



**MERCER COUNTY INSURANCE FUND COMMISSION
AGENDA AND REPORTS
MARCH 25, 2024**

**MERCER COUNTY
MCDADE ADMINISTRATION BUILDING
640 SOUTH BROAD STREET
ROOM 211
TRENTON, NJ 08650-8068
10:30 AM**

OPEN PUBLIC MEETINGS ACT - STATEMENT OF COMPLIANCE

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Notice of this meeting was given by

- (1) Sending sufficient notice herewith to the Trenton Times, The Trentonian and the Princeton Packet
- (2) Filing advance written notice of this meeting with the Commissioners of the Mercer County Insurance Fund Commission,
- (3) Posting this notice on the public bulletin board of all members.

MERCER COUNTY INSURANCE FUND COMMISSION
AGENDA
OPEN PUBLIC MEETING: MARCH 25, 2024
640 S. BROAD STREET, ROOM 211
TRENTON, NJ 08650-8068
10:30 AM

- MEETING CALLED TO ORDER - OPEN PUBLIC MEETING NOTICE READ**
- PLEDGE OF ALLEGIANCE**
- ROLL CALL OF COMMISSIONERS**
- APPROVAL OF MINUTES: February 28, 2024 Open MinutesAppendix I**
February 28, 2024 Closed MinutesSent via e-mail

- CORRESPONDENCE: None**

- SAFETY COMMITTEE Verbal**

- EXECUTIVE DIRECTOR/ADMINISTRATOR - PERMAPages 2-19**

- TREASURER – Nicola Trasente**
Resolution 18-24 March Bill List - *Motion*Page 20
January Treasurer ReportsPages 21-22

- ATTORNEY – Paul Adezio, Esq..... Verbal**

- CLAIMS ADMINISTRATOR –Inservco Insurance Services, Inc. - *Motion***
Resolution 19-24 Authorizing Disclosure of Liability Claims Check RegisterPage 23
Liability Claim Payments 2-1-24 to 2-29-24Pages 24-25

- MANAGED CARE – First MCO**
Monthly Summary Report.....Page 26

- RISK/LOSS CONTROL SERVICES – J.A. Montgomery Consulting**
Monthly Report.....Pages 27-34

- OLD BUSINESS**
- NEW BUSINESS**
- PUBLIC COMMENT**

- CLOSED SESSION – Payment Authorization Requests (PARs).....Pages 35-36**

Resolution 20-24 Executive Session for purpose as permitted by the Open Public Meetings Act, more specifically to discuss PARs/SARs related to pending or anticipated litigation as identified in the list of claims prepared by third-party claim administrator Inservco Insurance Services, Inc. and attached to this agenda.

 Motion for Executive Session
 Motion to Return to Open

- APPROVAL OF PARS: *Motion to approve PARs/SARs as discussed in Executive Session (Roll Call Vote)***

- MEETING ADJOURNMENT**

- NEXT SCHEDULED MEETING: April 22, 2024, 1:30 PM**

MERCER COUNTY INSURANCE FUND COMMISSION

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

Date: March 25, 2024
Memo to: Commissioners of the Mercer County Insurance Fund Commission
From: PERMA Risk Management Services
Subject: Executive Director's Report

2024 Property & Casualty Budget (Pages 4-5) – At the February 28, 2024 Commission meeting the 2024 Property & Casualty Budget was introduced. In accordance with the regulations the budget was advertised in the Commission’s official newspapers. The Public Hearing for the budget will be held at this meeting. Attached on page 4 is a copy of the budget. The budget is in the amount of **\$8,264,984**. The budget has not changed since introduction. Also attached on page 5 is a copy of the assessments.

- Motion to open the Public Hearing on the 2024 Property & Casualty Budget**
- Discussion of Budget and Assessments**
- Motion to close the Public Hearing**
- Motion to adopt the Property & Casualty Budget for Mercer County Insurance Fund Commission for the 2024 Year and Certify the 2024 Assessments**

Proposed Amendment to the Commission’s Rules & Regulations (Appendix II & Page 6) As previously discussed, the Commission Chair has requested that the Insurance Fund Commission’s Rules & Regulations (By-Laws) be amended, expanding the number of Commissioners for the Insurance Fund Commission from three (3) to five (5) Commissioners. It was agreed a change to the Rules & Regulations was necessary and a Public Hearing be held. Today is the Public Hearing for the adoption of the amendment. Included in Appendix II of the agenda is the revised Rules & Regulations with changes highlighted in **yellow**. Also attached on page 6 is Resolution 17-24, approving the amended Rules & Regulations. The resolution was reviewed by the Commission Attorney.

- Motion to open the Public Hearing on the Revised Rules & Regulations**
- Discussion on the Revision**
- Motion to close the Public Hearing**
- Motion to adopt Resolution 17-24, Approving Rules & Regulations**

2024 Renewal Contracts & Appointments - The County has informed the Executive Director’s Office that at the March 14 County Commissioners’ meetings, the County approved the following MCIC-related contracts.

Actuary – The Actuarial Advantage

Risk/Loss Control Services – J.A. Montgomery Consulting

The County has informed the Executive Director’s Office that at the March 25 County Commissioners’ meeting, a resolution is being considered for Bowman & Company (Auditor).

- ❑ **Certificate of Insurance Report (Page 7)** – Included in the agenda is the certificate of issuance report from the NJCE which lists those certificates issued for the month of February. There were four (4) certificates of insurance issued during the month.

- ❑ **Motion to approve the certificate of insurance report.**

- ❑ **New Jersey Counties Excess Joint Insurance Fund (Pages 8-12)** – The NJCE conducted its Reorganization Meeting on February 22, 2024. A summary report of the meeting is included in the agenda on pages 8-12. The NJCE is scheduled to meet again on Thursday, April 25, 2024 at 9:30 AM.

- ❑ **Boiler Inspections** - Chubb, the NJCE’s Equipment Breakdown insurer, will be conducting the annual boiler inspections. The frequency of inspections is based on a statutory schedule, which Chubb will review, and contact members as needed. Chubb has a team of 12 Equipment Breakdown Risk Engineers who hold the State of NJ Commission to perform inspections. Below is the contact information for the account leads. Chubb will generate a post-inspection report that will be distributed to Fund Commissioners and Risk Managers where applicable.

<p>Timothy Bebout Senior Equipment Breakdown Risk Engineer 609-955-6777 Timothy.bebout@chubb.com</p>	<p>Matthew Sanchez, AINS Team Lead 914-552-0982 matthew.sanchez@chubb.com</p>
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- ❑ **NJCE Assessment Payment** – The Insurance Commission’s first installment NJCE assessment payment in the amount of \$2,353,465.80 is due April 15, 2024.

- ❑ **Inservco Insurance Services, Inc. Stewardship Reports** – The Mercer County Insurance Fund Commission Stewardship Report as of 12/31/23 will be presented at the April Insurance Fund Commission meeting.

- ❑ **MCIFC Property & Casualty Financial Fast Track (Pages 13-15)** – Included in the agenda on pages 13-55 is a copy of the Financial Fast Track for the month of January. As of **January 31, 2024** the Commission has a surplus of **\$7,755,625**. Line 11 of the report “Investment in Joint Venture” is Mercer County Insurance Fund Commission’s share of equity in the NJCE. MCIFC’s equity in the NJCE as of January 31, 2024 is **\$1,082,740**. The total cash balance is **\$14,785,818**.

- ❑ **Claims Tracking Reports (Pages 16-18)** - Included in the agenda on pages 16-18 are copies of the Claim Activity Report and the Claims Management Report Expected Loss Ratio Analysis report as of January 31, 2024. The Executive Director will review the reports with the Commission.

- ❑ **Informational Items:**

- ❑ **Risk Control Site Visits** – As per the Commission Chair’s request, J.A. Montgomery conducted Risk Control site visits at the Mercer County Correctional Facility on February 28th and the Dempster Fire Training Center on March 14th. In addition, J.A, Montgomery forwarded the requested Leadership Academy Program information to the Commission Chair.

- ❑ **2024 MEL, MRHIF & NJCE Educational Seminar (Page 19)** – As a reminder the 14th Annual Educational Seminar will be held virtually again this year. This year there will be two sessions, Friday, April 19 and Friday, April 26, 9:00 AM to 12:00 PM. The link to register was e-mailed on March 1. If anyone needs the link or assistance in registering they may contact the fund office.

- ❑ **2024 Meeting Schedule** – The next Commission meeting is scheduled for Monday, April 22, 2024 at 1:30 PM.

MERCER COUNTY INSURANCE COMMISSION						
2024 PROPOSED BUDGET :						
					Total	
	Proposed Budget SIR	ANNUALIZED BUDGET FY2023	PROPOSED BUDGET FY2024		Increase/Decrease	
APPROPRIATIONS				\$	%	
I. Claims and Excess Insurance						
Claims						
1	Property	250K	145,000	170,000	25,000	17.24%
2	Liability	250K	206,000	212,000	6,000	2.91%
3	Auto	250K	133,000	132,000	(1,000)	-0.75%
4	Workers' Comp.	300K	2,719,000	3,144,500	425,500	15.65%
5	POL/EPL		58,996	58,000	(996)	-1.69%
6						
7	Subtotal - Claims		3,261,996	3,716,500	454,504	13.93%
8						
9	Premiums					
10	CEL JIF		3,034,075	3,458,670	424,595	13.99%
11						
12	SubTotal Premiums		3,034,075	3,458,670	424,595	13.99%
13	Total Loss Fund		6,296,071	7,175,170	879,099	13.96%
14						
15	II. Expenses, Fees & Contingency					
16						
17	Claims Adjustment		207,540	207,540	0	0.00%
18	Safety Director		140,827	143,644	2,817	2.00%
19	General Expense					
20	Exec. Director		180,529	184,140	3,611	2.00%
21	Actuary		8,446	8,615	169	2.00%
22	Auditor		10,428	10,637	209	2.00%
23	Attorney		0	0	0	0.00%
24	Treasurer		0	0	0	0.00%
25						
26						
27	Misc. Expense & Contingency		10,000	10,000	0	0.00%
28						
29	Total Fund Exp & Contingency		557,770	564,576	6,806	1.22%
30	Risk Managers		66,000	66,000	0	0.00%
31						
32	Total Ancilliary Coverages		447,183	459,238	12,055	2.70%
33	DIVIDEND CREDIT				0	0.00%
34						
35	Total FUND Disbursements		7,367,024	8,264,984	897,960	12.19%

MERCER COUNTY INSURANCE COMMISSION
2024 PROPOSED ASSESSMENTS -

Member Name	2023			2024			Change \$			Change %		
	NJCE & Commission	Ancillary	Total	NJCE & Commission	Ancillary	Total	NJCE & Commission	Ancillary	Total	NJCE & Commission	Ancillary	Total
Mercer County	6,675,738	395,000	7,070,738	7,530,392	405,207	7,935,599	854,654	10,207	864,861	12.80%	2.58%	12.23%
Mercer County Improvement Authority	244,103	52,183	296,286	275,355	54,031	329,386	31,252	1,848	33,100	12.80%	3.54%	11.17%
Grand Totals:	6,919,841	447,183	7,367,024	7,805,747	459,238	8,264,985	885,906	12,055	897,961	12.80%	2.70%	12.19%

RESOLUTION NO. 17-24

**MERCER COUNTY INSURANCE FUND COMMISSION
APPROVING AMENDED RULES & REGULATIONS**

WHEREAS, the MERCER COUNTY INSURANCE FUND COMMISSION (hereinafter “Insurance Fund Commission”) is duly constituted as an Insurance Commission pursuant to N.J.S.A. 40A:10-6 et seq., and pursuant to N.J.S.A. 40A:10-10(c), may adopt Rules and Regulations; and

WHEREAS, pursuant to Resolution No. 14-14, adopted on February 3, 2014, the Insurance Fund Commission adopted its initial Rules and Regulations; and

WHEREAS, pursuant to Resolution No. 29-21, adopted on August 24, 2021, the Insurance Fund Commission adopted revisions to the Rules and Regulations; and

WHEREAS, during the February 28, 2024 Insurance Fund Commission meeting, the Commission Chairman requested that Article III – Item 1. of the Insurance Fund Commission Rules and Regulations be amended to allow up to five (5) Insurance Commissioners and an Alternate Insurance Commissioner in lieu of the three (3) Insurance Commissioner requirement; and

WHEREAS, it is in the best interest of the Insurance Fund Commission to amend its Rules and Regulations to reflect the request of the Commission Chairman;

NOW, THEREFORE, BE IT RESOLVED that the attached Rules & Regulations, be and hereby are adopted as amended, to increase the number of Insurance Commissioners from three (3) to five (5) and an Alternate Insurance Commissioner within Article III – Item 1.

ADOPTED by THE MERCER COUNTY INSURANCE FUND COMMISSION at a properly noticed meeting held on March 25, 2024.

ADOPTED:

CHRISTOPHER R. MARION, CHAIR

DATE

ATTEST:

ALEJANDRA M. SILVA

DATE

From 2/1/2024 To
3/1/2024

Mercer County Insurance Comm.

Certificate of Insurance Monthly Report

Holder (H)/ Insured Name (I)	Holder / Insured Address	Description of Operations	Issue Date/ #	Coverage
H - NJ Transit, Local Programs and I - County of Mercer	Minibus Support One Penn Plaza East, 4th Floor Newark, NJ 07105	New Jersey Transit, the State of New Jersey, and any other party of interest designated by New Jersey Transit are Additional Insured on the above-referenced Commercial General Liability and Excess Liability Policies if required by written contract but only with respect to the named insured's activities or operations for claims arising out of their NJ JARC service, contingent upon an underlying written agreement with the named insured, requiring such coverage.	2/6/2024 #4402722	GL AU EX WC OTH
H - NJ Transit Leah Sheridan Local I - County of Mercer	Programs Community Mobility One Penn Plaza East 4th Floor Newark, NJ 07105	RE: Rented/Leased Vehicles Evidence of Insurance a respects to Rented/Leased Vehicles. OP5807 1FDEE3FS0HDC61923 2017 FORD E450 FX-1897 \$54,081.00 OP5803 1FDFE4FS1HDC61939 2018 FORD E450 16-1923 \$58,298.00 OP106A 1FDFE4FS2HDC65966 2017 FORD E450 FX-1924 \$58,297.00 OP5952 1FDFE4FS4HDC65967 2018 FORD E450 FX-1925 \$58,297.00 OP573B 1FDFE4FS1JDC37260 2019 FORD E450 FX-1997 \$56,550.00 OP5638 1FDEE3FS9HDC47910 2017 FORD E450 FX-1755 \$53,222.00	2/6/2024 #4402726	GL AU EX WC OTH
H - NJ Transit Leah Sheridan Local I - County of Mercer	Programs Community Mobility One Penn Plaza East 4th Floor Newark, NJ 07105	RE: Rented/Leased Vehicles Evidence of Insurance a respects to Rented/Leased Vehicles. OP5807 1FDEE3FS0HDC61923 2017 FORD E450 FX-1897 \$54,081.00 OP5803 1FDFE4FS1HDC61939 2018 FORD E450 16-1923 \$58,298.00 OP106A 1FDFE4FS2HDC65966 2017 FORD E450 FX-1924 \$58,297.00 OP5952 1FDFE4FS4HDC65967 2018 FORD E450 FX-1925 \$58,297.00 OP573B 1FDFE4FS1JDC37260 2019 FORD E450 FX-1997 \$56,550.00 OP5638 1FDEE3FS9HDC47910 2017 FORD E450 FX-1755 \$53,222.00 OP5807 1FDEE3FS0HDC61923 2017 FORD E450 FX-1897 \$54,081.00	2/8/2024 #4404623	GL AU EX WC OTH
H - County of Mercer I - County of Mercer		Evidence of Insurance	2/27/2024 #4416770	GL AU EX WC OTH
Total # of Holders: 4				



NEW JERSEY COUNTIES EXCESS JOINT INSURANCE FUND

9 Campus Drive - Suite 216
 Parsippany, NJ 07054-4412
 Telephone (201) 881-7632 Fax (201) 881-7633

Date: February 22, 2024
Memo to: Board of Commissioners
 Mercer County Insurance Commission
From: Joseph Hrubash, NJCE Executive Director
Subject: NJCE JIF February Report

MCIC Representative: Commissioner Chris Marion joined the NJCE JIF Board as Mercer County’s representative as of January 25, 2024.

2024 Reorganization: The NJCE conducted its 2024 Reorganization and adopted the respective resolutions to conduct the business of the Fund.

Certifying Election of Chair, Secretary and Executive Committee: As per the NJCE Bylaws, the total number of members exceeds seven and as such the fund can meet as an Executive Committee with a Chair, Secretary, and a five-member Executive Committee and up to four Alternate Commissioners. Executive Director noted this body historically meets as a Board of Fund Commissioners. Elections for Chair and Secretary were conducted and the Board is organized as follows:

2024 Chair, Secretary and Board of Fund Commissioners

Ross Angilella, Chair Anna Marie Wright- Alternate	Camden County Insurance Commission
Timothy Sheehan, Secretary	Gloucester County Insurance Commission
John Kelly	Ocean County Insurance Commission
Janette Kessler	Atlantic County Insurance Commission
Ashley Buono Dinna Rocco - Alternate	Burlington County Insurance Commission
Harold Johnson	Cumberland County Insurance Commission
Edmund Shea	Hudson County
Chris Marion	Mercer County Insurance Fund Commission
Laura Scutari Eugenio Esquivel - Alternate	Union County Insurance Commission
Teri O’Connor Joseph Kelly – Alternate	Monmouth County

The Board of Fund Commissioner then reorganized for Fund year 2024 and adopted the resolutions noted below.

Resolution 2-24, Certifying the Election of Chairman & Secretary

Resolution 3-24, Appointing PERMA as Agent for the Fund for Process of Service

Resolution 4-24, Designating Custodian of Fund Records

Resolution 5-24, Designating Official Newspapers for the Fund

Resolution 6-24, Fixing 2024 & 2025 Reorganization Meeting Dates - The Board of Fund Commissioners adopted the following meeting dates for 2024 and 2025 Reorganization to be held at 9:30AM virtually unless otherwise noted: April 25, 2024, June 27, 2024, September 26, 2024, October 24, 2024, November 15, 2024 and February 27, 2025 – *2025 Reorganization*.

Resolution 7-24, Designating Depositories for Fund Assets, Interest Rate, Cash Mgmt. Plan

Resolution 8-24 Designating Signatures for Fund Bank Accounts

Resolution 9-24, Indemnifying NJCE Officials/Employees

Resolution 10-24, Fund Treasurer to Process Contracted Payments/Expenses

Resolution 11-24, Appointing Fund Treasurer

Resolution 12-24, Appointing Fund Attorney

Resolution 13-24, 2024 Risk Management Plan - Underwriting Manager confirmed the changes from 2023 are accurate and highlighted the following property program changes: NJCE property retention was reduced from \$3m to \$1m, Zurich was replaced by 40 carriers representing a fully layered and shared property program and the carrier for equipment breakdown/boiler inspections is Chubb.

