



**Borough of Manville**  
**Resolution #2024-32**

**Authorizing the Borough to Become a Member of the  
Southern Skyland Regional Health Insurance Fund, effective April 1, 2024**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the Southern Skyland Regional Health Insurance Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. §11:15-3, §17:1-8.1, and §40A:10-36 et seq., and;

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

**WHEREAS**, the governing body of The BOROUGH OF MANVILLE in the County of Somerset, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Manville, that:

- (1) The governing body of the LOCAL UNIT hereby agrees as follows:
  - i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
  - ii. Will participate in the Southern Skyland Regional Health Insurance Fund coverage, including: Medical, Prescription, and Medicare Advantage coverage
  - iii. Adopts and approves the FUND's Bylaws.
  - iv. Execute an application for membership and any accompanying certifications.

(2) The governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement in essentially the form annexed hereto, and to execute such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective on a date presently anticipated to be April 1 2024, but in any case to be effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs;

(3) The Mayor, Borough Chief Financial Officer, Borough Administrator, and Borough Clerk, in consultation with Borough legal counsel and the Borough's Risk Management / Insurance Advisor, are hereby authorized and directed to sign such documents as necessary to effectuate the intent of this Resolution.

(4) This resolution is contingent upon approval from the State of New Jersey, Dept. of Community Affairs, Division of Local Government Services as per the terms of its Transitional Aid program with the Borough.

*Richard M. Onderko*

Richard M. Onderko

Mayor

ATTEST:

*Traci Dillingham*

Traci Dillingham

Deputy Borough Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Borough Council of the Borough of Manville, County of Somerset, State of New Jersey at a Mayor & Council Meeting held at 325 No. Main St. Manville, NJ. on January 22, 2024.

Attest:

*Traci Dillingham*

Deputy Borough Clerk

Introduced	Second	Council	Yes	No	Abstain	Absent
	✓	Agans	✓			
		Camacho	✓			
✓		DeVito III	✓			
		Madak	✓			
		Puia	✓			
		Skirkanish	✓			
		Onderko				

**SOUTHERN SKYLAND REGIONAL HEALTH INSURANCE FUND**

**INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT

made this 23 day of January, 2024,  
in the County of SOMERSET, State of New Jersey,

by and Between the **Southern Skyland Regional Health Insurance Fund** referred to as "FUND" and the governing body of the

BOROUGH OF MANVILLE, a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as "LOCAL UNIT".

**WITNESSETH:**

WHEREAS, the governing bodies of various local units of government, as defined in N.J.A.C. §11:15-3.2, have collectively formed a Joint Insurance Fund as such an entity is authorized and described in N.J.S.A. §40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.

2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.

3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on **April 1, 2024** and ending on **April 1, 2025** at 12:01 AM provided, however, that the LOCAL UNIT may withdraw at any time upon 90 day written notice to the FUND.

4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of FUND claimants all in accordance with N.J.A.C. §11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. §40A:10-36 et. seq., N.J.S.A. §40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Medicare Advantage Program
- b) Employer Group Waiver Program

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

**SOUTHERN SKYLAND REGIONAL HEALTH INSURANCE FUND**

ADOPTED: 01/22/2024  
Date

BY: Borough of Manville

ATTEST: Traci Dugherin