

NEW JERSEY UTILITY AUTHORITIES JOINT INSURANCE FUND
MEETING: SEPTEMBER 27, 2017
Toms River MUA
10:30 AM

-
- MEETING CALLED TO ORDER - OPEN NOTICE READ**
 - PLEDGE OF ALLEGIANCE**
 - ROLL CALL OF EXECUTIVE COMMITTEE**
 - APPROVAL OF MINUTES: August 23, 2017Appendix I**

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- ATTORNEY –Robert Budes, Esquire**

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- OLD BUSINESS**
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- PUBLIC COMMENT**

RESOLUTION - EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES
PERSONNEL - SAFETY AND PROPERTY OF PUBLIC – LITIGATION
Payment Authority Requests

- MEETING ADJOURNED**



Municipal Excess Liability Joint Insurance Fund

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

Date: September 7, 2017

To: Fund Commissioners

From: MEL Executive Director

Re: Hurricane Harvey - Self Deployment

We have received a number of inquiries from membership on coverage for member town employees and volunteers who want to provide Hurricane Harvey assistance.

Although we commend those who wish to help, self deployment by any municipality or any individual is not encouraged.

It is our understanding that the State of New Jersey participates in the Emergency Management Assistance Compact (EMAC), an inter-local agreement for emergency services, which outlines the protocol for providing assistance but only upon request for aid. For your reference, attached is a copy of the EMAC Fact Sheet which provides an outline of the program.

If you have any questions, please contact your Risk Management Consultant or JIF Executive Director.

CC: JIF Executive Directors
Risk Management Consultants
Fund Professionals

BOROUGH OF UNION BEACH POLICE DEPARTMENT

Michael J Woodrow
CHIEF OF POLICE

Gabriel Farese
Captain

29 August 2017

Anne Marie,

Today, (08/29/2017) I called Sgt First Class Brian Trexler, of the New Jersey State Police Office of Emergency Management in reference to the Texas Hurricane volunteer response.

Sgt Trexler advised that the State of New Jersey has an Emergency Interstate Mutual Agreement Compact (EMAC). He stated that Texas has not called for any assistance from New Jersey as of this point. He stated that right now Local, State surrounding states, and FEMA have been providing assistance to the stricken areas. He stated that right now the only request is for an expert in emergency housing and that is being addressed.

SFC Trexler stated that it is not acceptable for any municipality to self dispatch to the location without and prior request for aid. Furthermore he stated that there is no coverage for liability or funding without a formal request.

SFC Trexler stated that when the request is made that there would be insurances and funding put in place to pay for man hours and incidentals as well as insurance coverage as allowed by the insurer

Sincerely,

Captain Gabriel Farese

Emergency Management Assistance Compact

Fact Sheet

Overview

The Emergency Management Assistance Compact (EMAC) is a type of interstate mutual aid agreement that facilitates the sharing of assistance among states during emergency events, including natural and man-made disasters.¹ EMAC was ratified by the U.S. Congress in 1996.² EMAC is the most widely adopted mutual aid arrangement in the United States; it has been adopted by all states, the District of Columbia, and some territories.³ ([Download a printable PDF.](#))

What EMAC Does

EMAC provides an organized structure through which a state can request aid such as personnel, services, equipment, and supplies from other states during an emergency. EMAC establishes that the requesting state is responsible for reimbursing the assisting state for any expenses incurred. EMAC also addresses liability, compensation, and licensing issues for personnel deployed pursuant to an EMAC request.

EMAC does not replace federal assistance but acts to complement federal resources or to provide resources when an event does not warrant federal assistance.³ Participation in mutual aid arrangements like EMAC is seen as an important component of the federal National Incident Management System (NIMS), which is intended to provide a systematic approach to guide governments at all levels, nongovernmental organizations, and the private sector in collaborative emergency preparedness and response activities.

How EMAC Works

There is no cost to join EMAC, but states are required to adopt the model compact language into their statutes essentially unchanged in order for the compact's reimbursement, liability, and compensation provisions to work. EMAC is overseen by a number of committees and taskforces comprised of representatives of state and local governments and other organizations.³ EMAC is administered by the National Emergency Management Association (NEMA).

Requesting Assistance

EMAC is triggered by a requesting state when its governor has declared an emergency and the state enters a request for assistance through the EMAC Operating System.³ The requesting state can ask the EMAC leadership to send a team of emergency management personnel to the state's emergency operations center to assist with subsequent resource requests under EMAC. The requesting state can seek additional resources through the EMAC network from other states. These assisting states work with the requesting state to identify resources required and other details. Once both the requesting and assisting states approve the final details, resources are deployed to the area of need.

