Insurance and State Department of Community Affairs and that coverage is subject to the terms, conditions and limitations as contained in the MEL's Coverage Manual and its Commercial Excess Insurance, if any; and,

BE IT FURTHER RESOLVED that the Board of Fund Commissioners, or other authorized representative, is authorized and directed to execute any and all written agreements necessary for membership in the MEL including, but not limited to, the Indemnity and Trust Agreement in order to implement membership by the **Burlington County Municipal Joint Insurance Fund** in the MEL according to its Bylaws, N.J.S.A. 40A:10-36 et seq., N.J.A.C. 11:15-2 and any other statutes or regulations pertaining thereto.

This resolution was duly adopted by the Burlington County Municipal Joint Insurance Fund at a public meeting held on September 18, 2018.

Burlington COUNTY MUNICIPAL JOINT INSURANCE FUND

BY:  CHAIRPERSON ATTEST:  SECRETARY

DATED: Sept. 18, 2018

**MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 18th day of September between: The **Municipal Excess Liability Joint Insurance Fund**, hereinafter referred to as MEL, and the **Burlington County Municipal Joint Insurance Fund**, hereinafter referred to as the FUND.

WITNESSETH:

WHEREAS, several local governmental units have collectively formed an Excess Liability Joint Insurance Fund as such entity is authorized and described in N.J.S.A. 40A:10-36 et seq. and the administrative regulations promulgated pursuant thereto and;

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

NOW THEREFORE, be it agreed as follows:

1. The FUND accepts the MEL's bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of the said bylaws, the pertinent Statutes and Administrative Regulations pertaining to same and as set forth in the Risk Management Plan.
2. The FUND agrees to participate in the MEL with respect to the types of insurance listed in the FUND's resolution.
3. The FUND agrees to renew its membership in the MEL for a period of three (3) years, the commencement of which shall be January 1, 2019.
4. The FUND certifies that it has not defaulted on any claims if self-insured and has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof.
5. In consideration of membership in the MEL, the FUND agrees that it shall jointly and severally assume and discharge the liability of each and every member of the MEL, all of whom as a condition of membership in the MEL shall execute a verbatim counterpart of this Agreement and by execution hereof the full faith and credit of the FUND is pledged to the punctual payment of any sums which shall become due to the MEL in accordance with the bylaws thereof, this Agreement, the MEL's Risk Management Plan or any applicable statute.
6. If the MEL in the enforcement of any part of this Agreement shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the FUND agrees to reimburse the MEL for all such reasonable expenses, fees and costs on demand.
7. The FUND and the MEL agree that the MEL shall hold all monies paid by the FUND to the MEL as fiduciaries for the benefit of MEL claimants, all in accordance with N.J.A..C 11:15-2.1 et seq.

8. The MEL shall establish separate Trust Accounts for each of the following categories of risk and liability, if applicable:
- a) Workers Compensation and Employers Liability
 - b) Liability, other than motor vehicle
 - c) Property Damage, other than motor vehicle
 - d) Motor Vehicle
 - e) Primary Statutory Bonds & Excess Public Officials Bonds

The MEL shall maintain Trust Accounts aforementioned in accordance with N.J.S.A. 40A:10-36, N.J.A.C. 11:15-2 et seq., N.J.S.A. 40A:5-1 and such other Statutes as may be applicable. More specifically, each of the aforementioned separate Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and excess insurance or reinsurance premiums for each such risk or liability or as "surplus" as such term is defined by N.J.A.C. 11:15-2.2 et seq.

9. Each FUND who shall become a member of the MEL shall be obligated to execute this Agreement.

MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

BY: _____

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

BY: _____
CHAIRPERSON

ATTEST: 
SECRETARY

DATED: Sept. 18, 2018