The renewal resolution appointing the Qualified Purchasing Agent was inadvertently omitted and will be included in the next agenda for ratification.

Executive Directors Report: The following items were discussed:

NJCE Claims Review Committee: The Claims Review Committee met prior to the Fund’s meeting. The Board of Fund Commissioners accepted the recommendations of the Claims Review Committee to approve payment or settlement authority requests. Closed Session was not required for this action.

Origami: The NJCE’s contract with Origami includes a predetermined amount of support hours for each year (March to March). This year, the hours were exhausted since PERMA’s Claims team worked extensively with Origami to accurately link primary to excess claims to provide accurate claims information to strengthen our claims data analytics as well as to improve our data for excess insurance marketing. The Board of Fund Commissioners authorized the additional expenditure to add 15 support hours for \$3,375 until the hours are renewed this coming March.

Professional Contracts/Services/Competitive Contracts: The below services were procured and authorized for a one-year term.

- Auditor and Litigation Manager will expire on or about April 30, 2024.
- Payroll Auditor and Actuary will expire on or about June 30, 2024.
- Cyber Security Consulting Services was procured via Extraordinary and Unspecifiable services for a one-year term and expires April 30, 2024. This contract will be reviewed by the Cyber Taskforce and if necessary, the Finance Committee to determine if the full scope of services has been completed as well as identify any potential future projects.

The Fund office will take appropriate procurement action to secure the respective services so that the results will be prepared by the next meeting for the Board to review and to act.

NJ Cyber JIF: On July 27, 2023, Chairman Angilella submitted a memo on behalf of the Fund to the NJ Cyber JIF Chair, requesting consideration for membership in the NJ Cyber JIF effective on January 1, 2024. The NJ Cyber Risk Control Committee met, reviewed the membership request in detail and decided to hold off on accepting new members until 2025. At the appropriate time, the NJCE JIF will approach the NJ Cyber JIF to reconsider a membership submission for January 1, 2025.

NJCE Committees:

Finance Sub Committee: A meeting of this subcommittee is scheduled for March 28th at 2pm to discuss several items.

Cyber Task Force: A meeting of this task force will be scheduled in the coming weeks to review the final draft of the Cyber Risk Management Framework and discuss the need to reappoint The Chertoff Group for Cyber Security Consultant Services. Commissioner Sheehan was the sole Commissioner serving on the task force; Commissioner Kelly of OCIC and Commissioner Marion of MCIC volunteered to serve.

Coverage Committee: This committee met several times over the course of 2023 to review the revised manuscript insurance policies, submitted feedback which was reviewed and approved by the Underwriting Manager and Technical Writer. The Technical Writer finalized the manuscript policies and were approved by the Board of Fund Commissioners in September of 2023 retroactive to 1/1/2023. The Underwriting Manager in conjunction with the Fund Office are developing the policies for release and expect to have them finalized shortly.

Safety Committee: A Safety Committee was formed at the NJCE level to compliment members' safety committees as well as foster collaboration among members. The Committee is scheduled to meet in 2024 as follows: Monday, March 11th, Monday June 10th, Monday September 9th and Monday December 9th via Zoom at 10am.

Claims Update:

2024 NJCE Claims Reporting Requirements: PERMA claims will be distributing the 2024 claims reporting requirements to Third-Party Administrators (TPAs) along with supplemental information regarding property. A copy of the reporting requirements was submitted for information.

Hurricane Ida: Zareena Majeed of PERMA Claims reported there are three remaining property claims to be settled from the September 1, 2021 event. Other joint insurance funds are experiencing similar challenges in settling these claims as well as keeping the Federal Emergency Management Agency (FEMA) involved.

NJCE Financial Fast Track: Submitted for information was the Financial Fast Track as of December 31, 2023 which reflected a statutory surplus of \$11.1 million. The Fund continues to operate in a strong position despite the large property claims that occurred in 2023. There may be additional reserve increases on property that will affect the NJCE surplus.

Boiler Inspections: Chubb, the NJCE's Equipment Breakdown insurer, will be conducting the annual boiler inspections. The frequency of inspections is based on a statutory schedule, which Chubb will review and contact members as needed. Chubb will generate a post-inspection report that will be distributed to Fund Commissioners and Risk Managers where applicable. Notify the Fund office if additional contacts should be added.

2024 Financial Disclosures: Board members and certain professionals should anticipate the online filing of the Financial Disclosure forms as both a NJCE Commissioner, as well as any County-related positions that require filing. Based on last year, it is expected the Division of Local Government Services will distribute a notice in March.

2024 MEL, MRHIF & NJCE Educational Seminar: The 14th Annual Educational Seminar will be held virtually again this year. There will be two sessions, Friday, April 19th and April 26th, 9:00 AM to 12:00PM. The seminar is expected to qualify for Continuing Education Credits including CFO/CMFO, Public Works, Clerks, Insurance Producers and Purchasing Agents.

2024 New Jersey Association of Counties Conference: The 73rd Annual Conference is scheduled to be held from May 1st to May 3rd at Caesar's in Atlantic City. The New Jersey Counties Excess Joint Insurance Fund will be exhibiting at the conference.

Best Practices Seminar: PERMA held a virtual interactive webinar on October 5, 2023 that covered several topics. anticipating holding another best practices seminar in Spring of 2025.

Membership Chart: A copy of the NJCE JIF membership chart as of 1/1/24 was submitted for information.

Closed Session – Property Payment Authority Request (PAR) & Coverage Matter: Closed Session was needed to discuss a coverage matter as well as review a property PAR greater than \$500,000 as per procedure adopted in October 2023; invited participants were the Fund Commissioners, the Fund Attorney and professional staff. During open session the Board of Fund Commissioners approved two actions: 1) Approved the PAR for claim # 2024315588 in the amount of \$2m and 2) Approved the exclusion of Engineered Materials Arresting System (EMAS) Blocks located at the Mercer County Airport and to amend the 2024 Plan of Risk Management Plan, which shall be ratified at the next meeting.

Underwriting Manager Report

Extraordinary Unspecifiable Services (EUS): The Board previously approved authorization for the Underwriting Manager to bind coverage of the 2024 renewal program. Submitted as part of the Underwriting Manager's report was the Extraordinary Unspecifiable Services (EUS) statement binding the coverage. The Board of Fund Commissioners adopted a resolution authorizing the purchase of insurances to memorialize the action taken at the January meeting.

2024 Renewal Overview Webinar: The NJCE Underwriting Manager held a webinar on February 13, 2024 and was well attended with over 50 participants. A recording of the webinar and the presentation has been posted to njce.org. For any questions, please contact the Fund office.

Risk Control Report

Safety Director submitted a report noting Risk Control Activities from December 2023 – February 2024, bulletins that were distributed and training sessions through April 2024.

2024 Safety Grant Program: J.A. Montgomery provided a recap on the 2023 successes of the grant and highlighted members' submissions of safety barricades, automated external defibrillator (AED) units and body worn cameras. Safety Director submitted a memorandum on the 2024 Grant Program

which highlighted that Munich Re increased their grant amount from \$50,000 to \$60,000. Given the popularity of the grant and that the excess renewal came in under budget, a suggestion was made to use available monies in the 2024 budget to supplement Munich Re's grant. The Board of Fund Commissioners agreed with a recommendation to authorize up to an additional \$30,000 to supplement Munich Re for a grand total of \$90,000.

WC Claims Administration Report

A report was submitted noting the billed amount, paid amount, net savings as of January 2024.

Next Meeting: The next meeting of the NJCE JIF is scheduled for April 25, 2024 at 9:30AM virtually.

MERCER COUNTY INSURANCE COMMISSION					
FINANCIAL FAST TRACK REPORT					
		AS OF	January 31, 2024		
ALL YEARS COMBINED					
		THIS MONTH	YTD CHANGE	PRIOR YEAR END	FUND BALANCE
1.	UNDERWRITING INCOME	688,749	688,749	74,540,791	75,229,540
2.	CLAIM EXPENSES				
	Paid Claims	(68,096)	(68,096)	23,724,715	23,656,620
	Case Reserves	381,649	381,649	5,418,566	5,800,215
	IBNR	(181)	(181)	2,747,201	2,747,020
	Excess Insurance Recoverable	(3,664)	(3,664)	(279,937)	(283,600)
	Discounted Claim Value	(1,436)	(1,436)	(169,399)	(170,836)
	TOTAL CLAIMS	308,272	308,272	31,441,147	31,749,419
3.	EXPENSES				
	Excess Premiums	326,492	326,492	26,615,276	26,941,768
	Administrative	51,715	51,715	5,799,059	5,850,774
	TOTAL EXPENSES	378,207	378,207	32,414,335	32,792,542
4.	UNDERWRITING PROFIT (1-2-3)	2,269	2,269	10,685,309	10,687,579
5.	INVESTMENT INCOME	0	0	0	0
6.	PROFIT (4 + 5)	2,269	2,269	10,685,309	10,687,579
7.	CEL APPROPRIATION CANCELLATION	0	0	0	0
8.	DIVIDEND INCOME	0	0	340,861	340,861
9.	DIVIDEND EXPENSE	0	0	(4,340,861)	(4,340,861)
10.	SURPLUS TRANSFER	0	0	0	0
11.	INVESTMENT IN JOINT VENTURE	0	0	1,082,740	1,082,740
12.	SURPLUS (6 + 7 + 8 - 9-10)	2,269	2,269	7,768,050	7,770,319
SURPLUS (DEFICITS) BY FUND YEAR					
	2014	0	0	626,334	626,334
	2015	0	0	666,258	666,258
	2016	0	0	1,050,150	1,050,150
	2017	0	0	2,787,338	2,787,338
	2018	0	0	2,268,619	2,268,619
	2019	(0)	(0)	1,713,285	1,713,285
	2020	(0)	(0)	363,489	363,489
	2021	0	0	(40,788)	(40,788)
	2022	(0)	(0)	(800,633)	(800,633)
	2023	(0)	(0)	(880,696)	(880,696)
	2024	2,270	2,270		2,270
TOTAL SURPLUS (DEFICITS)		2,269	2,269	7,753,356	7,755,625
TOTAL CASH					14,785,818

MERCER COUNTY INSURANCE COMMISSION					
FINANCIAL FAST TRACK REPORT					
		AS OF	January 31, 2024		
ALL YEARS COMBINED					
		THIS MONTH	YTD CHANGE	PRIOR YEAR END	FUND BALANCE
CLAIM ANALYSIS BY FUND YEAR					
FUND YEAR 2014					
	Paid Claims	751	751	2,173,159	2,173,910
	Case Reserves	(751)	(751)	60,263	59,512
	IBNR	0	0	40,000	40,000
	Excess Insurance Recoverable	0	0	0	0
	Discounted Claim Value	0	0	(1,092)	(1,092)
	TOTAL FY 2014 CLAIMS	0	0	2,272,330	2,272,330
FUND YEAR 2015					
	Paid Claims	0	0	2,772,954	2,772,954
	Case Reserves	0	0	(1)	(1)
	IBNR	0	0	50,000	50,000
	Excess Insurance Recoverable	0	0	0	0
	Discounted Claim Value	0	0	(775)	(775)
	TOTAL FY 2015 CLAIMS	0	0	2,822,178	2,822,178
FUND YEAR 2016					
	Paid Claims	12,341	12,341	3,268,645	3,280,986
	Case Reserves	(9,921)	(9,921)	326,801	316,880
	IBNR	(2,420)	(2,420)	33,720	31,300
	Excess Insurance Recoverable	0	0	0	0
	Discounted Claim Value	0	0	(4,783)	(4,783)
	TOTAL FY 2016 CLAIMS	0	0	3,624,383	3,624,383
FUND YEAR 2017					
	Paid Claims	6,907	6,907	2,487,737	2,494,644
	Case Reserves	(4,907)	(4,907)	64,314	59,407
	IBNR	(2,000)	(2,000)	58,001	56,001
	Excess Insurance Recoverable	0	0	0	0
	Discounted Claim Value	0	0	(1,881)	(1,881)
	TOTAL FY 2017 CLAIMS	0	0	2,608,171	2,608,171
FUND YEAR 2018					
	Paid Claims	556	556	2,736,084	2,736,640
	Case Reserves	(5,556)	(5,556)	58,176	52,620
	IBNR	5,000	5,000	29,247	34,247
	Excess Insurance Recoverable	0	0	(986)	(986)
	Discounted Claim Value	0	0	(1,201)	(1,201)
	TOTAL FY 2018 CLAIMS	0	0	2,821,321	2,821,321
FUND YEAR 2019					
	Paid Claims	5,018	5,018	2,623,857	2,628,875
	Case Reserves	(8,525)	(8,525)	294,983	286,459
	IBNR	3,507	3,507	100,130	103,636
	Excess Insurance Recoverable	0	0	0	0
	Discounted Claim Value	0	0	(6,826)	(6,826)
	TOTAL FY 2019 CLAIMS	0	0	3,012,143	3,012,143

MERCER COUNTY INSURANCE COMMISSION				
FINANCIAL FAST TRACK REPORT				
AS OF		January 31, 2024		
ALL YEARS COMBINED				
	THIS MONTH	YTD CHANGE	PRIOR YEAR END	FUND BALANCE
CLAIM ANALYSIS BY FUND YEAR				
FUND YEAR 2020				
Paid Claims	(28,250)	(28,250)	2,543,218	2,514,969
Case Reserves	(41,079)	(41,079)	717,956	676,876
IBNR	72,993	72,993	106,954	179,947
Excess Insurance Recoverable	(3,664)	(3,664)	(278,951)	(282,614)
Discounted Claim Value	0	0	(13,663)	(13,663)
TOTAL FY 2020 CLAIMS	0	0	3,075,515	3,075,515
FUND YEAR 2021				
Paid Claims	20,308	20,308	2,135,280	2,155,588
Case Reserves	5,175	5,175	748,423	753,597
IBNR	(25,483)	(25,483)	307,709	282,226
Excess Insurance Recoverable	0	0	0	0
Discounted Claim Value	0	0	(22,338)	(22,338)
TOTAL FY 2021 CLAIMS	0	0	3,169,073	3,169,073
FUND YEAR 2022				
Paid Claims	15,145	15,145	2,182,308	2,197,453
Case Reserves	10,380	10,380	1,593,823	1,604,203
IBNR	(25,525)	(25,525)	437,178	411,653
Excess Insurance Recoverable	0	0	0	0
Discounted Claim Value	0	0	(44,047)	(44,047)
TOTAL FY 2022 CLAIMS	0	0	4,169,263	4,169,263
FUND YEAR 2023				
Paid Claims	(103,986)	(103,986)	801,474	697,488
Case Reserves	370,347	370,347	1,553,829	1,924,176
IBNR	(266,361)	(266,361)	1,584,262	1,317,901
Excess Insurance Recoverable	0	0	0	0
Discounted Claim Value	0	0	(72,794)	(72,794)
TOTAL FY 2023 CLAIMS	0	0	3,866,771	3,866,771
FUND YEAR 2024				
Paid Claims	3,113	3,113		3,113
Case Reserves	66,487	66,487		66,487
IBNR	240,108	240,108		240,108
Excess Insurance Recoverable	0	0		0
Discounted Claim Value	(1,436)	(1,436)		(1,436)
TOTAL FY 2024 CLAIMS	308,272	308,272	0	308,272
COMBINED TOTAL CLAIMS	308,272	308,272	31,441,147	31,749,419
This report is based upon information which has not been audited nor certified by an actuary and as such may not truly represent the condition of the fund.				
Fund Year 2020 Claims reflect anticipated recoverable amounts from the CEL of \$449,951 for COVID 19 Workers Compensation claims.				

Mercer County Insurance Commission

CLAIM ACTIVITY REPORT

January 31, 2024

COVERAGE LINE - PROPERTY												
CLAIM COUNT - OPEN CLAIMS												
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	0	0	0	0	0	0	1	1	6	13	0	21
January-24	0	0	0	0	0	0	1	1	5	14	2	23
NET CHGE	0	0	0	0	0	0	0	0	-1	1	2	2
Limited Reserves												\$15,572
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	\$0	\$0	\$0	\$0	\$0	\$0	\$1	\$0	\$6	\$145,453	\$0	\$145,460
January-24	\$0	\$0	\$0	\$0	\$0	\$0	\$1	\$0	\$5	\$350,649	\$7,500	\$358,155
NET CHGE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$1)	\$205,196	\$7,500	\$212,695
Ltd Incurred	\$19,066	\$1,802	\$99	\$75,405	\$75,275	\$19,053	\$260,368	\$140	\$392,884	\$470,679	\$7,500	\$1,322,271
COVERAGE LINE - GENERAL LIABILITY												
CLAIM COUNT - OPEN CLAIMS												
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	0	0	2	0	2	2	7	6	6	13	0	38
January-24	0	0	2	0	1	2	6	7	6	14	0	38
NET CHGE	0	0	0	0	-1	0	-1	1	0	1	0	0
Limited Reserves												\$12,331
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	\$0	\$0	\$199,538	\$0	\$10,000	\$12,618	\$135,505	\$37,000	\$40,879	\$139,292	\$0	\$574,833
January-24	\$0	\$0	\$191,404	\$0	\$5,000	\$11,168	\$33,005	\$43,468	\$40,879	\$143,660	\$0	\$468,585
NET CHGE	\$0	\$0	(\$8,135)	\$0	(\$5,000)	(\$1,450)	(\$102,500)	\$6,468	\$0	\$4,368	\$0	(\$106,248)
Ltd Incurred	\$78,677	\$113,410	\$339,592	\$95,318	\$117,642	\$44,353	\$73,644	\$213,563	\$43,235	\$153,949	\$0	\$1,273,383
COVERAGE LINE - AUTO LIABILITY												
CLAIM COUNT - OPEN CLAIMS												
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	0	0	0	0	0	0	1	1	0	6	0	8
January-24	0	0	0	0	0	0	1	1	0	7	0	9
NET CHGE	0	0	0	0	0	0	0	0	0	1	0	1
Limited Reserves												\$54,611
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	\$0	\$0	\$0	\$0	\$0	\$0	\$200,243	\$5,000	\$0	\$285,000	\$0	\$490,243
January-24	\$0	\$0	\$0	\$0	\$0	\$0	\$202,000	\$5,000	\$0	\$284,500	\$0	\$491,500
NET CHGE	\$0	\$0	\$0	\$0	\$0	\$0	\$1,757	\$0	\$0	(\$500)	\$0	\$1,257
Ltd Incurred	\$10,891	\$6,969	\$268,228	\$39,591	\$12,153	\$28,923	\$205,093	\$9,687	\$33,043	\$290,585	\$0	\$905,164
COVERAGE LINE - WORKERS COMP.												
CLAIM COUNT - OPEN CLAIMS												
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	2	0	6	5	3	7	32	18	33	40	0	146
January-24	2	0	6	5	3	6	32	19	34	43	9	159
NET CHGE	0	0	0	0	0	-1	0	1	1	3	9	13
Limited Reserves												\$29,382
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	\$60,263	\$0	\$127,262	\$64,313	\$48,176	\$282,365	\$575,698	\$706,422	\$1,560,338	\$979,200	\$0	\$4,404,038
January-24	\$59,512	\$0	\$125,476	\$59,407	\$47,620	\$275,291	\$631,698	\$705,129	\$1,563,319	\$1,145,366	\$58,987	\$4,671,803
NET CHGE	(\$751)	\$0	(\$1,787)	(\$4,907)	(\$556)	(\$7,075)	\$56,000	(\$1,294)	\$2,981	\$166,166	\$58,987	\$267,765
Ltd Incurred	\$2,124,369	\$2,650,772	\$2,989,946	\$2,343,736	\$2,587,541	\$2,823,004	\$2,370,125	\$2,685,795	\$3,332,494	\$1,706,360	\$62,100	\$25,676,241
TOTAL ALL LINES COMBINED												
CLAIM COUNT - OPEN CLAIMS												
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	2	0	8	5	5	9	41	26	45	72	0	213
January-24	2	0	8	5	4	8	40	28	45	78	11	229
NET CHGE	0	0	0	0	-1	-1	-1	2	0	6	11	16
Limited Reserves												\$26,157
Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	TOTAL
December-23	\$60,263	\$0	\$326,801	\$64,313	\$58,176	\$294,983	\$911,447	\$748,422	\$1,601,223	\$1,548,946	\$0	\$5,614,574
January-24	\$59,512	\$0	\$316,880	\$59,407	\$52,620	\$286,459	\$866,704	\$753,597	\$1,604,203	\$1,924,176	\$66,487	\$5,990,043
NET CHGE	(\$751)	\$0	(\$9,921)	(\$4,907)	(\$5,556)	(\$8,525)	(\$44,743)	\$5,175	\$2,980	\$375,230	\$66,487	\$375,469
Ltd Incurred	\$2,233,002	\$2,772,953	\$3,597,865	\$2,554,050	\$2,792,611	\$2,915,333	\$2,909,230	\$2,909,185	\$3,801,656	\$2,621,573	\$69,600	\$29,177,059