It should be noted that local governments and their employees are not parties to EMAC unless they are specifically deemed to be state forces through statutory mechanisms or otherwise participate in a mutual aid agreement with the state. NEMA developed the Model Intrastate Mutual Aid Legislation in 2004 to provide a model for such an aid agreement.⁶ Alternatively, some states have passed state-county mutual aid deployment contracts that allow local emergency responders to deploy under the auspices of EMAC.⁷ Other states have developed intrastate mutual aid systems that allow localities to request and provide assistance within the state.

Reimbursement

Once the missions have been completed and resources have returned home, the assisting states prepare formal requests for reimbursement, which are then sent to and processed by the requesting state.³ Costs for resources are agreed to by the requesting and assisting state before deployment, which serves to facilitate the reimbursement process.

The Federal Emergency Management Agency (FEMA) will reimburse for services provided through mutual aid agreements, like EMAC. FEMA will reimburse mutual aid costs if the aid was requested (i.e., no spontaneous responders), the assistance requested directly related to a disaster eligible for FEMA assistance, and the assistance occurred under a signed, written mutual aid agreement.⁴ Only the entity requesting mutual aid (the requesting state) is eligible to apply for grant assistance directly from FEMA; entities providing aid (assisting states) must seek reimbursement from the requesting state.

Liability and Immunity Issues

Those rendering aid under EMAC are considered agents of the requesting state for tort liability and immunity purposes; no assisting state or its officers or employees rendering aid are liable for an act or omission that occurs in good faith.⁵ Willful misconduct, gross negligence, or recklessness are excluded from EMAC immunity. Because EMAC only applies to officers and employees of a state, immunity protections and license reciprocity will not automatically extend to volunteers who provide services outside of EMAC. Volunteers would have to be made temporary state government employees to be assured of coverage under EMAC.

Compensation Issues



Michael Oppgaard
Yesterday, 2:07 PM
MCSD OEM Coordinators: M

Reply all |

Good afternoon,

As we all watch the devastating disaster that is impacting the state of Texas, our thoughts and prayers go out to the residents and first responders. Although this disaster appears as though it will be much larger than Sandy, we all have some level of understanding of the challenges that they will be faced with in the days, weeks, months and years ahead. As we experienced during Sandy, there is a tremendous urge for everyone to want to help, and in some cases, want to reciprocate what we received during that disaster. However, we all must remember that there are systems, mechanisms and plans in place to coordinate assistance into disaster stricken areas, and we should allow them to play out accordingly.

As of this email, the only official request for assistance that the State has received, was for the National Urban Search & Rescue assets of NJTF-1. MCOEM has received word that NJOEM is monitoring the Emergency Management Assistance Compact EMAC system for any and all requests that NJ and related partners can provide. All requests will be carefully evaluated for New Jersey's capabilities to respond. MCOEM remains in contact with NJOEM and will pass along any pertinent information as it becomes available.

Both Governor Abbott and FEMA Administrator Long have indicated that anyone wishing to assist should direct their efforts to the American Red Cross or other appropriate VOAD agency. In addition the National VOAD website, www.NVOAD.org is capturing through their system information on volunteers, corporations and individuals wishing to offer assistance. On the site you will find the ability to enter what type of assistance that is being offered with pertinent details on proximity, cost and ability to provide the assistance. Each entry will be evaluated and compared to what is needed in the impacted area, and if applicable, the appropriate agency will contact the proposing individual or agency. The National VOAD website does indicate that the best way to help now is by cash donations and that the situation on the ground is not conducive for individual volunteers to enter the impacted area.

If you are interested in assisting with the response and recovery efforts to come, please channel your efforts through the established VOAD programs.

MCOEM will remain in contact with our NJOEM Regional Representatives and will share any official requests for assistance accordingly.

