

RESOLUTION NO. 2020- 32

RESOLUTION TO RENEW MEMBERSHIP NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND

WHEREAS, the **New Jersey Municipal Environmental Risk Management Fund** has been organized to provide Third Party Liability, First Party Coverage, Public Officials Liability, De Minimus Abandoned Toxic Waste Sites Buy-Out, Legal Services and Storage Tank Systems Coverages to its member Local Units; and,

WHEREAS, it has been determined that environmental impairment liability coverage is available from the **New Jersey Municipal Environmental Risk Management Fund**, hereinafter referred to as "E-JIF" as created under Chapter C.372 Laws of 1983 (N.J.S.A. 40A:10-36 et seq.); and,

WHEREAS, said statutes and the regulations pertaining thereto contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the **Executive Committee/Fund Commissioners** of the **Burlington County Municipal Joint Insurance Fund** has determined that membership in the E-JIF is in the best interests of the member municipalities.

NOW THEREFORE BE IT RESOLVED that the **Executive Committee/Fund Commissioners** of the **Burlington County Municipal Joint Insurance Fund** do hereby resolve and agree to renew their membership in the E-JIF for a period of three (3) years, effective January 1, 2021; and

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

- Section I Third Party Liability
- Section II First Party Coverage
- Section III Public Officials Liability
- Section IV De Minimus Abandoned Toxic Waste Sites Buy Out
- Section V Legal Services
- Section VI Storage Tank Systems

BE IT FURTHER RESOLVED that the Chairperson of the **Burlington County Municipal Joint Insurance Fund** or other authorized representative, is authorized and directed to execute any and all written agreements necessary for membership in the E-JIF including, but not limited to, the Indemnity and Trust Agreement in order to implement membership by the **Burlington County Municipal Joint Insurance Fund** in the E-JIF according to its Bylaws, Chapter C.372 Laws of 1983 (NJSA 40A:10-36 et seq.), administrative regulations and any other statutes or regulations pertaining thereto.

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

BY: _____

DATED: Sept. 15, 2020

ATTEST: 

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

THIS AGREEMENT made this 15th day of September, 2020, in the County of Burlington by and Between: The New Jersey Municipal Environmental Risk Management Fund, hereinafter referred to as "E-JIF", and the **Burlington County Municipal Joint Insurance Fund**, hereinafter referred to as the FUND.

WITNESSETH:

WHEREAS, several local governmental units have formed an Environmental Impairment Liability Joint Insurance Fund as authorized and described in NJSA 40A:10-36 et seq. and the administrative regulations promulgated pursuant thereto and;

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

NOW THEREFORE, be it agreed as follows:

1. The FUND accepts the E-JIF's bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of the said bylaws, the pertinent statutes and administrative regulations pertaining to same and as set forth in the Risk Management Plan.
2. The FUND agrees to participate in the E-JIF with respect to the types of insurance listed in the FUND's Resolution to Join.
3. The FUND agrees to become a member of the E-JIF for an initial period not to exceed three (3) years, effective January 1, 2021 and ending December 31, 2023.
4. The FUND certifies that it has not defaulted on any claims if self-insured and has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof.
5. In consideration of membership in the E-JIF, the FUND agrees that it shall jointly and severally assume and discharge the liability of each and every member of the E-JIF, all of whom as a condition of membership in the E-JIF shall execute a verbatim counterpart of this Agreement and by execution hereof the full faith and credit of the FUND is pledged to the punctual payment of any sums which shall become due to the E-JIF in accordance with the bylaws thereof, this Agreement, the E-JIF's Risk Management Plan or any applicable statute.

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

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND

BY: _____

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

BY:  _____

DATED: Sept. 15, 2020

ATTEST:  _____