

ATLANTIC COUNTY INSURANCE COMMISSION
OPEN MINUTES
MEETING – March 13, 2015
Freeholders’ Meeting Room
Stillwater Building
201 Shore Road
Northfield, New Jersey 08225
11:00 A.M.

Meeting was called to order by Commissioner Ferguson. Open Public Meetings notice read into record.

PLEDGE OF ALLEGIANCE

ROLL CALL OF COMMISSIONERS:

James F. Ferguson Present
Jacqueline Woods Present
Janette Kessler Present

FUND PROFESSIONALS PRESENT:

Executive Director PERMA Risk Management Services **Bradford C. Stokes**

Claims Administrator Qual-Lynx
Kathy Kissane
Karen Beatty
Katie Perry

Conner Strong & Buckelew
Robyn Walcoff

CEL Underwriting Manager Conner Strong & Buckelew

Attorney To be named

Treasurer **Bonnie Lindaw**

Safety Director J.A. Montgomery Risk Control
Glenn Prince

Risk Management Consultant Insurance Agencies, Inc.
Michael Ridge

ALSO PRESENT:

Joseph J. Giraldo, Atlantic County Improvement Authority
Rachel Chwastek, PERMA Risk Management Services
Harry Gallagher, Atlantic County Utilities Authority
James T. Dugan, Atlantic County
Tammi Robbins, Atlantic County
Chandra Anderson, Atlantic County

APPROVAL OF MINUTES: OPEN MINUTES OF FEBRUARY 12, 2015

MOTION TO APPROVE OPEN MINUTES OF FEBRUARY 12, 2015

Motion: Commissioner Kessler
Second: Commissioner Woods
Vote: 3 Ayes, 0 Nays

APPROVAL OF MINUTES: CLOSED MINUTES OF FEBRUARY 12, 2015

MOTION TO APPROVE CLOSED MINUTES OF FEBRUARY 12, 2015

Motion: Commissioner Woods
Second: Commissioner Kessler
Vote: 3 Ayes, 0 Nays

CORRESPONDENCE: Commissioner Ferguson submitted his resignation as Commission Chair and as a Commissioner by letter dated February 25, 2015 in order to be considered for the position of Counsel to the Commission.

MOTION TO APPROVE THE RESIGNATION OF COMMISSIONER FERGUSON.

Motion: Commissioner Kessler
Second: Commissioner Woods
Vote: 2 Ayes, 0 Nays

James Ferguson steps down as the Commission Chair and as a Commissioner. He introduces the proposed new Commissioner, Tammi Robbins, who is the head of Atlantic County's Health Benefits Department.

Executive Director Stokes thanks James Ferguson for his service and support as Commission Chair and calls for nominations for new Fund Commissioner. Commissioner Kessler nominates Tammi Robbins as a Commissioner and Vice Chair of the Commission. This is seconded by Commissioner Woods. Commissioner Kessler then nominates Jacqueline Woods to serve as Chair of the Commission. This is seconded by Commissioner Robbins. Executive Director Stokes found no other nominations and closed the appointments.

MOTION TO CERTIFY THE ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.

Motion: Commissioner Woods
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

EXECUTIVE DIRECTOR'S REPORT:

Executive Director Stokes presented the Executive Director's report. Tammi Robbins is welcomed as the new Commissioner. He reviewed Resolution 18-15 designating the signatures on the Commission bank

accounts. The signers would be the Chair, Vice Chair, CEL Commissioner, and Bonnie Lindaw, the Treasurer.

MOTION TO ADOPT RESOLUTION 18-15 DESIGNATING AUTHORIZED SIGNATURES FOR COMMISSION BANK ACCOUNTS.

Motion: Commissioner Kessler
Second: Commissioner Woods
Vote: 3 Ayes, 0 Nays

FUND ATTORNEY:

Executive Director Stokes reviewed Resolution 4-15 is to appoint James Ferguson as the Commission Attorney.

MOTION TO ADOPT RESOLUTION 4-15 DESIGNATING JAMES FERGUSON AS COMMISSION ATTORNEY.

Motion: Commissioner Kessler
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

RFQ FOR PROFESSIONAL SERVICES:

Executive Director Stokes went on to review that the Commission advertised an RFQ for the Fund defense panel. There were 13 responses. One submission had to be rejected as it was out of time. All 12 responders were well qualified and a decision was made to appoint all 12 responders to the Fund defense panel. Resolution 19-15 was amended to reflect the hourly rates of the firms.

MOTION TO ADOPT REVISED RESOLUTION 19-15 APPOINTING APPROVED COUNSEL TO THE FUND DEFENSE COUNSEL LIST.

Motion: Commissioner Kessler
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

CERTIFICATE OF INSURANCE ISSUANCE REPORT:

Executive Director Stokes reported there were no Certificates of Insurance issued during the period of February 5, 2015 to March 6, 2015.

ESTABLISHING COMMITTEES:

Executive Director Stokes reviewed Establishing Committees. The claims committee and safety committee charters have been completed and the members are ready for appointment. There was some revision to the members of the claims committee from the last meeting. He noted this is a good milestone to reach for the Commission to get these committees up and running. Robyn Walcoff was requested to discuss the claims committee charter.

Ms. Walcoff discussed that the claims committee charter names who are the voting members of the committee are Janette Kessler (will be the Chair), James Dugan from the Atlantic County Law Department, and Joseph Giraldo from the Atlantic County Improvement Authority. Fund Professionals are non-voting members who will attend the claims committee meetings and participate in discussions. The Fund Professionals would be James Ferguson, Jacqueline Woods, Bradford Stokes, Robyn Walcoff, Glenn Prince, the Risk Managers, and the Third-Party Administrators. The purpose is to have robust discussion on the claims so the items can then be brought to the Commissioners for approval. The reserve levels for the Third-Party Administrator are set forth in the claims committee charter. The Third-Party Administrator has authority to reserve up to \$7,500 for all claims other than workers' compensation, and \$15,000 for workers' compensation claims. The claims committee is not limited on the types of claims that can be put up for discussion.