FUND YEARS 2020 2021 2022 2023 2024

Mercer County Insurance Commission CLAIMS MANAGEMENT REPORT EXPECTED LOSS RATIO ANALYSIS

AS OF January 31, 2024

CURRENT FUND YEAR 2020 -- LOSSES CAPPED AT RETENTION

2020	Budget	Current			MONTH TARGETED	Last Month			MONTH TARGETED	Last Year			MONTH TARGETED			
		Unlimited Incurred	Limited Incurred	Actual 31-Jan-24		Unlimited Incurred	Limited Incurred	Actual 31-Dec-23		Unlimited Incurred	Limited Incurred	Actual 31-Dec-22				
PROPERTY	108,000	260,368	260,368	241.08%	108,000	100.00%	260,367	260,367	241.08%	108,000	100.00%	0	0	0.00%	108,000	100.00%
GEN LIABILITY	134,000	73,644	73,644	54.96%	128,624	95.99%	149,894	149,894	111.86%	128,242	95.70%	18,763	18,763	14.00%	121,641	90.78%
AUTO LIABILITY	104,000	205,093	205,093	197.20%	96,645	92.93%	203,336	203,336	195.52%	96,278	92.58%	202,336	202,336	194.55%	91,276	87.77%
WORKER'S COMP	2,765,000	2,820,076	2,370,125	85.72%	2,750,149	99.46%	2,818,576	2,818,576	101.94%	2,748,509	99.40%	2,850,445	2,850,445	103.09%	2,717,178	98.27%
TOTAL ALL LINES	3,111,000	3,359,181	2,909,230	93.51%	3,083,418	99.11%	3,432,173	3,432,173	110.32%	3,081,029	99.04%	3,071,543	3,071,543	98.73%	3,038,095	97.66%
NET PAYOUT %	\$2,232,354															71.76%

CURRENT FUND YEAR 2021 -- LOSSES CAPPED AT RETENTION

2021	Budget	Current			MONTH TARGETED	Last Month			MONTH TARGETED	Last Year			MONTH TARGETED			
		Unlimited Incurred	Limited Incurred	Actual 31-Jan-24		Unlimited Incurred	Limited Incurred	Actual 31-Dec-23		Unlimited Incurred	Limited Incurred	Actual 31-Dec-22				
PROPERTY	125,000	140	140	0.11%	125,000	100.00%	140	140	0.11%	125,000	100.00%	0	0	0.00%	125,000	100.00%
GEN LIABILITY	156,000	213,563	213,563	136.90%	141,612	90.78%	206,063	206,063	132.09%	140,629	90.15%	8,631	8,631	5.53%	125,654	80.55%
AUTO LIABILITY	114,000	9,687	9,687	8.50%	100,053	87.77%	9,687	9,687	8.50%	99,390	87.18%	4,687	4,687	4.11%	88,606	77.72%
WORKER'S COMP	2,806,000	2,685,795	2,685,795	95.72%	2,757,469	98.27%	2,667,813	2,667,813	95.08%	2,752,600	98.10%	3,029,212	3,029,212	107.95%	2,643,180	94.20%
TOTAL ALL LINES	3,201,000	2,909,185	2,909,185	90.88%	3,124,133	97.60%	2,883,702	2,883,702	90.09%	3,117,619	97.40%	3,042,530	3,042,530	95.05%	2,982,440	93.17%
NET PAYOUT %	\$2,155,588															67.34%

CURRENT FUND YEAR 2022 -- LOSSES CAPPED AT RETENTION

2022	Budget	Current			MONTH TARGETED	Last Month			MONTH TARGETED	Last Year			MONTH TARGETED			
		Unlimited Incurred	Limited Incurred	Actual 31-Jan-24		Unlimited Incurred	Limited Incurred	Actual 31-Dec-23		Unlimited Incurred	Limited Incurred	Actual 31-Dec-22				
PROPERTY	145,000	257,917	257,917	177.87%	145,000	100.00%	392,885	392,885	270.95%	145,000	100.00%	0	0	0.00%	138,663	95.63%
GEN LIABILITY	206,000	0	0	0.00%	165,928	80.55%	43,235	43,235	20.99%	163,544	79.39%	27,735	27,735	13.46%	128,213	62.24%
POL/EPL	58,996															
AUTO LIABILITY	133,000	3,332,494	3,332,494	2505.63%	103,373	77.72%	33,043	33,043	24.84%	101,666	76.44%	35,117	35,117	26.40%	72,036	54.16%
WORKER'S COMP	2,719,000	3,801,656	3,801,656	139.82%	2,561,228	94.20%	3,314,368	3,314,368	121.90%	2,542,547	93.51%	3,138,294	3,138,294	115.42%	1,906,866	70.13%
TOTAL ALL LINES	3,261,996	7,392,067	7,392,067	226.61%	2,975,530	91.22%	3,783,531	3,783,531	115.99%	2,952,758	90.52%	3,201,147	3,201,147	98.13%	2,245,778	68.85%
NET PAYOUT %	\$0															0.00%

CURRENT FUND YEAR 2023 -- LOSSES CAPPED AT RETENTION

2023	Budget	Current			MONTH TARGETED	Last Month			MONTH TARGETED	Last Year			MONTH TARGETED			
		Unlimited Incurred	Limited Incurred	Actual 31-Jan-24		Unlimited Incurred	Limited Incurred	Actual 31-Dec-23		Unlimited Incurred	Limited Incurred	Actual 31-Dec-22				
PROPERTY	145,000	470,679	470,679	324.61%	138,663	95.63%	265,179	265,179	182.88%	138,095	95.24%	0	0	0.00%	8,700	6.00%
GEN LIABILITY	206,000	153,949	153,949	74.73%	128,213	62.24%	145,699	145,699	70.73%	123,969	60.18%	0	0	0.00%	2,060	1.00%
POL/EPL	58,996	0	0	0.00%	36,719	62.24%	0	0	0.00%	#N/A	#N/A	0	0	0.00%	#N/A	#N/A
AUTO LIABILITY	133,000	290,585	290,585	218.48%	72,036	54.16%	290,085	290,085	218.11%	68,052	51.17%	0	0	0.00%	1,330	1.00%
WORKER'S COMP	2,719,000	1,706,360	1,706,360	62.76%	1,906,866	70.13%	1,424,457	1,424,457	52.39%	1,742,167	64.07%	19,700	19,700	0.72%	13,595	0.50%
TOTAL ALL LINES	3,261,996	2,621,573	2,621,573	80.37%	2,282,497	69.97%	2,125,420	2,125,420	65.16%	#N/A	#N/A	19,700	19,700	0.60%	#N/A	#N/A
NET PAYOUT %	\$697,398															21.38%

CURRENT FUND YEAR 2024 -- LOSSES CAPPED AT RETENTION

2024	Budget	Current			MONTH TARGETED	Last Month			MONTH TARGETED	Last Year			MONTH TARGETED			
		Unlimited Incurred	Limited Incurred	Actual 31-Jan-24		Unlimited Incurred	Limited Incurred	Actual 31-Dec-23		Unlimited Incurred	Limited Incurred	Actual 31-Dec-22				
PROPERTY	148,000	7,500	7,500	5.07%	8,880	6.00%	0	0	0.00%	0	0.00%			N/A	N/A	N/A
GEN LIABILITY	184,000	0	0	0.00%	1,840	1.00%	0	0	0.00%	0	0.00%			N/A	N/A	N/A
POL/EPL	58,000	0	0	0.00%	580	1.00%	0	0	0.00%	#N/A	#N/A			N/A	N/A	N/A
AUTO LIABILITY	115,000	0	0	0.00%	1,150	1.00%	0	0	0.00%	0	0.00%			N/A	N/A	N/A
WORKER'S COMP	2,930,000	62,100	62,100	2.12%	14,650	0.50%	0	0	0.00%	0	0.00%			N/A	N/A	N/A
TOTAL ALL LINES	3,435,000	69,600	69,600	2.03%	27,100	0.79%	0	0	0.00%	#N/A	#N/A	0	0	N/A	N/A	N/A
NET PAYOUT %	\$3,113															0.09%



AVAILABLE ONLINE AT NO COST TO MEMBERS

SAVE THE DATES

14th Annual MEL, MRHIF & NJCE Educational Seminar

FRIDAY, APRIL 19 ▶ 9:00 AM – NOON

FRIDAY, APRIL 26 ▶ 9:00 AM – NOON

Designed specifically for elected officials, commissioners, municipal, county and authority personnel, risk managers and related professionals.

The seminar is expected to be eligible for the following continuing education credits:

- CFO/CMFO Public Works and Clerks
- Insurance Producers
- Accountants (CPA) and Lawyers (CLE)
- Water Supply and Wastewater Licensed Operators (Total Contract Hours)
- Registered Public Purchasing Officials (RPPO)
- Qualified Purchasing Agents (QPA)

TO REGISTER

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**NEW JERSEY COUNTIES
EXCESS JOINT INSURANCE FUND**

AGENDA

FRIDAY, APRIL 19

- Keynote Address
- Ethics
- Benefits Issues

FRIDAY, APRIL 26

- JIF Governance
- Status of Insurance Markets
- Legislative Issues
- Coverage Overview
- Claims Concerns
- Risk Control Update
- Cyber Update

THE POWER OF
COLLABORATION

njmel.org

**MERCER COUNTY INSURANCE FUND COMMISSION
BILLS LIST**

Resolution No. 18-24

MARCH 2024

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

BE IT RESOLVED that the Mercer County Insurance Fund Commission, 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 Commission.

FUND YEAR 2024

<u>CheckNumber</u>	<u>VendorName</u>	<u>Comment</u>	<u>InvoiceAmount</u>
000952			
000952	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR 03/24	15,345.00
			15,345.00
000953			
000953	THE ACTUARIAL ADVANTAGE	ACTUARIAL SERVICES 03/24	717.91
000953	THE ACTUARIAL ADVANTAGE	ACTUARIAL SERVICES 01/24	717.91
000953	THE ACTUARIAL ADVANTAGE	ACTUARIAL SERVICES 02/24	717.91
			2,153.73
000954			
000954	INSERVCO INSURANCE SERVICES	CLAIMS SERVICE FEE 03/24 INV 0396-0324	17,295.00
000954	INSERVCO INSURANCE SERVICES	CLAIMS SERVICE FEE 01/24 INV 0396-0124	17,295.00
000954	INSERVCO INSURANCE SERVICES	CLAIM SERVICE FEE 02/24 INV 0396-0224	17,295.00
			51,885.00
000955			
000955	PACKET MEDIA	CAMPAIGN 95854 AD 3/15/24-IN 39280	19.78
000955	PACKET MEDIA	CAMPAIGN 95298- DATE 2/23/24 INV IN38202	10.00
			29.78
000956			
000956	21ST CENTURY MEDIA-PHILLY CLUSTER	ACCT 896855 AD 257680 2/22/24	12.95
			12.95
000957			
000957	J.A. MONTGOMERY RISK CONTROL	CONSULTING FEE INV 596296 03/24	11,970.42
000957	J.A. MONTGOMERY RISK CONTROL	CONSULTING FEE INV 596294 01/24	11,970.42
000957	J.A. MONTGOMERY RISK CONTROL	CONSULTING FEE INV 596295 02/24	11,970.42
			35,911.26
000958			
000958	NJ ADVANCE MEDIA	ACCT 1153600- AD 10832524 2/25/24	44.82
			44.82
		Total Payments FY 2024	105,382.54
		TOTAL PAYMENTS ALL FUND YEARS	105,382.54

Chairperson

Attest:

Dated: _____

I hereby certify the availability of sufficient unencumbered funds in the proper accounts to fully pay the above claims.

Treasurer

MERCER COUNTY INSURANCE COMMISSION
SUMMARY OF CASH TRANSACTIONS - ALL FUND YEARS COMBINED

Current Fund Year: 2024 Month Ending: January								
	Property	Liability	Auto	Worker's Comp	NJ CEL	Admin	POL/EPL	TOTAL
OPEN BALANCE	339,606.43	792,560.34	841,548.22	12,747,245.31	4,861.95	165,555.76	115,150.00	15,006,528.01
RECEIPTS								
Assessments	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Refunds	0.00	0.00	0.00	64,200.28	0.00	0.00	0.00	64,200.28
Invest Pymnts	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Invest Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal Invest	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other *	(224,605.90)	0.00	0.00	0.00	0.00	0.00	0.00	(224,605.90)
TOTAL	(224,605.90)	0.00	0.00	64,200.28	0.00	0.00	0.00	(160,405.62)
EXPENSES								
Claims Transfers	(224,605.90)	41,148.31	1,000.00	178,561.95	0.00	0.00	0.00	(3,895.64)
Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other *	0.00	0.00	0.00	64,200.28	0.00	0.00	0.00	64,200.28
TOTAL	(224,605.90)	41,148.31	1,000.00	242,762.23	0.00	0.00	0.00	60,304.64
END BALANCE	339,606.43	751,412.03	840,548.22	12,568,683.36	4,861.95	165,555.76	115,150.00	14,785,817.75

SUMMARY OF CASH AND INVESTMENT INSTRUMENTS				
MERCER COUNTY INSURANCE COMMISSION				
ALL FUND YEARS COMBINED				
CURRENT MONTH	January			
CURRENT FUND YEAR	2024			
	Description:	MCIFC General A/C	MCIFC Claims A/C	
	ID Number:			
	Maturity (Yrs)			
	Purchase Yield:			
	TOTAL for All			
	Accts & instruments			
Opening Cash & Investment Balance	\$15,006,527.82	13,542,409.61	1,464,118.21	
Opening Interest Accrual Balance	\$0.00	-	-	
1 Interest Accrued and/or Interest Cost	\$0.00	\$0.00	\$0.00	\$0.00
2 Interest Accrued - discounted Instr.s	\$0.00	\$0.00	\$0.00	\$0.00
3 (Amortization and/or Interest Cost)	\$0.00	\$0.00	\$0.00	\$0.00
4 Accretion	\$0.00	\$0.00	\$0.00	\$0.00
5 Interest Paid - Cash Instr.s	\$0.00	\$0.00	\$0.00	\$0.00
6 Interest Paid - Term Instr.s	\$0.00	\$0.00	\$0.00	\$0.00
7 Realized Gain (Loss)	\$0.00	\$0.00	\$0.00	\$0.00
8 Net Investment Income	\$0.00	\$0.00	\$0.00	\$0.00
9 Deposits - Purchases	\$83,099.55	\$0.00	\$83,099.55	
10 (Withdrawals - Sales)	-\$303,809.81	-\$83,099.55	-\$220,710.26	
Ending Cash & Investment Balance	\$14,785,817.56	\$13,459,310.06	\$1,326,507.50	
Ending Interest Accrual Balance	\$0.00	\$0.00	\$0.00	
Plus Outstanding Checks	\$206,918.54	\$703.87	\$206,214.67	
(Less Deposits in Transit)	\$0.00	\$0.00	\$0.00	
Balance per Bank	\$14,992,736.10	\$13,460,013.93	\$1,532,722.17	

RESOLUTION NO. 19-24

**MERCER COUNTY INSURANCE FUND COMMISSION
AUTHORIZING DISCLOSURE OF LIABILITY CLAIMS CHECK REGISTER**

WHEREAS, the MERCER COUNTY INSURANCE FUND COMMISSION (hereinafter "MCIFC") is duly constituted as an Insurance Commission pursuant to N.J.S.A. 40A:10-6 et seq.; and

WHEREAS, the MCIFC is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act requires all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides a public body may permissibly exclude the public from a portion of a meeting at which the public body discusses items per the Open Public Meetings Act at N.J.S.A. 10:4-12.b.(1) thru (9) recognized as requiring confidentiality, and

WHEREAS, it is necessary and appropriate for the MCIFC to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12.b.(7); and

WHEREAS, the MCIFC is a public agency which must comply with the Open Public Records Act (OPRA) N.J.S.A. 47: 1A-1 to -13; and

WHEREAS, the MCIFC must comply with OPRA and reported New Jersey Case Law interpreting same; and

WHEREAS, the MCIFC did hold a closed session from which the public was excluded on February 24, 2024 at which time certain items were discussed as were referenced in a separate resolution authorizing said closed session and it being determined certain liability & property claim payment information can be made public at this time; and

NOW THEREFORE BE IT RESOLVED by the Commissioners of said MERCER County Insurance Fund Commission pursuant to both the Open Public Meetings Act and the Open Public Records Act as follows:

The attached financial transaction logs generated by third party administrator Inservco Insurances Inc. for the period February 1, 2024 to February 29, 2024 related to all non-workers compensation payments are hereby approved for distribution to the listed claimants and for disclosure to the general public

ADOPTED by THE MERCER COUNTY INSURANCE FUND COMMISSION at a properly noticed meeting held on March 25, 2024.