Regards
Mike

Michael Oppgaard
Emergency
Management



New Jersey Utility Authorities Joint Insurance Fund

9 Campus Drive, Suite 216

Parsippany, NJ 07054-4412

Telephone (201) 881-7632 Fax (201) 881-7633

Date: September 27, 2017

Memo to: Executive Committee
New Jersey Utility Authorities Joint Insurance Fund

From: Cathleen Kiernan

Subject: Executive Director's Report

- ❑ **2018 Renewal Online Underwriting Database:** Members and risk managers received an email notifying them the database is available for the 2018 underwriting renewal process. The deadline to submit schedules is August 15th. We have begun the process of following up with members.
- ❑ **Residual Claims Fund (RCF)** – The Residual Claims Fund met on September 6, 2017 at 10:30 AM at the Forsgate Country Club in Jamesburg, NJ; enclosed is a copy of Commissioner Bigler’s report on the meeting. The Residual Claims Fund amended 2017 Budget and the proposed 2018 Budget was introduced. The public hearing on the RCF budgets will be held on October 18, 2017 10:30 AM at the Forsgate Country Club.
- ❑ **EJIF** - The EJIF met on September 6, 2017 at 10:50 am at the Forsgate Country Club in Jamesburg, NJ; enclosed is a copy of Commissioner Rutkowski’s report on the meeting. The attached 2018 Budget was introduced and will be adopted at the October 18, 2017 meeting.
- ❑ **MEL** - The MEL also met on September 6, 2017 at 11:15 am at the Forsgate Country Club in Jamesburg, NJ; enclosed is a copy of Commissioner Rutkowski’s report. The MEL’s 2018 Budget introduction is scheduled for October 18, 2017 at the Forsgate Country Club in Jamesburg NJ.
- ❑ **MEL Cyber Task Force** - MEL Cyber Task Force - The MEL’s Cyber Task Force made recommendations to the MEL at the September 6th meeting.

The Cyber Task Force developed minimum risk control standards. The JIFs’ policies with XL Caitlin carries a \$10,000 deductible. To encourage members to implement risk control, the MEL Board of Fund Commissioners voted to participate in the deductible based on a member’s level of compliance with minimum standards (to be determined at time of claim). Attached are the minimum standards approved by the MEL. The MEL Underwriting Manager will be preparing material to distribute to members shortly.

The MEL Board also agreed to enter into a contract with Palindrome Technologies to conduct a study evaluating one member per JIF’s computer network for possible cyber threats and vulnerabilities at a cost of \$17,100. At the end of the study, Palindrome will provide a report to each participant as well as a summary report for the MEL that will provide insight to members’ cyber security readiness.

Committee met again and is now focusing on identifying training vendors and may be able to add additional on-line training to the MEL Safety Institute.

- ❑ **2018 Membership Renewals-** Attached is a list of members scheduled to renew fund membership by January 1, 2018. Membership renewal documents have been mailed to members. Renewals are due back in the fund office by October 1, 2017.
- ❑ **Safety Expo** – The second of two NJUA Safety Expos will be held on September 29th at the Camden County Regional Emergency Training Center. Enclosed is another copy of the registration information that has been emailed to all member authorities. To date, only 91 employees, representing 21 authorities and 8 towns have registered for the September Expo. Schedules will be emailed to members next week.
- ❑ **Finance Committee** – A meeting of the Finance Committee needs to be scheduled for mid-October to review the 2018 budget. Finance Committee members are: Michael Gianforte, Chair; Frank Pastena, Bob Fischer and Brian Bigler.
- ❑ **Cape May County MUA** – The MUA added an \$8,500,000 building to its schedule effective September 1. The pro-rated additional assessment is \$3,980.68

Motion to certify an additional assessment in the amount of \$3,980.68

- ❑ **Requests for Qualifications** – As authorized in July, we have advertised and released RFQs, due in the Fund office on September 14th. Enclosed is a summary of responses received.
- ❑ **Owned Drones** – A member authority is considering purchasing a drone. The municipal JIFs recently endorsed this coverage; attached is a copy of their endorsement. The NJUA JIF has a different excess casualty carrier than the municipal JIFs. In response to Jon Ziman, Munich Re agreed to provide a \$5,000,000 sub-limit but limited to drones less than 10 lbs. The MEL limits coverage to drones less than 50lbs. The MEL confirmed that it will provide this coverage in its layer of \$700,000 excess of the JIF's \$300,000.

We have scheduled a Conference Call of the Coverage Committee for Monday, September 25th to review the matter. During last year's renewal, no member authority answered affirmatively to owning drones.

- ❑ **EJIF Regulatory Compliance Training** – The EJIF would like to extend an invitation to you and members of your municipality and utility authority to an upcoming workshop – **“Keeping Up with Changing Regulations”** to discuss staying in compliance with new, changing problematic rules.
- ❑ **November JIF Meeting** – The JIF Meeting is scheduled for November 14, 2017 at 2:30 pm in Atlantic City at Caesars. In order to maintain the meeting room at Caesars, we would need to push back the time to 3:00pm; to be followed by the Elected Officials seminar at 3:45pm.

In addition, the Committee may want to consider rescheduling the December meeting – which is currently scheduled for December 27, 2017.

Due Diligence Reports

- ❑ Financial Fast Track Report - 7/31/17 Page 39
- ❑ Interest Rate Comparison Report - as of 7/31/2017 Page 40
- ❑ Expected Loss Ratio - as of 7/31/17 Page 41

<input type="checkbox"/> Claim Activity Report- as of 7/31/17	Page 42
<input type="checkbox"/> Lost Time Accident Frequency Report - as of 7/31/17	Page 43
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<input type="checkbox"/> POL/EPL – Compliance Status List – as of 9/15/17	Page 48
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<input type="checkbox"/> Regulatory Compliance Check List - as of 9/15/2017	Page 51