

RESOLUTION NO. 8-18

**INDEMNIFYING BURLINGTON COUNTY INSURANCE FUND COMMISSION
OFFICIALS/EMPLOYEES**

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

WHEREAS, the BCIC has the authority and deemed it necessary and appropriate to formally re-organize for the 2018 commission year; and

NOW THEREFORE BE IT RESOLVED by the BCIC that Commission elected officials, appointed officials, and employees are hereby indemnified in a manner similar to the provisions of N.J.S.A. 59:10-1, et seq. and 59:10A-1 et seq.; and

BE IT FURTHER RESOLVED that the aforesaid indemnification shall include the reasonable costs of defense; and

BE IT FURTHER RESOLVED that in interpreting the above referenced statutes, all discretion statutorily vested with the State shall be exercised by the BCIC, and all discretion vested with the Attorney General shall be exercised by the BCIC Attorney, subject to review by the BCIC; and

BE IT FURTHER RESOLVED that any employee, inclusive of public officials employed by the BCIC, shall be and is hereby indemnified for exemplary or punitive damages resulting from the employee’s civil violation of State or Federal law if, in the opinion of the BCIC, the acts committed by the employee, upon which the damages are based, did not constitute actual fraud, actual malice, willful misconduct, or an intentional wrong; and

BE IT FURTHER RESOLVED that the aforesaid indemnification shall include the reasonable costs of defense and shall permanently attach to all acts performed during the calendar year 2018 through 2018 BCIC Re-organization, and to all acts performed in all prior years thereto; and

BE IT FURTHER RESOLVED that the BCIC may undertake an evaluation of the acts committed by an employee, for the purpose of determining whether the acts constituted actual fraud, actual malice, willful misconduct, or an intentional wrong, at such time as there shall be sufficient factual data available to reach a reasonable determination on the issue, and such determination, based upon the availability of information, may be made either prior to or subsequent to trial or settlement of the matter in question.

ADOPTED by THE BURLINGTON COUNTY INSURANCE COMMISSION at a properly noticed meeting held on January 12, 2018.