CHRISTOPHER R. MARION, CHAIR

DATE

ATTEST:

ALEJANDRA M. SILVA

DATE

Mercer County Ins Fund Comm - 396
Financial Transaction Log - Liability Claim Payments
Monthly / Detail / By Coverage / By Payment Type / By Check Number
02/01/2024 Thru 02/29/2024

Type	Check #	Claim #	Claimant Name	From Date	To Date	Payee Name	Trans. Date	Payment Description	Amt. Requested	Amt. Paid
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Inservco Report Terminology

Reporting Name	Business Name	Business Description
Amount/Amt Paid	Amount Paid	Amount actually paid or received
Amount/Amt Requested	Amount Requested	Amount requested to be paid
As Of Date/To Date	Report End Date	Ending date of transactions on report; usually month end
Payment Type	Type	Types of transactions--Computer, Manual, Refund, Recovery, Stop Pay, Void
Report Begin Date	Report Begin Date	Beginning date of transactions on report; usually beginning of month or inception
Trans Date	Transaction Date	Issue date for computer issued payments and add date for all other type entries

Mercer County Ins Fund Comm - 396
Financial Transaction Log - Liability Claim Payments
Monthly / Detail / By Coverage / By Payment Type / By Check Number
02/01/2024 Thru 02/29/2024

Type	Check #	Claim #	Claimant Name	From Date	To Date	Payee Name	Trans. Date	Payment Description	Amt. Requested	Amt. Paid
Coverage: Auto Liability										
C	40009	3960003147 001	PEPPERS, BRUCE	3/12/2024	3/12/2024	COMPREHENSIVE DIAGNOSTIC	2/12/2024	INVOICE# 057662	1,850.00	1,850.00
Total for Coverage: Auto Liability							Number of entries: 1		1,850.00	1,850.00
Coverage: Police Professional										
C	40010	3960004680 001	CRISPINO, ALEXANDRIA	8/11/2023	8/11/2023	ALEXANDRIA CRISPINO	2/12/2024	SETTLEMENT	1,000.00	1,000.00
Total for Coverage: Police Professional							Number of entries: 1		1,000.00	1,000.00
Total for Mercer County Ins Fund Comm - 396							Number of entries: 2		2,850.00	2,850.00



First MCO Bill Review Services
 MERCER CO INS COMM
 Medical Savings by Month
 NJ

Month of Reprice Service	Provider Billed Amount	First MCO Repriced	U & C / Fee Schedule	Savings	% of Savings	# of Bills	In Network	Out Of Network	% PPO Penetration	# of Appeals	FMCO Fee	Net Savings
2018 & Prior	\$5,026,923	\$2,584,593	\$5,510,011	\$2,442,329	49%	4,520	3,850	670	85%	78	\$486,809	\$1,955,521
Total 2019	\$2,069,874	\$1,022,019	\$2,189,736	\$1,047,855	51%	1,014	882	132	87%	38	\$209,572	\$838,283
Total 2020	\$1,190,605	\$642,820	\$1,536,308	\$548,501	46%	914	822	92	90%	18	\$109,657	\$438,844
Total 2021	\$2,354,049	\$1,211,244	\$2,506,922	\$1,142,805	49%	1,008	934	74	93%	8	\$228,562	\$914,243
Total 2022	\$1,669,759	\$795,694	\$1,625,762	\$874,065	52%	964	911	53	95%	10	\$174,813	\$699,251
Total 2023	\$1,062,002	\$474,972	\$1,015,811	\$587,030	55%	805	778	27	97%	18	\$116,836	\$470,194
Jan-24	\$173,462	\$69,617	\$145,124	\$103,845	60%	71	69	2	97%	0	\$20,769	\$83,076
Feb-24	\$164,626	\$58,869	\$160,945	\$105,757	64%	80	71	9	89%	0	\$21,151	\$84,606
Total 2024	\$338,088	\$128,486	\$306,069	\$209,602	62%	151	140	11	93%	0	\$41,920	\$167,682
Total to Date	\$13,711,301	\$6,859,829	\$14,690,619	\$6,852,188	50%	9,376	8,317	1,059	89%	170	\$1,368,169	\$5,484,018

Report Run Date:03/01/2024

mcc



SAFETY DIRECTOR REPORT

MERCER COUNTY INSURANCE FUND COMMISSION

TO: Fund Commissioners

FROM: J.A. Montgomery Consulting, Safety Director

DATE: March 18, 2024

DATE OF MEETING: March 25, 2024

MCIFC SERVICE TEAM

Paul Shives, Vice President, Safety Services pshives@jamontgomery.com Office: 732-736-5213	Mailing Address: TRIAD 1828 CENTRE Cooper Street, 18 th Floor Camden, NJ 08102 P.O. Box 99106 Camden, NJ 08101	Keith Hummel, Associate Director Public Sector khummel@jamontgomery.com Office: 856-552-6862
Liam Callahan (<i>Primary Contact</i>), Senior Risk Control Consultant lcallahan@jamontgomery.com Office: 732-660-5020		Matthew Genna, Risk Control Consultant mgenna@jamontgomery.com Office: 732-736-5265
Natalie Dougherty, Senior Risk Operations Analyst ndougherty@jamontgomery.com Office: 856-552-4738		Glenn Prince, Assistant Director gprince@jamontgomery.com Office: 856-552-4744 Cell: 609-238-3949

February - March 2024

RISK CONTROL ACTIVITIES

MEETINGS ATTENDED / TRAINING / LOSS CONTROL VISITS CONDUCTED

- **February 28:** Plan to attend the MCIFC meeting.
- **February 28:** Plan to attend the MCIFC Claims Committee meeting.
- **February 28:** Conducted a Loss Control Survey at the MCIFC Correctional Facility.
- **March 12:** Attended the MCIFC Safety & Accident Review Committee Meeting

UPCOMING MEETINGS / TRAINING / LOSS CONTROL VISITS PLANNED

- **March 18:** One CPR/FA class is scheduled for MCIFC Parks Commission.
- **March 18:** Plan to conduct a Loss Control Survey at Mercer Oaks.
- **March 20:** Plan to conduct a Loss Control Survey at MCIFC Parks Department.
- **March 21:** One CPR/FA class is scheduled for MCIFC Parks Commission.

- **March 25:** Plan to attend the MCIFC meeting.
- **March 25:** Plan to attend the MCIFC Claims Committee meeting.
- **March 25:** One CPR/FA class is scheduled for MCIFC Parks Commission.

SAFETY DIRECTOR BULLETINS

Safety Director Bulletins and Messages are distributed by e-mail to Executive Directors, Fund Commissioners, Risk Managers and Training Administrators. They can be viewed at <https://njce.org/safety/safety-bulletins/>.

- NJCE JIF - JAM SD Bulletin: Catalytic Converter Theft – February 26.
- NJCE JIF - JAM SD Bulletin: Daniel's Law in New Jersey: Requirements & Challenges – February 27.
- NJCE JIF - Training Announcement -MSI/NJCE EXPO (Atlantic Cape Community College - Cape May Campus) – March 4.
- NJCE JIF - JAM SD Bulletin: Respirators - Counterfeit P100 Filters – March 13.
- NJCE JIF - JAM SD Bulletin: Emergency Eyewash Stations & Showers Best Practices – March 18.

NJCE LIVE SAFETY TRAINING

We are offering the majority of the NJCE JIF training catalog on a Virtual platform through Zoom. In-Person training will be held via the MSI-NJCE Expos and are scheduled throughout New Jersey - [2024 MSI-NJCE Expo Flyer.pdf](#).

- Excavation, Trenching, and Shoring (4 hours)
- Forklift Train the Trainer (5-6 hours)
- Flagger Workzone Safety (4 hours)

Virtual classes feature 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 NJCE LIVE virtual offerings have been awarded continuing education credits for municipal designations and certifications.

The live virtual monthly training schedules and registration links are available on the NJCE.org website under the “Safety” tab: [NJCE Live Monthly Training Schedules](#). Please register early, under-attended classes will be canceled. *(March thru May 2024 Live Training Schedules and Registration Links are attached).*

To maintain the integrity of the NJCE classes and our ability to offer CEUs, we must abide by the rules of the State agency that issued the designation. Most important 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.**

NJCE LEADERSHIP ACADEMY

J.A. Montgomery Consulting and the NJCE JIF have created the NJCE Leadership Academy for Managers, Administrators, Department Heads, and Supervisors interested in sharpening and expanding communication, conflict resolution, stress management, and team-building skills. The goal is to enhance leadership skills by offering participants varied and in-depth training.

Open Enrollment Dates: Open Enrollment for the NJCE Leadership Academy will be available during the following time frames:

- June 1 - 22, 2024 (Start Date: July 1, 2024)

The Registration Form will be available to download and complete during these time frames and can be found on the dedicated NJCE Leadership Academy webpage: [NJCE Leadership Academy](#).

Please Note: If a class link is not present on the Monthly Training Schedules or a class date/location is not showing on the NJCE LMS the class may not be offered/available yet so please check back.

The Safety Leadership Plaques will be distributed once a year starting in 2023. More details to follow, thank you. For more information and details on the Program please visit the NJCE Leadership Academy webpage: [NJCE Leadership Academy](#).



New NJCE Learning Management System (LMS)

The New NJCE LMS (BIS) launched on May 1st. J.A. Montgomery has uploaded LMS FAQ's, video tutorials to <https://njce.org/safety/>. If you have any questions or need further assistance, please contact Natalie Dougherty ndougherty@jamontgomery.com.

As a reminder the New Jersey Counties Excess (NJCE) JIF is offering the majority of the training catalog on a Live Virtual platform through Zoom. Monthly Training Schedules are on the NJCE.org website (under the Safety tab).

*In-Person training is being held via the MSI-NJCE Expo. These Expos are scheduled throughout the state and are for training programs that are not available virtually. **Please Note: Registration for in-person* classes will be completed through Eventbrite, by clicking on the Training Topic registration link(s) below.**

For more information on training and other safety resources please visit the Safety portion of the NJCE.org website: <https://njce.org/safety> and for a direct link to the Monthly Training Schedules go to: [NJCE LIVE Monthly Training Schedules](#)

NOTE: If a class registration link is not taking you to a registration page for completion it means that the class was either cancelled or the class is full, Thank you.

March thru May 2024 Safety Training Schedule
Click on the "Training Topic" to Register and for the Course Description

DATE	TRAINING TOPIC	TIME
3/18/24	Hearing Conservation	8:30 - 9:30 am
3/18/24	Bloodborne Pathogens	10:00 - 11:00 am
3/18/24	Introduction to Understanding Conflict	1:00 - 3:00 pm
3/19/24	CDL: Drivers' Safety Regulations	8:30 - 10:30 am
3/19/24	Flagger Skills and Safety	11:00 - 12:00 pm
3/19/24	Hazard Communication/Globally Harmonized System (GHS)	1:00 - 2:30 pm
3/20/24	Shop and Tool Safety	7:30 - 8:30 am
3/20/24	Employee Conduct and Violence Prevention in the Workplace	9:00 - 10:30 am
3/20/24	Protecting Children from Abuse In New Jersey Local Government Programs	9:30 - 11:30 am
3/20/24	Personal Protective Equipment	1:00 - 3:00 pm
3/21/24	Accident Investigation	9:00 - 11:00 am
3/21/24	Lock Out/Tag Out (Control of Hazardous Energy)	1:00 - 3:00 pm
3/22/24	Driving Safety Awareness	1:00 - 2:30 pm
3/25/24	HazMat Awareness with Hazard Communication/Globally Harmonized System (GHS)	8:30 - 11:30 am
3/25/24	Fall Protection Awareness	1:00 - 3:00 pm
3/26/24	Harassment in the Workplace for Elected Officials, Managers, & Supervisors (Middlesex)*	9:00 - 11:00 am
3/26 – 3/27/24	NJCE: Leadership Skills for Supervisors Workshop – 2 DAY (Ocean County) *	9:00 - 3:30 pm
3/26/24	Confined Space Entry	8:30 - 11:30 am
3/26/24	Fire Extinguisher Safety	1:00 - 2:00 pm
3/27/24	Mower Safety	8:30 - 9:30 am
3/27/24	Chipper Safety	10:00 - 11:00 am
3/27/24	Bloodborne Pathogens	1:00 - 2:00 pm
3/28/24	Hazard Communication/Globally Harmonized System (GHS)	7:30 - 9:00 am
3/28/24	Ladder Safety/Walking & Working Surfaces	9:30 - 11:30 am
3/28/24	Special Event Management	1:00 - 3:00 pm
4/2/24	Back Safety/Material Handling	9:00 - 10:00 am

4/2/24	Bloodborne Pathogens	10:30 - 11:30 am
4/2/24	Mower Safety	7:30 - 8:30 am
4/2/24	Work Zone: Temporary Traffic Controls	1:00 - 3:00 pm
4/3/24	MSI-NJCE Expo 2024: Excavation, Trenching, and Shoring (Morris)*	8:30 - 12:30 pm
4/3/24	MSI-NJCE Expo 2024: Fast Track to Safety (HazCom, BBP, Fire Safety, LOTO) (Morris)*	8:30 - 12:30 pm
4/3/24	MSI-NJCE Expo 2024: Flagger and Work Zone Safety (Morris)*	8:30 - 12:30 pm
4/3/24	MSI-NJCE Expo 2024: Practical Leadership - 21 Irrefutable Laws (Morris)*	8:30 - 11:30 am
4/4/24	Flagger Skills and Safety	11:00 - 12:00 pm
4/4/24	Hazard Communication/Globally Harmonized System (GHS)	1:00 - 2:30 pm
4/4/24	Lock Out/Tag Out (Control of Hazardous Energy)	8:30 - 10:30 am
4/5/24	CDL: Drivers' Safety Regulations	1:00 - 3:00 pm
4/5/24	Confined Space Entry	8:30 - 11:30 am
4/8/24	Hearing Conservation	10:30 - 11:30 am
4/8/24	Implicit Bias in the Workplace	1:00 - 2:30 pm
4/8/24	Personal Protective Equipment	8:00 - 10:00 am
4/9/24	Bloodborne Pathogens	7:30 - 8:30 am
4/9/24	Ethical Decision Making	9:00 - 11:30 am
4/9/24	Hoists, Cranes, and Rigging	1:00 - 3:00 pm
4/10/24	Jetter/Vacuum Safety Awareness	1:00 - 3:00 pm
4/10/24	Microlearning Theory and Practice	1:00 - 3:00 pm
4/11/24	Hazard Communication/Globally Harmonized System (GHS)	8:30 - 10:00 am
4/11/24	Ladder Safety/Walking & Working Surfaces	1:00 - 3:00 pm
4/11/24	Shop and Tool Safety	10:30 - 11:30 am
4/12/24	Employee Conduct and Violence Prevention in the Workplace	9:00 - 10:30 am
4/12/24	Fire Extinguisher Safety	11:00 - 12:00 pm
4/12/24	Fire Safety	7:30 - 8:30 am
4/15/24	Lock Out/Tag Out (Control of Hazardous Energy)	1:00 - 3:00 pm
4/15/24	Playground Safety Inspections	8:30 - 10:30 am
4/16/24	Chainsaw Safety	10:00 - 11:00 am
4/16/24	Chipper Safety	8:30 - 9:30 am
4/16/24	Ethics for NJ Local Government Employees (Ocean)*	9:00 - 11:00 am
4/16/24	Protecting Children from Abuse In New Jersey Local Government Programs (Ocean)*	1:00 - 3:00 pm
4/17/24	CDL: Supervisors' Reasonable Suspicion	1:00 - 3:00 pm
4/17/24	Driving Safety Awareness	8:30 - 10:00 am
4/17/24	Hearing Conservation	10:30 - 11:30 am
4/18/24	The Power of Collaboration (JIF 101) (Atlantic)	9:00 – 1:00 pm
4/18/24	Bloodborne Pathogens	10:30 - 11:30 am
4/18/24	Hazard Communication/Globally Harmonized System (GHS)	8:30 - 10:00 am
4/19/24	Dealing with Difficult People	1:00 - 2:30 pm
4/19/24	HazMat Awareness with Hazard Communication/Globally Harmonized System (GHS)	8:30 - 11:30 am
4/22/24	Fall Protection Awareness	1:00 - 3:00 pm
4/22/24	Mower Safety	8:30 - 9:30 am
4/23/24	Flagger Skills and Safety	11:00 - 12:00 pm
4/23/24	Introduction to Management Skills	1:00 - 3:00 pm
4/23/24	Personal Protective Equipment	8:30 - 10:30 am
4/25/24	CDL: Drivers' Safety Regulations	8:30 - 10:30 am
4/25/24	Heavy Equipment Safety: General Safety	1:00 - 3:00 pm

4/26/24	Confined Space Entry	8:30 - 11:30 am
4/26/24	Fire Extinguisher Safety	1:00 - 2:00 pm
4/29/24	Employee Conduct and Violence Prevention in the Workplace	1:00 - 2:30 pm
4/29/24	Ladder Safety/Walking & Working Surfaces	8:30 - 10:30 am
4/30/24	Fire Safety	1:00 - 2:00 pm
4/30/24	Public Works & Utility: Safety & Regulatory Awareness Training	8:00 - 12:00 pm
5/1/24	Shop and Tool Safety	8:30 - 9:30 am
5/1/24	Hazard Communication/Globally Harmonized System (GHS)	10:00 - 11:30 am
5/1/24	Accident Investigation	1:00 - 3:00 pm
5/2/24	MSI-NJCE EXPO 2024: Excavation, Trenching, and Shoring (Bergen)*	8:30 - 12:30 pm
5/2/24	MSI-NJCE EXPO 2024: Fast Track to Safety (HazCom, BBP, Fire Safety, Driving Safety) (Bergen)*	8:30 - 12:30 pm
5/2/24	MSI-NJCE EXPO 2024: Flagger Work Zone Safety (Bergen)*	8:30 - 12:30 pm
5/2/24	MSI-NJCE EXPO 2024: Practical Leadership - 21 Irrefutable Laws (Bergen)*	8:30 - 11:30 am
5/3/24	Playground Safety Inspections	7:30 - 9:30 am
5/3/24	Mower Safety	10:00 - 11:00 am
5/3/24	Personal Protective Equipment	1:00 - 3:00 pm
5/6/24	Bloodborne Pathogens	9:00 - 10:00 am
5/6/24	Law Enforcement: Violence Prevention and Risk Considerations for Law Enforcement Officers when Interacting with Mental Health Consumers	1:00 - 2:30 pm
5/6/24	Lock Out/Tag Out (Control of Hazardous Energy)	1:00 - 3:00 pm
5/7/24	Implicit Bias in the Workplace	9:00 - 10:30 am
5/7/24	Introduction to Communication Skills	1:00 - 3:00 pm
5/8/24	CDL: Drivers' Safety Regulations	8:30 - 10:30 am
5/8/24	Ladder Safety/Walking & Working Surfaces	1:00 - 3:00 pm
5/9/24	Disaster Management	8:30 - 10:00 am
5/9/24	Hearing Conservation	11:00 - 12:00 pm
5/9/24	Employee Conduct and Violence Prevention in the Workplace	1:00 - 2:30 pm
5/10/24	Confined Space Entry	8:30 - 11:30 am
5/10/24	Fire Extinguisher Safety	1:00 - 2:00 pm
5/13/24	Work Zone: Temporary Traffic Controls	8:30 - 10:30 am
5/13/24	Chainsaw Safety	11:00 - 12:00 pm
5/13/24	Chipper Safety	1:00 - 2:00 pm
5/14/24	Bloodborne Pathogens	8:30 - 9:30 am
5/14/24	Preparing for First Amendment Audits	9:00 - 11:00 am
5/14/24	Hazard Communication/Globally Harmonized System (GHS)	10:00 - 11:30 am
5/14/24	Asbestos Awareness	1:00 - 3:00 pm
5/15/24	HazMat Awareness with Hazard Communication/Globally Harmonized System (GHS)	8:30 - 11:30 am
5/15/24	Flagger Skills and Safety	1:00 - 2:00 pm
5/16/24	Driving Safety Awareness	8:30 - 10:00 am
5/16/24	Fire Safety	10:30 - 11:30 am
5/16/24	Fire Extinguisher Safety	1:00 - 2:00 pm
5/16/24	Work Zone Training for Police Officers - Initial Course	1:00 - 5:00 pm
5/17/24	Lock Out/Tag Out (Control of Hazardous Energy)	8:00 - 10:00 am
5/17/24	Fall Protection Awareness	1:00 - 3:00 pm
5/20/24	Hearing Conservation	8:30 - 9:30 am

5/20/24	Mower Safety	10:00 - 11:00 am
5/20/24	Hoists, Cranes, and Rigging	1:00 - 3:00 pm
5/21/24	MSI-NJCE EXPO 2024: Excavation, Trenching, and Shoring (Atlantic)*	8:30 - 12:30 pm
5/21/24	MSI-NJCE EXPO 2024: Fast Track to Safety (HazCom, BBP, Fire Safety, Driving Safety) (Atlantic)*	8:30 - 12:30 pm
5/21/24	MSI-NJCE EXPO 2024: Flagger Work Zone Safety (Atlantic)*	8:30 - 12:30 pm
5/21/24	MSI-NJCE EXPO 2024: Practical Leadership - 21 Irrefutable Laws (Atlantic)*	8:30 - 11:30 am
5/22 - 5/23/24	Leadership Skills for Supervisors Workshop (2-Day) (Burlington)	9:00 - 3:30 pm w/lunch brk
5/22/24	Employee Conduct and Violence Prevention in the Workplace	9:00 - 10:30 am
5/22/24	Personal Protective Equipment	1:00 - 3:00 pm
5/23/24	Public Works & Utility: Safety & Regulatory Awareness Training	8:00 - 12:00 pm
5/23/24	Preparing for the Unspeakable	9:00 - 10:30 am
5/23/24	Bloodborne Pathogens	1:00 - 2:00 pm
5/29/24	Ladder Safety/Walking & Working Surfaces	8:30 - 10:30 am
5/29/24	Hazard Communication/Globally Harmonized System (GHS)	1:00 - 2:30 pm
5/30/24	Confined Space Entry	8:30 - 11:30 am
5/30/24	CDL: Drivers' Safety Regulations	1:00 - 3:00 pm
5/31/24	Flagger Skills and Safety	8:30 - 9:30 am
5/31/24	Jetter/Vacuum Safety Awareness	10:00 - 12:00 pm

Zoom Safety Training Guidelines:

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. To maintain the integrity of the classes and our ability to offer CEUs, we must abide by the rules of the State agency who issued the designation. Chief among those rules is the attendee of the class must attend the whole session. **This guideline also applies to any participant taking the class as part of the NJCE Leadership Academy Program. The Leadership participant must be in attendance for the entire class runtime (no exceptions) in order to receive credit for the class.**

The Zoom platform is utilized to track the time each attendee logs in and logs out of webinars. Also, we can track participation, to demonstrate to the State agency that the student also participated in polls, quizzes, and question & answer activities during the live, instructor-led webinar. We maintain these records to document our compliance with the State agency.

Zoom Training Registration:

- When registering, please indicate the number of students that will be attending with you if in a group setting for an accurate count to avoid cancelations due to low attendance. Once registered you will receive an email with the webinar link. Be sure to save the link on your calendar to access on the day of training.
- Please register Early (at least 48 hours before, as Under-attended classes may be cancelled).
- A Zoom account is not needed to attend a class. Attendees can login and view the presentations from a laptop, smartphone, or tablet.
- Zoom periodically updates their software. After registering for a webinar, the confirmation email contains a link at the bottom to Test your system. We strongly recommend testing your system, and updating it if needed, at that time.
- Please [click here](#) for informative Zoom operation details.
- It is suggested you log in to the webinar about 15 minutes early, so if there is an issue, there is time to address it. We cannot offer credit or CEUs/TCHs (or Leadership Academy Participants) to attendees who log in 5 minutes late or leave early. The same

- Group Training procedures:
 - Please have one person register for the safety training webinar and also ensure that person will have access to the webinar link to launch on the day of the class.

Group sign in sheet: Please assign someone to submit the completed sign-in sheet(s) within 24 hours of the webinar. [*NJCE Live Virtual Training Group Sign in Sheet*](#)

RESOLUTION NO. 20-24

**MERCER COUNTY INSURANCE FUND COMMISSION
AUTHORIZING A CLOSED SESSION TO DISCUSS
PAYMENT AUTHORIZATION REQUESTS (PARS) & SETTLEMENT (SARS)
RELATED TO PENDING OR ANTICIPATED LITIGATION**

WHEREAS, the MERCER COUNTY INSURANCE FUND COMMISSION (hereinafter “MCIFC”) is duly constituted as an Insurance Commission pursuant to N.J.S.A. 40A:10-6 et seq.; and

WHEREAS, the MCIFC is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act requires all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides a public body may permissibly exclude the public from a portion of a meeting at which the public body discusses items per the Open Public Meetings Act at N.J.S.A. 10:4-12.b.(1) thru (9) recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the MCIFC to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12.b.(7); and

NOW THEREFORE BE IT RESOLVED by the Commissioners of said MERCER County Insurance Fund Commission pursuant to the Open Public Meetings Act as follows:

The MCIFC shall hold a closed session from which the public shall be excluded on March 25, 2024.

The general nature of the items to be discussed at said closed session shall include the following: the appropriateness of payment of statutorily required workers’ compensation benefits, settlement authority if any or continuing defense of pending or anticipated litigation, discussion of litigation strategy, position the MCIFC will take in said litigation, strengths and weaknesses of MCIFC’s position in said litigation.

The specific litigation is identified by the claim number assigned by Inservco in its capacity as the third-party claims administrator, name of the claimant, date of loss, workers’ compensation petition number and/or court assigned docket number which is set forth in the attached list which list is also appended to the MCIFC monthly meeting agenda for March 25, 2024 which agenda has been timely posted per the Open Public Meetings Act.

The minutes of said closed session shall be made available for disclosure to the public consistent with N.J.S.A. 10:4-13 when the items which are the subject of the closed session discussions are resolved and the reasons for confidentiality as to both the MCIFC and the claimant no longer exist.

ADOPTED by THE MERCER COUNTY INSURANCE FUND COMMISSION at a properly noticed meeting held on March 25, 2024.

ADOPTED:

CHRISTOPHER R. MARION, CHAIR

DATE

ATTEST:

ALEJANDRA M. SILVA

DATE

PAYMENT AUTHORIZATION REQUESTS

March 25, 2024

<u>Claim #</u>	<u>Claimant</u>	<u>Type of Claim</u>	<u>PAR/SAR</u>
3960004734	Ricky Vitoritto	Worker Compensation	PAR
3960004672	Patricia Foy	Worker Compensation	PAR
3960004793	Robert Conover	Worker Compensation	PAR
3960004754	Dean Wylie	Worker Compensation	PAR
3960004602	Nanci Lambert	Worker Compensation	PAR
3960004565	Michael Mennuti	Worker Compensation	PAR
3960004738	Nicholas Mauro	Worker Compensation	PAR
3960004741	Ahmed Abdelrahman	Worker Compensation	PAR
3960004780	Matthew Zegarski	Worker Compensation	PAR
3960004730	Randall Nemes	Worker Compensation	PAR
3960004785	Veronica Storley Williams	Worker Compensation	PAR
3960004774	Harry Schulz	Worker Compensation	PAR
3960003042	Harry Schulz	Worker Compensation	PAR
3960004736	Xavier Sanchez	Worker Compensation	PAR
3960002171	Vera Ward	Worker Compensation	PAR
3960004775	Kelly Tavaris	Worker Compensation	PAR
3960004292	Corey Thomas	Worker Compensation	SAR
3960000020	Shawn Naylor	Worker Compensation	SAR
3960004058	Jennifer Downing-Mathis	Worker Compensation	PAR/SAR
3960004778	Zarrina Khawaja	Liability	PAR/SAR

APPENDIX I

**MERCER COUNTY INSURANCE FUND COMMISSION
OPEN MINUTES
MEETING – February 28, 2024
Mercer County
McDade Administration Building
640 South Broad Street
Trenton, NJ 08650-0068
10:30 AM**

Meeting was called to order by Chairman Marion. Mr. Thorpe read the Open Public Meetings notice into the record.

Pledge of Allegiance

ROLL CALL OF COMMISSIONERS:

Christopher R. Marion	Present
Alejandra M. Silva	Present

FUND PROFESSIONALS PRESENT:

Executive Director	PERMA Risk Management Services Joseph Hrubash
Claims Service	Inservco Insurance Services, Inc. Nancy Fowlkes Richard Crooks Suretha Hobbs Amy Zeiders Yvonne Frey Kelly Guerriero Qual Lynx Chris Roselli PERMA Jennifer Conicella
Managed Care Services	First MCO Mark Liggett
NJCE Underwriting Manager	Conner Strong & Buckelew Ed Cooney - <i>Absent</i>
Treasurer	Nicola Trasente
Attorney	Paul Adezio, Esq.
Safety Director	J.A. Montgomery Consulting Paul Shives Liam Callahan

ALSO PRESENT:

Jackie Tolbert, Mercer County Improvement Authority
Edwin Cruz, Mercer County
Isamar Maldonado, Mercer County
Jason Thorpe, PERMA Risk Management Services
Ana-Eliza Bauersachs, Esq., Capehart Scatchard

APPROVAL OF MINUTES: OPEN AND CLOSED MINUTES OF OCTOBER 23, 2023

MOTION TO APPROVE THE OPEN AND CLOSED MINUTES OF OCTOBER 23, 2023

Moved: Commissioner Silva
Second: Chairman Marion
Vote: Unanimous

CORRESPONDENCE: None

SAFETY COMMITTEE: Mr. Shives reported that the Safety and Accident Review Committee met on January 23rd. Mr. Shives advised that a variety of topics were discussed including 45 claims; 27 of which were determined as non-preventable, 18 were determined to be preventable. Mr. Shives reported that educational training through the Learning Management was also discussed. Mr. Shives introduced Mr. Callahan of J.A. Montgomery Consulting and advised that Mr. Callahan will be the primary contact for Risk & Loss Control Services going forward. With no questions, Mr. Shives concluded his report.

CLAIMS COMMITTEE: Ms. Conicella reported that PARs and SARs will be presented during closed session. With no questions, Ms. Conicella concluded her report.

EXECUTIVE DIRECTOR REPORT: Executive Director advised his report was included in the agenda and there were several action items.

REORGANIZATION RESOLUTIONS – Executive Director referred to the Reorganization Resolutions which were included in the agenda. Executive Director said with the Chairman’s permission, he would review the Resolutions and then ask to approve the resolutions as a consent. Executive Director proceeded to review the Reorganization Resolution.

- Resolution 1-24 Appointing MCIFC Commissioners
- Resolution 2-24 Appointing NJCE Commissioner & Alternate
- Resolution 3-24 Appointing Treasurer
- Resolution 4-24 Appointing Commission Attorney
- Resolution 5-24 Designating Authorized Depositories for Fund Assets
- Resolution 6-24 Designating Authorized Signatures for Commission Bank Account
- Resolution 7-24 Designating Custodian of Records
- Resolution 8-24 Designating Official Newspapers
- Resolution 9-24 Establishing Cash Management Plan
- Resolution 10-24 Authorizing Commission Treasurer to Process Payments & Expenses
- Resolution 11-24 Utilizing Mercer County Approved Counsel

Executive Director asked if there are any questions on the resolutions. Hearing none, Executive Director asked for a motion approve the resolutions as a consent.

MOTION TO APPROVE REORGANIZATION RESOLUTION NUMBERS 1-24 THROUGH 11-24

Moved:	Commissioner Silva
Second:	Chairman Marion
Roll Call Vote:	Unanimous

RULES & REGULATIONS AMENDMENT - Executive Director said based on prior discussions, it would be appropriate to amend the Insurance Commission’s Rules & Regulations to expand the Board of Commissioners from 3 Commissioners up to 5 Commissioners. Executive Director said the action will be ratified via Resolution at the Public Hearing on the Rules & Regulations Amendment at the March 25th Insurance Fund Commission meeting.

MOTION TO AMEND THE RULES & REGULATIONS OF THE MERCER COUNTY INSURANCE FUND COMMISSION TO INCREASE THE NUMBER OF COMMISSIONERS FROM 3 UP TO 5 FOR THE INSURANCE FUND COMMISSION, AND ADD AN INSURANCE FUND COMMISSION ALTERNATE COMMISSIONER

Moved:	Commissioner Silva
Second:	Chairman Marion
Vote:	Unanimous

2024 RENEWAL CONTRACTS & APPOINTMENTS – Executive Director reported that the County has informed the Fund Office that at the February 22nd County Commissioners’ meeting, the County approved the following MCIC-related contracts.

Third Party Administrator – Inservco Insurance Services, Inc.

Executive Director – PERMA Risk Management Services

Executive Director thanked the Commission for PERMA’s re-appointment. Executive Director advised that the MCIC-related contracts/appointments pending include The Actuarial Advantage (Actuary), Bowman & Company (Auditor) and J.A. Montgomery (Risk/Loss Control Services).

2024 MCIFC MEETING DATES - Executive Director referred to a copy of the 2024 Annual Meeting Schedule which was included in the agenda. Executive Director advised the Insurance Commission is scheduled to meet on a monthly basis. Executive Director said if the Commissioners agreed with the meeting schedule, Resolution 12-24, adopting the meeting dates for 2024 was included in the agenda and requested a motion.

MOTION TO ADOPT RESOLUTION #12-24, APPROVING PUBLIC MEETING DATES FOR THE YEAR 2024

Moved:	Commissioner Silva
Second:	Chairman Marion
Vote:	Unanimous

2024 PLAN OF RISK MANAGEMENT – Executive Director referred to the 2024 Plan of Risk Management enclosed within the agenda. Executive Director advised that the Plan is an overview of the Commission’s coverage, risks retained by the Commission, reserving philosophy, method of assessing member contributions, claims payment authority, etc. Executive Director noted that the changes from the previous year’s Plan are highlighted in yellow. With no questions, Executive Director asked for a motion to approve Resolution 13-24.

MOTION TO APPROVE RESOLUTION 13-24, PLAN OF RISK MANAGEMENT

Moved:	Commissioner Silva
Second:	Chairman Marion
Vote:	Unanimous

2024 PROPERTY AND CASUALTY BUDGET INTRODUCTION – Executive Director referred to the proposed 2024 Property and Casualty Budget in the amount of \$8,264,984, included in the agenda. Executive Director reported that the proposed budget was previously discussed with the Chairman and Commission Treasurer.

Executive Director reported that lines 1 through 5 were the loss fund figures as projected by the Actuary. Executive Director noted that the largest increases are the Property and Workers’ Compensation line items which are increasing by \$25,000 or 17.24% and \$425,500 or 15.65%, respectively. Executive Director advised that the overall loss funds are increasing by \$454,504 or 13.93%.

Executive Director reported that the CEL JIF line item represents the NJCE portion of the budget. Executive Director advised that all NJCE members are increasing between 13% and 16% due to the continuation of the hard insurance market. Executive Director reported that the Insurance Fund Commission’s CEL JIF premium is increasing 14.09%.

Executive Director reported that lines 17 through 24 represent the expenses to run the Commission, which include a 2% cost of living increase for the Safety Director, Executive Director, Risk Manager, Actuary, and Auditor. Executive Director noted that the 2% increases are contingent on the County’s review and approval of the RFPs submitted for those positions. Executive Director further noted that the TPA, Attorney, Treasurer, and Miscellaneous Expense and Contingency line items are remaining flat.

Executive Director reported that line 30 represents the Risk Management Consultant fee which is remaining flat. Executive Director said that the County has issued an RFP for the position and the line item may change based on the results of the RFP.

Executive Director reported that line 32 represents the Ancillary Coverages for the Commission which is increasing 2.02%.

Executive Director reported that the introductory budget represents an overall increase of \$897,960 or 12.19%.

Executive Director referred to a copy of the proposed assessments for the two member entities, which were included in the agenda. Executive Director advised the assessment payments were due on 4/15/24, 6/15/24 and 10/15/24.

Executive Director asked if there were any questions on the budget and/or assessments. Hearing none, Executive Director requested a motion to introduce the budget.

MOTION TO INTRODUCE THE 2024 PROPERTY AND CASUALTY BUDGET IN THE AMOUNT OF \$8,264,984 AND SCHEDULE A PUBLIC HEARING ON MARCH 25, 2024 AT 1:30 PM.

Moved: Commissioner Silva
Second: Chairman Marion
Vote: Unanimous

EMPLOYEE DISHONESTY COVERAGE RENEWAL – Executive Director reported the Employee Dishonesty Coverage policy with Selective Insurance Company was scheduled to renew on January 1, 2024. Executive Director advised that the Insurance Fund Commission Rules & Regulations requires that the policy is purchased which covers the positions of Executive Director, Third Party Administrator, and the Treasurer. Executive Director reported that the annual premium is \$547 which is a decrease from the expiring premium of \$1,872. Executive Director advised that the limit per loss is \$1,000,000 with a \$10,000 deductible. Executive Director noted that the cost for this coverage will be paid out of the miscellaneous and contingency budget line.

MOTION TO APPROVE EXPENDITURE FOR EMPLOYEE DISHONESTY COVERAGE RETROACTIVE TO JANUARY 1, 2024 IN THE AMOUNT OF \$547.

Moved: Commissioner Silva
Second: Chairman Marion
Vote: Unanimous

CERTIFICATE OF INSURANCE REPORTS – Executive Director referred to the certificate of issuance report from the NJCE which lists those certificates issued in the months of October, November, and January. Executive Director reported that there were (3) three certificates of insurance issued during the month of October, (2) two certificates of insurance issued during the month of November, and (6) six certificates of insurance issued during the month of January.

MOTION TO APPROVE THE CERTIFICATE OF INSURANCE REPORTS

Moved: Commissioner Silva
Second: Chairman Marion
Vote: Unanimous

NJ COUNTIES EXCESS JOINT INSURANCE FUND (NJCE) – Executive Director reported the NJCE Finance Committee met on January 11th to adopt the 2024 budget. Executive Director reported the NJCE Finance Committee met on February 22nd and conducted its reorganization meeting. Executive Director reported that the following key items were discussed during the January 11th NJCE meeting:

Increased cyber liability limits: Purchase additional excess limits from Great American in the amount of \$5 million excess aggregate shared by all members of the NJCE excess of primary \$5 million per member County Commission/County. This resulted in a premium increase of \$270,000 over the expiring premium and is already reflected in today’s proposed budget for adoption. *All member Commissions/Counties, except for Union County which has a policy outside of the NJCE program, will have a primary cyber liability limit of \$5 million per claim/\$5 million aggregate with the incumbent Cowbell.* Executive Director asked if there were any questions. Mr. Trasente asked if there is a cyber coverage deductible. Executive Director said yes, the deductible for both the County and the Improvement Authority is \$25,000. Executive Director reported that the NJCE provides \$225,000 above the \$25,000 retention. Executive Director said above the \$250,000 is a primary \$5 million policy specific to each County Commission/County. Lastly, Executive Director said there is an additional \$5 million, above the primary \$5 million, that is shared among all of the NJCE members.

An aggregate limit on the 5% named storm property deductible: Direct the Underwriting Manager to continue negotiations on a \$15million or \$20million aggregate option on the 5%

named storm deductible. A quote obtained for a \$10million aggregate option was \$3.5million and would have exceeded the budget parameters. The Fund office will prepare a resolution for members to share in the Named Storm deductible based their respective loss, which would also allow each member to file a claim submission to FEMA for reimbursement of their respective deductible. *The Underwriting Manager will continue to pursue quotes for a capping mechanism on the 5% named storm deductible.*

Underwriting Manager noted the 2024 marketing efforts were challenging, especially with Zurich leaving the property market, however, the final structure of the property program resulted in the reduction of the NJCE property retention from \$3million to \$1million within the budget parameters.

Property Appraisal Reimbursement Cap: Provide reimbursement to NJCE members for property appraisals in 2024. The requirement for 2024 is to appraise locations between \$500,000 to \$1,000,000 and trending those locations appraised in 2023. *Committee recommended that reimbursements be capped at \$20,000 per member.*

2024 RENEWAL WEBINAR - Executive Director reported that the Underwriting Manager of the New Jersey Counties Excess JIF conducted the 2024 Renewal Overview Webinar on Tuesday, February 13th at 2 pm. Executive Director said the NJCE Underwriting Manager detailed the challenges faced marketing the program and coverage changes to be aware of for 2024. Executive Director added that a recording of the webinar is posted to the NJCE website.

MCIFC PROPERTY & CASUALTY FINANCIAL FAST TRACK – Executive Director referred to the Financial Fast Track for the month of December enclosed within the agenda. Executive Director reported that as of December 31, 2023 the Commission has a surplus of \$7,768,051. Executive Director advised that line 10 of the report “Investment in Joint Venture” is Mercer County Insurance Fund Commission’s share of equity in the NJCE. Executive Director noted that MCIFC’s equity in the NJCE as of December 31, 2023 is \$1,082,740 and advised that the total cash balance is \$15,006,528.

NJCE PROPERTY AND CASUALTY FINANCIAL FAST TRACK – Executive Director referred to the NJCE Financial Fast Track for the month of December. Executive Director reported that as of December 31, 2023 the Commission has a surplus of \$11,104,936. Executive Director advised that Line 7 of the report, “Dividend” represents the dividend figure released by the NJCE of \$6,707,551 and noted that the NJCE cash balance is \$33,184,775.

NJCE ASSESSMENT PAYMENT – Executive Director reported that the Insurance Commission’s first installment NJCE assessment payment in the amount of \$2,353,465.80 is now due April 15, 2024. Executive Director said typically the first installment is due on March 15th but noted that the due date was moved back a month due to the change in the County’s Administration. Executive Director advised that following budget adoption on March 25th, the Insurance Commission will issue payment to the NJCE.

CLAIMS TRACKING REPORTS – Executive Director advised the Claim Tracking reports as of December 31, 2023, were included in the agenda. Executive Director referred to a copy of the Claims Management Expected Loss Ratio Analysis Report. Executive Director advised this report measured how the losses were running compared to the actuary’s projections. Executive Director reviewed the Fund Years with the Commission.

With no questions, Executive Director concluded his report.

INFORMATIONAL ITEMS REPORT: Mr. Thorpe advised that he had three informational items for his report, none of which were action items.

2024 EXCESS INSURANCE AND ANCILLARY COVERAGE POLICIES – Mr. Thorpe reported that the NJCE renewal policies will be available electronically through the Conner Strong & Buckelew OneDrive Program for authorized users. Mr. Thorpe added that the Limit Schematics are also posted to the site. Mr. Thorpe advised that if anyone has difficulty accessing the website they should contact the Fund Office.

2024 MEL, MRHIF & NJCE EDUCATIONAL SEMINAR – The 14th Annual Seminar will be conducted virtually on 2 half-day sessions: Friday, April 19 and Friday April 26 from 9AM to Noon. 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 (MELJIF), Municipal Reinsurance Health Insurance Fund (MRHIF) and New Jersey Counties Excess Joint Insurance Fund (NJCE JIF). Attached on page 42 is more information on the seminar. We will send a link to register once it becomes available.

2024 MEETING SCHEDULE – Mr. Thorpe advised that the next Commission meeting is scheduled for Monday, March 25, 2024 at 1:30 PM

Executive Director's Report Made Part of Minutes.

TREASURER REPORT: Mr. Thorpe advised the November Bill List, Resolution 39-23, the December Bill List, Resolution 40-23, and the January Bill List, Resolution 14-24 were included in the agenda. Mr. Thorpe said a motion was needed to approve the various bills lists.

MOTION TO APPROVE RESOLUTIONS 39-23: THE NOVEMBER BILL LIST, 40-23: THE DECEMBER BILL LIST, AND 14-24: THE JANUARY BILL LIST

Moved:	Commissioner Silva
Second:	Chairman Marion
Roll Call Vote:	Unanimous

ATTORNEY: Mr. Adezio advised he did not have anything to report for the month.

CLAIMS SERVICE: CLAIMS ADMINISTRATOR – Mr. Thorpe advised Resolution 15-24, Disclosure of Liability Claims Check Registers, was included in the agenda along with a copy of the check registers for November 1, 2023 to November 31, 2023; December 1, 2023 to December 31, 2023; and January 1, 2024 to January 31, 2024.

MOTION TO APPROVE RESOLUTION 15-24 AUTHORIZING DISCLOSURE OF LIABILITY CLAIMS CHECK REGISTER

Moved:	Commissioner Silva
Second:	Chairman Marion
Roll Call Vote:	Unanimous

MANAGED CARE: Mr. Liggett began by thanking the Commission for re-appointment. Ms. Lamb then advised she would review First MCO’s report, which was included in the agenda for the month of December. Mr. Liggett provided the below information:

Month	Provider Bill Amount	Repriced Amount	Savings	Percentage of Savings	Number of Bills	In Network Bills	Net Savings	PPO %
Jan-24	\$ 173,462	\$ 69,617	\$ 103,845	60%	71	69	\$ 83,076	97%

With no questions, Mr. Liggett concluded his report.

RISK/LOSS CONTROL SERVICES: Mr. Shives referred to the Safety Director's report for December through February enclosed within the agenda, which included all risk control and safety activities. Mr. Shives then referred to the listing of all training opportunities that are scheduled through April. Mr. Shives advised that if there are any specific training needs or any questions regarding trainings to please contact J.A. Montgomery. Mr. Shives asked if there were any questions and/or comments. Chairman Marion asked that additional information regarding the Leadership Academy be forwarded to him as he would like to share the information with various individuals at the County. Mr. Shives advised that Mr. Callahan will forward the Leadership Academy information. Chairman Marion commented that prior to doing capital assessments and improvements to facilities, one the County's goals is having J.A. Montgomery conduct loss control visits at various county locations. Chairman Marion said he spoke to Mr. Prince during the previous week regarding conducting a loss control visit at the corrections center as there are concerns. Chairman Marion added that Mr. Prince has scheduled the loss control visit at the corrections center for February 29th. Chairman Marion said he would also like a loss control visit at the Dempster Center within the next 2 weeks.

Correspondence Made Part of Minutes.

OLD BUSINESS: None

NEW BUSINESS: Chairman Marion introduced Mr. Cruz and advised that he works on Workers' Compensation matters for the County. Chairman Marion also introduced Ms. Maldonado, the County's Qualified Purchasing Agent, and advised that she may be a future Commissioner for the Insurance Fund Commission.

Ms. Zeiders thanked the Commission for Inservco's re-appointment. Ms. Zeiders the proceeded to introduce her staff in attendance; Ms. Fowlkes, Mr. Crooks, Ms. Guerriero, Ms. Frey, and Ms. Hobbs.

PUBLIC COMMENT: None

CLOSED SESSION: Executive Director requested a motion to approve Resolution 16-24 authorizing a Closed Session to discuss PARs and SARs.

MOTION TO APPROVE RESOLUTION 16-24 FOR EXECUTIVE SESSION

Moved:	Commissioner Silva
Second:	Chairman Marion
Vote:	Unanimous

MOTION TO APPROVE THE PARS/SARS AS REVIEWED DURING CLOSED SESSION

Moved:	Commissioner Silva
Second:	Chairman Marion
Roll Call Vote:	Unanimous

MOTION TO ADJOURN:

Moved:	Commissioner Silva
Second:	Chairman Marion
Vote:	Unanimous

MEETING ADJOURNED: 11:49 AM

Minutes prepared by:
Jason Thorpe, Assisting Secretary

APPENDIX II

REVISED RULES & REGULATIONS

MERCER COUNTY INSURANCE FUND COMMISSION
RULES AND REGULATIONS

MERCER COUNTY INSURANCE FUND COMMISSION

640 South Broad Street
Trenton, NJ 08650-0068

Rules and Regulations

Adopted 2/3/14

Revised 8/24/2021

2nd Revision adopted 3/25/2024

WHEREAS, the MERCER COUNTY INSURANCE FUND COMMISSION (hereinafter “Insurance Fund Commission”) is duly constituted as an Insurance Commission pursuant to N.J.S.A. 40A:10-6 et seq., and pursuant to N.J.S.A. 40A:10-10(c), may adopt Rules and Regulations; and

WHEREAS, pursuant to Resolution No. 14-14, adopted on February 3, 2014, the Insurance Fund Commission adopted its initial Rules and Regulations; and

WHEREAS, pursuant to Resolution No. 29-21, adopted on August 24, 2021, the Insurance Fund Commission adopted revisions to the Rules and Regulations; and

WHEREAS, it is in the best interest of the Insurance Fund Commission to amend its Rules and Regulations to reflect the request of the Commission Chairman

WHEREAS, the Commission has reviewed its rules and regulations, and has determined to amend same; **NOW THEREFORE**, the Insurance Commissioners hereby amend the Commission’s rules and regulations, and adopt same as amended;

ARTICLE I - DEFINITIONS

All terms used herein shall have the meaning consistent with the statutes and regulation then in effect. The definitions herein are for convenience.

“**ACTUARY**” means a person who is a fellow in good standing of the Casualty Actuarial Society with three years recent experience in loss reserving; an associate in good standing of the Casualty Actuarial Society with five years recent experience in loss reserving; or an associate in good standing of the American Academy of Actuaries who has been approved as qualified for signing loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries and who has seven years recent experience in loss reserving.

“**ACTUARY**” in the case of health insurance means a fellow in good standing of the Society of Actuaries or the Casualty Actuarial Society with at least three (3) years recent experience in health insurance pricing and reserving. Actuary in the case of life insurance means a fellow in good standing of the Society of Actuaries with at least three (3) years recent experience in life insurance pricing and reserving.

“**ADMINISTRATOR**” means a person, partnership, corporation or other legal entity engaged by the Commission to act as Executive Director to carry out the policies established

by the Insurance Commissioners and to otherwise administer and provide day-to-day management of the Commission.

“ALLOCATED CLAIMS EXPENSE” means attorneys’ fees, expert witness fees (i.e. engineering, physicians, etc.), medical reports, professional photographers’ fees, police reports and other similar expenses. The exact definition of “allocated claims expense” or similar terms for any line of insurance coverage shall be the definition in the insurance policy issued by the Commission.

“COMMISSION” means the MERCER COUNTY INSURANCE FUND COMMISSION (hereinafter referred to as the “Commission”)

“COMMISSION YEAR” means the Commission’s fiscal year of January 1 through December 31.

“COUNTY” means the County of Mercer.

“EMPLOYER’S LIABILITY” means the legal liability of a public employer to pay damages because of bodily injury or death by accident or disease at any time resulting there from sustained by an employee arising out of and in the course of his employment by the public employer, which is not covered by a workers’ compensation law. The exact definition of “Employer’s Liability” or similar terms shall be the definition used in the insurance policy issued by the Commission.

“EXCESS INSURANCE” means insurance purchased from an insurance company authorized or admitted in the State of New Jersey or deemed eligible by the Commission as a surplus lines insurer or from any other entity authorized to provide said coverage in this state pursuant to law, covering losses in excess of an amount set forth in insurance contracts on a specific occurrence, or per accident or annual aggregate basis.

“GENERAL LIABILITY” means any and all liability which may be insured under the laws of the State of New Jersey, excluding workers’ compensation, and employer’s liability. The exact definition of a “general liability” or similar terms is the definition used in the insurance policy issued by the Commission.

“HEALTH INSURANCE” means health insurance as defined pursuant to N.J.S.A. 17B: 17-4; service benefits as provided by health service corporations, hospital service corporations or medical service corporations authorized to do business in this state, including basic health care services and/or supplemental health care services provided by health maintenance organizations, or dental care services provided by dental plan organizations and dental service corporations.

“INCURRED CLAIMS” means claims which occur during a Commission year including claims reported or paid during a later period. The exact definition of “incurred claims” or any similar term is the definition used in the excess insurance or reinsurance policy purchased by the Commission.

“INDEMNITY AND TRUST AGREEMENT” means a written contract signed by and duly adopted by the members of the Commission under which each agrees to jointly and severally assume and discharge the liabilities of each and every party to such agreement

arising from their participation in the Commission. The agreement shall specify the extent of the member's participation in the Commission with respect to the types of coverage to be provided by the Commission and shall include the duration of Commission membership which shall not exceed three years. The agreement shall also specify that the member has never defaulted on claims if self-insured and has not been canceled for non-payment of insurance premiums for a period of at least two years prior to application to the Commission.

“INSURANCE COMMISSIONERS” means those individuals appointed to serve as the governing body of the Commission.

“LIFE INSURANCE” means life insurance as defined pursuant to N.J.S.A. 17B:117-3

“MANUAL PREMIUM” means the premium computed according to the Experience Rating Plan provided for in the New Jersey Worker's Compensation and Employer's Liability Insurance Manual on file with the Commission and similar insurance industry rating plans for other lines of coverage.

“MOTOR VEHICULAR AND EQUIPMENT LIABILITY” means liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by or controlled by the members or owned by or under the control of any subdivision thereof including its departments, boards, agencies, or commissions. The exact definition of “motor vehicular and equipment liability” or any similar terms shall be the definition of the insurance policy issued by the Commission.

“OCCURRENCE” means a single event. The exact definition of “occurrence” or any similar term shall be the definition used in the insurance policy issued by the Commission.

“PRODUCER” means any person engaged in the business of an insurance agent, insurance broker, or insurance consultant as defined in N.J.S.A. 17:22 A-1 et seq.

“PROPERTY DAMAGE” means any loss or damage, however caused, to property including monies and securities, motor vehicles, equipment or apparatus owned by the member or owned by or under the control of any of its departments, boards, agencies, commissions, or other entities which the membership may provide coverage for. The exact definition of “property damage” or similar terms shall be the definition in the insurance policy issued by the Commission.

“QUALIFIED LOCAL UNIT” means any entity governed by a board appointed by the County Executive or Board of County Commissioners as the case may be, including but not limited to a county college, technical school, library, or county authority.

“SERVICING ORGANIZATION” means an individual, partnership, association, or corporation, other than the administrator, that has contracted with the Commission to provide, on the Commission's behalf, any function as designated by the Insurance Commissioners including, but not limited to, actuarial services, claims administration, cost containment services, loss prevention/safety engineering services, legal services, auditing services, financial services, compilation and maintenance of the Commission's underwriting file, coordination and preparation of coverage documents, risk selection and pricing, excess insurance or reinsurance producer services, which include producer negotiations on behalf

of the Commission for excess insurance or reinsurance from an insurer, member assessment and fee development, report preparation and such other duties as designated by the Commission.

“**SURPLUS**” means that amount of monies in a trust account that is in excess of all costs, earned investment income, refunds, incurred losses and loss adjustment expenses and incurred but not reported reserves including the associated loss adjustment expenses attributed to the Commission net of any recoverable per occurrence or aggregate excess insurance or reinsurance for a particular year.

“**WORKERS’ COMPENSATION**” means the provisions of N.J.S.A. 34:15-7 et seq.

ARTICLE II - MEMBERSHIP

MEMBERSHIP APPLICATION:

1. The governing body of a qualified local unit shall by resolution, agree to join the Commission. The resolution shall provide for execution of a written agreement specifically providing for acceptance of the Commission’s rules and regulations as approved and adopted by the Insurance Commissioners. The resolution shall also provide for the execution of an Indemnity and Trust agreement as defined in Article I.
2. Any qualified local unit seeking membership shall also submit an application for membership to the Commission on a form acceptable to the Insurance Commissioners. The application shall include the executed Indemnity and Trust agreement and the resolution required under Subsection 1 above.
3. An application may be approved by a majority vote of the Insurance Commissioners based on the following criteria:
 - a. The applicant’s claims history shows safety performance consistent with the Commission’s objectives and the applicant’s physical location and makeup indicates a prospective likelihood of satisfactory future claim performance.
 - b. The Commission has the administrative capability to absorb additional memberships without undue inconvenience or strain.
4. If a non-member is not approved for membership, the Commission shall set forth in writing the reasons for disapproval and send the reasons for disapproval to the non-member. The Commission shall retain a copy of all membership application disapprovals for five years.

Membership Renewal:

1. Members may renew their participation by execution of a new resolution to join the Commission ninety (90) days prior to the expiration of the term.

2. The Insurance Commissioners must act upon any renewal application no later than forty five (45) days prior to the expiration of the term period. Otherwise, the renewal application is automatically approved.
3. In order to deny a renewal application, the Insurance Commissioners shall find by majority vote that the applicant has failed to fulfill its responsibilities as a member or no longer meets the Commission's risk management or underwriting standards or other reasons approved by the Insurance Commissioners as reasons for termination.
4. If a member's renewal application is rejected, the Commission shall comply with the termination provisions as outlined below.
5. Non-renewal of a Commission member does not relieve the member of responsibility for claims incurred during its period of membership.

Termination and/or Withdrawal of Commission Members

1. A member must remain in the Commission for the full term of membership unless earlier terminated by the Insurance Commissioners for non-payment of assessments or continued non-compliance after receiving written notice to comply with the Commission's rules and regulations, risk management or underwriting standards, or other reasons approved by the Insurance Commissioners as reasons for termination. However, a member shall not be deemed terminated until the Commission gives by registered mail to the member a written notice of its intention to terminate the member in thirty (30) days.
2. A member that does not desire to continue as a member after the expiration of its membership term shall give written notice to the Commission of its intent ninety (90) days before the expiration of the term period.
3. A member that has been terminated or does not continue as a member of the Commission shall remain jointly and severally liable for claims incurred by the Commission and its members during the period of its membership, including, but not limited to being subject to and liable for supplemental assessments.

ARTICLE III – ORGANIZATION

Commissioners:

1. The officer or the Board of County Commissioners having the power to make appointments shall appoint up to five (5) officials of the County to serve as Insurance Commissioners. The officer or the Board of County Commissioners having the power to make appointments shall also appoint one (1) official of the County to serve as an Alternate Insurance Commissioner. The officer or body having the power to make appointments of member local units other than the County shall appoint one official, who may be a member of the governing body, to serve as a non-voting Insurance Commissioner.

2. The Insurance Commissioners shall hold office for two (2) years or for the remainder of their term of office as officials, whichever shall be less, and until their successors shall have been duly appointed and qualified. Vacancies in the office of Insurance Commissioners caused by any reason other than expiration of term as an official shall be filled for the unexpired term. Vacancies in the position of secretary shall be filled in the manner of the original appointment.
3. The Insurance Commissioners shall serve without compensation.
4. The Insurance Commissioners are hereby required, authorized and empowered to operate the Commission in accordance with these rules and regulations and appropriate state laws and regulations in the interests of the total membership of the Commission. The Insurance Commissioners shall have the following powers and authority:
 - a. Employ necessary clerical assistants, whose compensation shall be fixed and paid by the governing body of the local unit in the same manner as is that of other employees of the local unit;
 - b. Invest the funds and all additions and accretions thereto in compliance with New Jersey laws and regulations, as they shall deem best suited for the purposes of this article;
 - c. Adopt rules and regulations for the control and investment of the funds;
 - d. Keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the local unit or of a county college which participates in the Commission pursuant to P.L. 1988, c. 144 (C. 18A:64A-25.40 et al.) or of a county vocational school which participates in the commission pursuant to P.L. 1988, c. 143 (C. 18A:18B-8 et al.), or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus;
 - e. Fix reasonable rates of premium for all insurance carried by the Commission and shall affect all insurance in the e Commission or with any insurance company or companies authorized to do business in this State;
 - f. Premiums for insurance, whether carried in the Commission's insurance fund or placed with insurance companies, shall be paid to the Commission by the board, commission, department, committee or officer having charge or control of the property insured;
 - g. All insurance upon property owned or controlled by the county, or any of its departments, boards, agencies or commissions, or by a participating local unit including, but not limited to a board of education of a

participating county vocational school or by a board of trustees of a participating county college shall be placed and effected by the Insurance Commissioners;

- h. Each Insurance Commissioner shall have one vote.

Officers:

1. As soon as possible after the beginning of each Commission year, the Insurance Commissioners shall meet to elect the following officers of the Commission from its own membership. Commission officers shall serve until January 1st of the following year, or until a successor is duly elected and qualified.
 - a. **Chairperson:** The Chairperson shall preside at all meetings of the Insurance Commissioners and shall perform such other duties provided for in these rules and regulations and the laws and regulations of the State of New Jersey.
 - b. **Vice-Chairperson:** The Vice-Chairperson shall serve as Acting Chairperson in the absence of the Chairperson and shall perform such other duties as provided for in these rules and regulations and the laws and regulations of the State of New Jersey.
2. In the event of a vacancy in any of the officer positions caused by other than the expiration of the term of office, the officer or Board of County Commissioners with the power of appointment shall appoint an Insurance Commissioner to fill the vacancy for the unexpired term.
3. Any officer can be removed with cause at any time by resolution of the Board of County Commissioners.

Secretary:

1. The Board of County Commissioners shall appoint a person to serve as secretary to the Insurance Commission. The salary of the secretary shall be set by resolution, as authorized by the Commission.
2. The Secretary shall:
 - a. Coordinate the Commission's meeting agenda, minutes, elections, contracts, and maintain the Commission's official records and office.
 - b. Perform such other duties as provided for by the Insurance Commissioners, these rules and regulations, and the laws and regulations of the State of New Jersey.

Commission Professionals:

As soon as possible after the beginning of each year, the Insurance Commissioners shall meet and select persons to serve in the following professional positions. No professional nor any employee, officer or director, or beneficial owner thereof, shall be an Insurance Commissioner. All professionals shall be retained pursuant to the “Local Public Contracts Law.”

1. **Treasurer:**

The Treasurer shall be a Certified County Finance Officer and have the following duties and responsibilities:

- a. Custodian of the Commission’s assets and shall maintain the various trust funds.
- b. Approval of all receipts, disbursements, and financial records.
- c. Draft the cash management plan and invest all balances.
- d. Ascertain availability of sufficient unencumbered funds in any account to fully pay all charges or commitments prior to any payment or commitment.
- e. The treasurer shall perform such other duties as provided for by the Insurance Commissioners, these rules and regulations and in the laws and regulations of the State of New Jersey.
- f. The treasurer shall be covered by a fidelity bond protecting the Commission’s assets in a form and amount to be determined annually by the commissioners. Said bond to be paid for by the Commission.

2. **Executive Director/Administrator:**

- a. The Administrator shall serve as Executive Director of the Commission and shall be a licensed New Jersey Insurance Producer who shall be experienced in risk management matters and self-funded entities.
- b. The Administrator shall have the following duties and responsibilities:
 - i) Carry out the policies established by the commissioners and to otherwise supervise the management of the Commission.
 - ii) Advise the commissioners on risk management matters and shall prepare a draft Risk Management Plan.
 - iii) Prepare the Commission’s budget, compile and bill assessments.
 - iv) Maintain underwriting files, secure insurance and excess insurance as authorized by the Commission and prepare new members submissions for review of the Insurance Commissioners.

- v) Prepare draft requests for proposals for services to be provided by servicing organizations and monitor the performance of the service companies.
 - vi) Prepare filing required by state regulations.
 - vii) Coordinate in conjunction with the Commission's secretary the meeting agenda, minutes, elections, contracts, and maintain the Commission's official records and office.
 - viii) Maintain the Commission's general ledger, accounts payable and accounts receivable function.
 - ix) Perform such other duties as provided for by the Insurance Commissioners, these rules and regulations, and the laws and regulations of the State of New Jersey.
- c. The Administrator shall assume overall executive responsibility for the operations of the Commission except that the Administrator shall not be responsible for the errors and omissions of any other servicing organization except as to generally monitor the compliance of said organization with the directives of the Insurance Commissioners, its Service Provider contract, or the applicable statutes and regulations as to the form and timeliness of said undertaking. For example, the Executive Director shall be responsible to verify the issuance of excess or reinsurance policies, and the timely receipt of said policies by the Commission.
- d. The Administrator shall be bonded in a form and amount acceptable to the Insurance Commissioners. The Administrator shall also be covered by Errors and Omissions insurance, said coverage is to be paid by the Commission.

3. **Auditor:**

The Auditor shall be an independent Certified Public Accountant (CPA) or a registered municipal accountant (RMA) who has evidenced the ability and experience to properly examine an insurance commission. The Auditor shall conduct the annual audit of the Commission and shall perform such other duties as provided for by the Insurance Commissioners, these rules and regulations and the laws and regulations of the State of New Jersey.

4. **Attorney:**

- a. The Attorney shall be admitted to the New Jersey Bar and shall provide advice to the Commission on legal matters such as advising the commissioners of their obligations and responsibilities under Article 3 of

NJSA 40A:10-1 et seq, these rules and regulations and other pertinent law such as the Open Public Meetings Act.

- b. The Attorney shall have the following responsibilities:
 - i) The Attorney shall advise the Commission as to the appropriateness of claim settlements recommended by the Claims Administrator.
 - ii) The Attorney shall advise the Insurance Commissioners on the selection of counsel to represent the Commission Members in the defense of claims. The Attorney may also provide representation concerning incidental aspects of claim matters such as motions where it is more expeditious, cost effective or otherwise to do so. However, the Attorney or any member of the Attorney's law firm shall not defend claims which are the responsibility of the Commission without the authorization of the Insurance Commissioners.
 - iii) The Attorney shall perform such other duties as provided for by the Insurance Commissioners, these rules and regulations and the laws and regulations of the State of New Jersey.

5. **Actuary:**

The Actuary shall certify the actuarial soundness of the Commission and shall report to the Insurance Commissioners in a manner and at such times established by them and shall provide such actuarial reports as required by the New Jersey State Department of Banking & Insurance. The Actuary shall certify claim reserves, reserves for "Incurred but Not Reported" (IBNR) losses, and unearned assessments and shall comment on the adequacy of the budget.

- 6. All Commission professionals shall be retained on a contractual basis which shall be approved by the Insurance Commissioners.
- 7. Commission Professionals shall be compensated for their services pursuant to written fee guidelines submitted annually and approved by a majority of the Insurance Commissioners. The written fee schedule shall be part of the official contract.

Servicing Organizations:

- 1. The Commission may contract to have the following services performed:
 - a. Actuarial services
 - b. Claims Administration
 - c. Cost containment services
 - d. Loss prevention/safety engineering services
 - e. Legal services

- f. Auditing services
 - g. Financial services
 - h. Compilation and maintenance of the Commission's underwriting file
 - i. Coordination and preparation of coverage documents
 - j. Risk selection and pricing
 - k. Excess insurance or reinsurance producer services
 - l. Member assessment and fee development
 - m. Report preparation
 - n. Other duties as designated by the Commission
2. The Commission may at its option contract for these services from different servicing organizations.
3. a.) No servicing organization of the Commission or their employees, officers or directors shall have either a direct or indirect financial interest in the administrator of the Commission or be an employee, officer or director of the Administrator unless notice of such interest has been provided to the Commissioners and members.
- b.) No Administrator of the officer or director of or have either a direct or indirect financial interest in, a servicing organization of the Commission, or the insurance producer that may be appointed by that Commission unless notice of such interest has been provided to the Insurance Commissioners and members.
- c.) Any employee, officer or director of the administrator or servicing organization shall disclose to the Insurance Commissioners, any direct or indirect financial interest such employee, officer or director has in any other administrator, servicing organization or insurance producer.
4. Each service contract shall include a clause stating, "unless the Insurance Commissioners otherwise permit, the servicing organization shall handle to its conclusion all claims and other obligations incurred during the contract period."
5. Each Servicing Organization shall provide a surety bond and Errors and Omissions coverage if required by law, in a form and amount acceptable to the Insurance Commissioners.
6. All officers, employees, and agents, including the Administrator and Servicing Organization of the Commission, on the final day of their contract or employment shall surrender and deliver to their successors all accounts, funds, property, records, books, and any other material relating to their contract or employment, or if no successor has been designated, delivery shall be made to the Administrator or Commission Chairperson

Indemnification of Officers and Employees:

1. The Administrator, Claims Service Provider(s), Producer, Risk Management Consultant(s) and such others as are required by regulation to do so, shall provide Errors and Omissions coverage in a form satisfactory to the

Commissioners. The Insurance Commissioners may also require other professionals to provide evidence of Errors and Omissions coverage, and any other coverage as a requirement of their contract.

2. Except to the extent covered by Errors and Omissions insurance as may be required, as set forth above, the Commission shall indemnify and defend any past, present or future Insurance Commissioner, and may indemnify such other officials or professionals or service providers as the Insurance Commissioners determine, for claims arising from an act or omission of such Insurance Commissioner, official or employee within the scope of the performance of such individual's duties as Insurance Commissioner, official, professional or employee within the scope of the performance of such individual's duties as Insurance Commissioner, official, professional or employee. Such indemnification shall include reasonable cost and expenses incurred in defending such claims. Nothing contained herein shall require the Commission to pay punitive damages or exemplary damages or damages arising from the commission of a crime by such an individual and the Commission shall not be required to provide for the defense or indemnification of such an individual when the act or omission which caused the injury was the result of actual fraud, malice, gross negligence or willful misconduct of such individual or in the event of a claim against such an individual by the State of New Jersey or if such Insurance Commissioner, official, professional or employee is either covered, or required to be covered by Errors and Omissions liability insurance. The determination as to whether an individual's conduct falls within any of the above exceptions shall be made by the Insurance Commissioners. Nothing herein contained is intended to shield omission or wrongdoing which would not customarily be covered by Errors and Omissions insurance if same had been required of said employee or appointed official.
3. A present, past or future Insurance Commissioner, official, professional or employee of the Commission shall not be entitled to a defense or indemnification from the Commission unless:
 - a. Within ten (10) calendar days of the time he or she is served with the summons, complaint, process, notice or pleading, he or she delivers the original or exact copy to the Commission Chairperson with a copy to the Commission Attorney, together with a request that the Commission provide for his or her defense; and
 - b. In the event the Commission provides a defense or indemnification, he or she cooperates in the preparation and presentation of the defense with the attorney selected to defend the case; and
 - c. Except in those instances where a conflict of interest exists, as determined by an attorney selected by the Commission to handle such matters, the past, present or future Insurance Commissioner, official, professional or employee shall agree that the Commission and its counsel shall have exclusive control over the handling of the litigation.

3. The foregoing right of indemnification shall not be exclusive of any other rights to which any Insurance Commissioner, official, professional or employee may be entitled as a matter of law or which may be lawfully granted to him or her; and the right to indemnification hereby granted by this Commission shall be in addition to and not in restriction or limitation of any other privilege or power which the Commission may lawfully exercise with respect to the indemnification or reimbursement of an Insurance Commissioner, official, professional or employee; except that in no event shall an Insurance Commissioner, official, professional or employee receive compensation in excess of the full amount of a claim and reasonable costs and expense incurred in defending such claim.
4. Expenses incurred by any Insurance Commissioner, official, professional or employee in defending an action, suit or proceeding may be paid by the Commission in advance of final determination of such action, suit or proceeding as authorized by the Commission in a specific case upon receipt of an undertaking by or on behalf of such member or officer to repay such amount in the event of an ultimate determination that his or her conduct was such as to fall outside the scope of coverage under this indemnification provision.

Advisory Committees:

1. From time to time, the Commission Chairperson may establish advisory committees and may appoint any individual to serve on these committees.
2. Loss Prevention Committee:
 - a. Membership: Each member shall appoint one of its management employees to serve as the safety coordinator, for the member. The safety coordinator shall serve as the representative of the member on the Commission's Safety Committee. The member shall also designate a management employee to serve as alternate safety coordinator whenever the safety coordinator is unable to serve. The safety coordinator and the alternate shall serve at the pleasure of the member and shall perform those duties specified in the Commission's Loss Control Program.
 - b. The Commission's safety committee shall consist of the Commission's safety director and the safety coordinator from each member. The alternate safety coordinator from each member may also attend meetings of the safety committee.
 - c. At the beginning of each Commission year the safety committee shall select a chairperson to preside over meetings of the committee.
 - d. Duties: The safety committee shall meet at least quarterly and shall have the following duties or responsibilities.

- i) Confer with the Commission's safety director to develop a comprehensive safety and loss control program.
- ii) Monitor all accident trends and frequency of accident in order to identify problem areas and local unit activities and programs requiring more frequent loss control surveys and evaluations.
- iii) Assist in the development of a safety educational program that will include visual aids, equipment, etc.
- iv) Make recommendations to the Commission for policies that will implement a comprehensive safety and loss control program for the Commission and the member local units.
- v) Perform such other duties that are assigned by the Commission or required by law.

Risk Manager:

1. The Commission shall appoint an Insurance Producer as a Risk Management Consultant who shall not be an Insurance Commissioner.
2. The Risk Management Consultant's specific responsibilities shall include, but not be limited to:
 - a.) Evaluation of the member's exposures.
 - b.) Explanation of the various coverages available from the Commission and assisting the member in the selection of proper coverage.
 - c.) Preparation of applications, statements of values, etc. required by the Commission.
 - d.) Review of the member's assessment and assisting in the preparation of the local unit's insurance budget.
 - e.) Assisting in the claims settlement process.
 - f.) Review of losses and engineering reports and providing assistance to the member's safety committee.
3. The Risk Management Consultant(s) shall be appointed in conformance with the Public Contracts Law.

ARTICLE IV - OPERATION OF THE COMMISSION

General Operation:

1. The Commission shall be subject to and operate in compliance with the provisions of the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.), the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and regulations (including but not limited to N.J.A.C. 5:34) and the various statutes authorizing the investment of public funds.
2. The Commission shall be considered a local unit for purposes of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and shall be governed by the provisions of that law in the purchase of any goods, materials, supplies and services.
3. The Commission shall be operated with sufficient aggregate financial strength and liquidity to assure that all obligations will be promptly met. The Commission shall prepare a financial statement on a form acceptable to the Insurance Commissioners showing the financial ability of the Commission to meet its obligations.
4. All monies, assessments, funds, and other assets of the Commission shall be under the exclusive control of the Insurance Commissioners.
6. The Commission shall adopt a resolution designating a public depository or depositories for its monies pursuant to N.J.S.A. 40A:5-14. The resolution shall also designate a person to be custodian of funds for the Commission and shall authorize the custodian to invest temporarily free balances of any claim or administrative accounts periodically as authorized by law. The custodian of funds shall possess a Certified Municipal Finance Officer certificate issued pursuant to N.J.S.A. 40A:9-140.2. The custodian shall quarterly report to the Commissioners on investment and interest income.
6. All books, records, files, documents, and equipment of the Commission are the property of the Commission and shall be retained by the Commission Administrator at the discretion of the Insurance Commissioners in accordance with a record retention program adopted by the Commission. All books, records, files and documents of the Commission shall be retained for not less than five years. The Commission shall also retain claims information.

Risk Management Plan:

The Insurance Commissioners shall prepare or cause to be prepared, a Risk Management Plan for the Commission including all information detailed in N.J.A.C. 11:15-2.6(e) and or 11:15-3.6(d) as appropriate. The Risk Management Plan shall be adopted and approved by resolution of the Insurance Commissioners.

Financial Statement and Reports:

1. The Commissioners shall provide its members with periodic reports covering the activities and status of the Commission for the reporting period.

The reports shall be made at least quarterly and may be made more frequently at the direction of the Insurance Commissioners, and shall include, but not be limited to, the minutes, the Administrator's report, the Treasurer's report, and a summation of Commission activity, including comments on previously reported claims and newly reported claims, and any other information required by the Insurance Commissioners. The Treasurer's report shall include budget status, account balances, claims information, investment status, earnings, and the costs of making investments.

2. A sworn annual report in a form prescribed by the Insurance Commissioners shall be prepared by the Commission and be made available to each Commission member not later than one hundred eighty (180) days after the end of each Commission year. The report shall be accompanied by an annual audited statement of the financial condition of the Commission prepared by the Auditor and performed in accordance with generally accepted accounting principles.

Coverages:

The Commission may offer coverage to its members for the following purposes:

1. To insure against any loss or damage however caused to any property, motor vehicles, equipment or apparatus owned by it, or owned by or under the control of any of its departments, boards, agencies, or commissions.
2. To insure against liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by or controlled by it, or owned by or under the control of any of its departments, boards, agencies, or commissions.
3. To insure against liability for its negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any act or services, but not including an independent contractor within the limitations of the "New Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.);
4. To insure against any loss or damage from liability as established by chapter 15 of Title 34 of the Revised Statutes.
5. To provide contributory or noncontributory self-funded, or partially self-funded, health benefits to employees or their dependents, or both, in accordance with rules and regulations of the Director of the Division of Local Government Services in the Department of Community Affairs. The establishment and operation of a Commission to provide health benefits by a local unit prior to the effective date of P.L.2000, c.126 (C.52:13H-21 et al.) is hereby validated; however, any such health benefits Commission shall comply with all rules and regulations promulgated by the director pursuant to this subsection.

Services:

The Commission may also provide its members with safety and loss control programs and may jointly purchase or lease, on behalf of its membership, safety and loss control services, training, equipment, and apparatus, in connection with the provision of the coverage set forth above.

ARTICLE V - MEETINGS AND RULES OF ORDER

1. Annual Organization Meeting:

On or before January 15th the beginning of the Commission year, the Insurance Commissioners shall meet to elect officers and to appoint professionals and servicing organizations and conduct such other business as is necessary. The time and place for the meeting shall be established by the Chairperson, and the Secretary shall send written notice to the clerks of participating local units at least two (2) weeks in advance.

2. Business Meetings:

The Insurance Commissioners shall establish an annual schedule of meetings to conduct the business of the Commission.

3. Special Meetings:

The Chairperson or two (2) Insurance Commissioners may call a special meeting by notifying the Commission's Secretary at least three (3) days in advance. The Secretary shall notify the Insurance Commissioners by telephone.

4. Quorum:

The quorum for a meeting of Insurance Commissioners shall be a majority of the regular Insurance Commissioners.

5. Conduct Of Meetings:

- a. All meetings of the Commission shall be subject to the rules and regulations of the Open Public Meetings Act. (N.J.S.A. 10:4-6 et.seq.)
- b. Unless otherwise provided in these rules and regulations, or in the laws or regulations of the State of New Jersey, "Robert's Rules of Order" shall govern the conduct of all meetings.
- c. The Secretary shall cause written minutes to be maintained of all Commission meetings and shall cause the minutes to be made available to the Insurance Commissioner upon request. In addition, the Secretary shall tape record open sessions for clarity in preparing the minutes. Said

meeting tape shall be maintained for 180 days or until the meeting minutes are approved, whichever occurs first. There shall be no tape recording of closed session meetings.

6. Amendments to the Rules and Regulations

- a. Any Insurance Commissioner may propose an amendment to the bylaws by filing the proposed amendment in writing with the Secretary.
- b. Upon receipt of a proposed amendment, the Secretary shall notify the Chairperson who shall schedule a hearing to be held not more than forty-five (45) days from the date the amendment was filed. The Secretary shall notify in writing all Insurance Commissioners of the hearing date and shall send all Insurance Commissioners and members a copy of the proposed amendment. Notice shall be given to the County Commissioner Chairperson and County Administrator.
- c. The amendment may be adopted by the Insurance Commissioners upon the completion of the hearing.

ARTICLE VI - BUDGETS

A. On or before November 15 of each year, the Commission shall prepare the budget for the upcoming fiscal year. The budget shall identify the proposed items and amounts of expenditure for its operations, the anticipated amounts and sources of assessments and other income to be received during the fiscal year and the status of the self-insurance or loss retention accounts. The budget shall be prepared on a basis that does not recognize investment income or discounting of claim reserves but recognizes all anticipated or forecasted losses and administrative expenses associated with that fiscal year.

B. A copy of the Commission's proposed budget shall be made available to each member at least two (2) weeks prior to the time scheduled for its adoption. No budget shall be adopted until a hearing has been held in accordance with N.J.S.A. 40A:4-1 et. seq. giving all members the opportunity to present comments or objections.

C. Not later than December 1st of each year the Insurance Commissioners shall adopt by majority vote the budget for the Commission's operation for the coming fiscal year.

E. An adopted budget may be amended by majority vote of Insurance Commissioners.

ARTICLE VII - ASSESSMENTS

Annual Assessment

1. In November of each year, the Executive Director/Administrator shall compute each member's assessments for the upcoming Commission year, which shall consist of an amount allocated for the administrative account plus specific assessment to establish and/or replenish the claim or loss retention trust fund account for each type of coverage provided by the Commission and in which such member participates.
2. The annual assessment of each participating local unit shall be its pro rata share of the Commission's budget for the upcoming year for each line of coverage provided to the member.
3. The calculation of pro rata shares shall be based on each member's manual premium by Commission year for that line of coverage. To the extent possible, the Commission shall use experience modification formulas in computing manual premiums. Unless otherwise approved by the Insurance Commissioners, the assessment for Worker's Compensation and Employer's Liability shall be based upon the experience rating plan provided for in the New Jersey Worker's Compensation and Employer's Liability Insurance Manual on file with the Commissioner of Banking and Insurance. The Insurance Commissioners may also adopt a capping formula which limits the increase in any member's assessment to the Commission-wide average increase plus a percentage established by the Insurance Commissioners.
4. The total amount of each member's annual assessment shall be certified by majority vote of the Insurance Commissioners to the governing body of each participating local unit at least one (1) month prior to the beginning of the next fiscal year.
5. The annual assessment shall be paid to the Commission in installments, to be determined by the Insurance Commissioners.
6. The Treasurer shall deposit each member's assessment into the appropriate accounts, including the administrative account and the claim or loss retention Trust Fund account.
7. If a member joins the Commission or elects to participate in a line of coverage after the start of the Commission year, such member's assessments and supplemental assessments shall be reduced in proportion to that part of the year which had elapsed.

Supplemental Assessments:

1. The Insurance Commissioners shall by majority vote levy upon the member local units' additional assessments wherever needed to supplement the Commission's claim, loss retention or administrative accounts to assure the payment of the Commission's obligations.

a. All supplemental assessments shall be charged to the members by applicable Commission year and shall be apportioned by that year's assessments for that line of coverage.

b. All members shall be given at least thirty (30) days advance written notice of the Commission's intention to charge an additional assessment.

c. Members shall have thirty (30) days to pay the Commission from the due date established by the Insurance Commissioners at the time any supplemental assessment is adopted. Whenever possible, the due date shall be no sooner than the beginning of the Commission's next fiscal year.

Insolvency and/or Bankruptcy Of Commission Members:

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

ARTICLE VIII - REFUNDS

- A. Any monies for a Commission year in excess of the amount necessary to fund all obligations for that fiscal year as certified by an actuary may be declared to be refundable by the Commission.
- B. A refund for any fiscal year shall be paid only in proportion to the member's participation in the Commission for such year. Payment of a refund shall not be contingent on the member's continued membership in the Commission.
- C. The Commission may apply a refund to any arrearage owed by the member to the Commission. Otherwise, at the option of the member, the refund may be retained by the Commission and applied towards the member's next annual assessment.

ARTICLE IX - TRUST FUND ACCOUNTS, INVESTMENTS AND DISBURSEMENTS

Establishment of Trust Fund Accounts

- 1. By resolution, the Commission shall designate a public depository or depositories for its monies pursuant to N.J.S.A. 40A:5-14. The resolution shall also designate a person to be custodian of funds for the Commission and shall authorize the custodian to invest temporarily free balances of any claim or

administrative accounts periodically as authorized by law. The custodian shall report to the commission quarterly on interest and interest/income.

2. The Commission shall establish a separate Trust Fund Account from which monies shall be disbursed solely for the payment of claims, allocated claim expenses and excess insurance or reinsurance premiums designated as the Claims or Loss Retention Fund Account.
 - a. Other than for claims, allocated claims expense, or excess insurance premiums, no transfers or withdrawals may be made from a claim or loss retention account without the approval of the Insurance Commissioners.
 - b. The Commission shall maintain accounting records allocating all income, disbursements, and assets in the Claims account by line of coverage and by Commission year. Accounting records for closed Commission year(s) shall be allocated by member. Accounting records for loss fund contingency or excess loss contingency shall also be allocated by member.
3. The Commission shall also establish an administrative account which shall be utilized for payment of the Commission's general operating expenses, loss prevention activities, data processing services, and general legal expenses. The Commission shall maintain accounting records for the administrative account per 2(b) above.

Investments

1. The balance of any account shall be invested to obtain the maximum interest return practical. All investments shall be in accordance with the Commission's cash management plan and consistent with the statutes and rules governing the investment of public funds by local governments and pursuant to N.J.S.A. 40A:10-10b.
2. The investment and interest income earned by the investment of the assets of each claim or loss retention account shall be credited to each account.
3. The investment and interest income earned by investment of the assets of the administrative account shall be credited to that account.

Disbursements

1. Prior to any commitment or agreement requiring the expenditure of funds, the custodian of the Commission's assets shall certify as to the availability of sufficient unencumbered funds to fully pay all charges or commitments to be accepted.
2. All disbursements, payments of claims or expenditure of funds must be approved by a majority vote of the Insurance Commissioners.

3. Notwithstanding numbers 1 and 2 above, the Commission may provide for the expedient resolution of certain claims by designating the Commission's Administrator or service organization as a "certifying and approving officer" pursuant to N.J.S.A. 40A:5-17. The Commission may authorize the certifying and approving officer to approve for payment any specified claims in an amount not to exceed an amount approved by the Insurance Commissioners in the Plan of Risk Management. The Commission shall establish such other procedures and restrictions on the exercise of this authority as the Commission deems appropriate.

4. Upon approval, the certifying and approving officer shall certify the amount and particulars of such approved claims to the custodian of the Commission's assets, directing that a check for payment be prepared.

5. Each month, the certifying and approving officer shall prepare a report of all claims approved since the last report, detailing the nature and the amount of the claim, the payee, the reasons supporting payment and any other pertinent information. This report shall be reviewed and approved or rejected by vote of the Insurance Commissioners at their next regularly scheduled meeting. If any payment is not approved, appropriate action shall be taken.

6. All requests for payments must be accompanied by a detailed bill of items or demand, specifying particularly how the bill or demand is made up, with the certification of the party claiming payment that it is correct, and shall be certified by an officer or duly designated agent or employee of the Commission having knowledge of the facts that the goods have been received by, or the services rendered to the Commission. In the case of claims or losses to be charged against any loss fund, the Commission's claims administrator shall certify as to the claim's correctness and validity.

7. All claims shall be paid by check. The checks shall be signed by two persons so designated by the Insurance Commissioners. Payment of claims may be made by wire transfer.

8. All claims or other disbursements approved for payment by the Commission shall be recorded in a claims register maintained by the custodian of the Commission's assets.

ARTICLE X - CONFLICT OF INTEREST

- A. All officials or employees of a member local unit or any members of the family of such officials or employees shall comply with N.J.S.A. 40A: 22.1 et. seq. (The "Local Government Ethics Law").

ARTICLE XI - VOLUNTARY DISSOLUTION OF THE COMMISSION

- A. If the Insurance Commissioners deem it in the best interest of the members to dissolve the Commission, they shall by majority vote direct that a written Plan of Dissolution be prepared.
- B. The Plan of Dissolution must provide for the payment of all unexpired losses of the Commission and its members, including all incurred but not reported losses, as certified by an actuary, before any assets of the Commission or the trust fund accounts may be used for any other purpose.
- C. Upon completion of the plan, the Chairperson shall call a general meeting of all Insurance Commissioners who shall review the plan and make any appropriate amendments. By majority vote, the Insurance Commissioners may recommend to the County that the Commission be dissolved in accordance with the Plan of Dissolution.
- D. The Board of County Commissioners must by resolution vote to accept the Plan of Dissolution in order to dissolve the Commission.
- E. Such Plan of Dissolution shall contain a statement of the Commission's current financial condition computed both on a statutory basis and according to generally accepted accounting principles as attested to by an independent certified accountant.

ARTICLE XII - CLAIMS HANDLING PROCEDURE

Claims Reporting:

Upon receipt of the initial notice of a claim, the member shall immediately forward the notice of claim and any other information available to the third-party adjuster (TPA) retained by the Commission, and, where appropriate, to the Commission's Attorney for initial contact, investigation, court actions or other appropriate response.

Registration Of Claims:

Upon receipt of initial notice of claim, whether by service of process, notice of claim or petition or otherwise, the TPA shall cause each claim to be numbered, and to be included on a monthly report to the Executive Director. The monthly report shall set forth the name of the claimant, the nature of the claim, the type of insurance coverage claimed against, and to the extent known, and an approximate estimate of the magnitude of the potential loss. This report shall be considered confidential.

Notice Of Request for Settlement Authority:

Whenever an investigation discloses that the prompt, fair and equitable settlement of a claim is appropriate and possible, and such settlement exceeds the authority of the claims administrator, the TPA shall submit to the Commission Administrator for review

at an Insurance Commissioners meeting, a request for settlement authority. This notice shall be on forms approved by the Insurance Commissioners and shall set forth identifying information concerning the claim, recommendations where appropriate concerning the legal liability of the Commission, a summary of investigative work concerning the merits of the claim and the reasons underlying the recommended settlement authority.

Approval Of Payments and Settlements:

Whenever the Commission shall make any payment or settlement of any claim, a notation thereof identifying the claim, and the amount paid shall be entered upon a ledger of claims paid.

ARTICLE XIII - COMPLAINT HANDLING PROCEDURE

- A. Whenever any interested party shall submit a complaint in writing to the Commission, the executive director/administrator, or any member of the Commission, a copy thereof shall be forthwith communicated to the Insurance Commissioners for consideration at its next regularly scheduled meeting.
- B. At said meeting the Insurance Commissioners shall consider the complaint, and by recorded vote take such action as might be appropriate.
- C. The complaining party, and the Insurance Commissioner from the local unit shall receive written notice of the Commissioners findings. The written notice to the complaining party, may where appropriate, include an opportunity for the complaining party to have a hearing concerning his/her complaint before the Insurance Commissioners.
- D. They shall keep a separate record of all complaints received and the disposition of same.
- E. If the complaining party is dissatisfied with the Insurance Commissioners decision, the complaining party may appeal this determination to the independent appeal organization or arbitrator designated by the Commission annually.
- F. If the complaining party is dissatisfied with the determination of the independent appeal agency or arbitrator, the complaining party may exercise any remedies provided by law.

ARTICLE XIV - OTHER CONDITIONS

Inspection And Audit:

The Commission shall be permitted but not obligated to inspect, at any reasonable time, the workplaces and operations of each member covered by this agreement. Neither the right to make inspections nor the making thereof nor any report thereon shall constitute

an undertaking on behalf of or for the benefit of the member or others, to determine or warrant that such workplaces, operations, are safe or healthful, or are in compliance with any law, rule or regulation.

The Commission shall be permitted to examine and audit the member's payroll records, general ledger, disbursements, vouchers, contracts, tax reports and all other books, documents and records at any reasonable time as far as they show or tend to show or verify the amount of remuneration or other premium basis or relate to the subject matter of this agreement.

Notice Of Injury:

When an injury occurs, written notice shall be given by or on behalf of the member to the Commission or any of its authorized agents as soon as practical. Such notice shall contain particulars sufficient to identify the member and also reasonably obtainable information respecting the time, place and circumstances of the injury, the names and addresses of the injured and of available witnesses.

Notice Of Claim or Suit:

If claim is made or formal petition or a suit or other proceedings are brought against the member, it shall immediately forward to the Commission every demand, notice, summons or other process received by the member or its representative.

Assistance And Cooperation of The Participant:

The member shall cooperate with the Commission and upon the Commission's request, shall attend hearings and trials and shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of suits or proceedings. The member shall not, except at its own cost, voluntarily make any payment, assume any obligation, or incur any expense other than for such immediate medical and other services at the time of injury as are required by the Workers' Compensation Law.

Action Against Commission:

No action shall lie against the Commission unless, as a condition precedent thereto, the Member shall have fully complied with all the terms of this agreement, not until the amount of the member's obligation to pay shall have been finally determined either by judgment against the member after actual trial or by written agreement of the member, the claimant, and the Commission. Any person or organization or the legal representative thereof who has secured such judgment or written agreement shall thereafter be entitled to recover under this agreement to the extent of the protection afforded by this agreement. Nothing contained in this agreement shall give any person or organization any right to join the Commission as a co-defendant in any action against the member to determine the member's liability.

Bankruptcy or insolvency of the member shall not relieve the Commission of any of its obligations.

Subrogation:

In the event of any payment under the agreement, the Commission shall be subrogated to all rights of recovery therefore of the member and any person entitled to the benefits of this agreement against any person or organization and the Member shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The member shall do nothing after loss to prejudice such rights.

Conformance With Statute:

In the event any portion of these rules and regulations conflict with any statute or administrative regulation, the provision of any such statute or administrative regulation shall control to the extent it conflicts.

THUS DONE, READ, AND PASSED in my office in Trenton, Mercer County, State of New Jersey.

MERCER COUNTY INSURANCE FUND COMMISSION

BY: _____
CHRISTOPHER R. MARION, CHAIR

ATTEST: _____
ALEJANDRA M. SILVA

DATED: MARCH 25, 2024