MOTION TO ADOPT RESOLUTION 20-15 ESTABLISHING CLAIMS COMMITTEE AND CHARTER.

Motion: Commissioner Woods
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

Executive Director Stokes went on to discuss the Safety and Accident Review Committee Charter and called on Glenn Prince to provide more comments. Mr. Prince reviewed the purpose is to provide training, safety, accident review, OSHA compliance, naming the members, duties and responsibilities, and the schedule. Mr. Prince expressed thanks to Atlantic County for participation in the safety program, requesting training, and aggressively participating in the program.

James Ferguson commented that in his capacity as Commission Chair he was requested to provide a list of individuals who would be able to enhance the safety committee. James Dugan from the Law Department is the lead litigation attorney and has a lot of experience with claims. He then chose members from departments with the greatest history of claims including Warden Geraldine Cohen for the Jail, William Reinert, who is the department head for Public Works, Michelle Savage, the Administrator for Meadowview Nursing Home, Joseph Giraldo of the Atlantic County Improvement Authority, and Glen Mawby the Division Director of Facilities. All of them consented to be on the committee.

MOTION TO ADOPT RESOLUTION 21-15 ESTABLISHING SAFETY COMMITTEE AND CHARTER.

Motion: Commissioner Robbins
Second: Commissioner Kessler
Vote: 3 Ayes, 0 Nays

NOTICE OF TORT CLAIM FORM:

Executive Director Stokes reviewed that the Commission needs its own Notice of Tort Claim Form. James Dugan worked up the County's existing form and adapted it for our Commission. Copies of the form were distributed this morning and everyone approved it.

MOTION TO ADOPT RESOLUTION 22-15 ADOPTING A NOTICE OF TORT CLAIM FORM FOR THE INSURANCE COMMISSION.

Motion: Commissioner Kessler
Second: Commissioner Woods
Vote: 3 Ayes, 0 Nays

Executive Director Stokes provided a recap of the NJ Excess Counties Insurance Fund (CELJIF) re-organization meeting on 2/26/15. Commissioner Kessler attended by phone. It was the first meeting of the year, service providers were selected, budget, the 2015 Risk Management Plan, they went through a lot of the re-organizational formalities. The statutory surplus is over \$5.2 million and continues to trend well. There are only a handful of claims at this level.

The first round of assessment bills went out and are due back on February 15, 2015. The next assessment bills will be sent in June.

The County's IT department has been able to work with the Commission to establish the website. The domain name has been set up. Documents are being uploaded. Commissioner Kessler asked what the website's address is and Chandra Anderson reported that it is still in the testing phase and the address will be emailed to all the Commissioners for approval. Executive Director Stokes noted that proceeding in this manner is saving the Commission approximately \$3,000. This concluded the Executive Director's report.

CLAIMS SERVICES:

Robin Walcoff, Esq. presented the claims services report. Amended PARS from Qual-Lynx discussed during the last claims meeting were received. At this time the claims meetings will continue to be held in closed session. If there are a lot of claims for discussion by the claims committee, then an email will be sent prior to the meeting advising members the claims meeting will be held prior to the Commission meeting and not in closed session. A reminder to report all claims with the winter weather causing slip and falls, property damage, etc. The County will not be in with the property damage claims until 4/1/15. The Improvement Authority and the Utilities Authority are already in.

TREASURER:

Bonnie Lindaw reviewed Resolution 23-15 which is the March 2015 bill list and the first bill list for the Commission. It has a total of \$519,797.80 being paid out. Two deposits have been made into the account, one from the County the other from the Improvement Authority. Several disbursements for workers' compensation and general liability have been made out of the claims accounts for the Commission. There is a balance of \$3.4 million.

MOTION TO ADOPT RESOLUTION 23-15 ADPROVING THE MARCH 2015 BILLS LIST.

Motion: Commissioner Woods
Second: Commissioner Kessler
Vote: 3 Ayes, 0 Nays

CEL SAFETY DIRECTOR – JA MONTGOMERY RISK CONTROL:

Commissioner Woods introduced the CEL Safety Director, Glenn Prince, to provide the safety report. He conducted loss control visits to several facilities in Atlantic County, including the Jail, the Nursing Home, and Public Works. The report is not in the agenda packet, but has been forwarded to Commission Counsel for review. There were some minor items found, such as eye wash stations, which were corrected while they were on site. Glen Mawby took the time to escort him through each of the facilities which took most of the day to get all three completed. There will be future visits next month to the Sheriff’s Department.

MANAGED CARE – QUAL-LYNX:

Commissioner Woods introduced Kathy Kissane to provide claims reports. Ms. Kissane reported that Karen Beatty would be providing the report today. Ms. Beatty reported there were 21 claims reported in February, 19 were from the County and two from the Utilities Authority. There were no new claims for the Improvement Authority. They have been able to maintain 100% PPO (participating provider penetration rate) which is excellent for savings. All providers have been in network. They show a 48.8% savings, and as claims continue to come in the savings will continue to go up as well.

CLAIMS SERVICES – QUAL-LYNX:

Commissioner Woods asked if Kathy Kissane had anything to report in open session. She introduced Katie Perri is the adjuster running the workers’ compensation side of claims so everyone could meet her in person. Kim DeLaurentis also played a big part in the initial set up when Qual-Lynx took over the County’s workers’ compensation claims, but she is currently on a well-deserved vacation. She will be participating in the claims committee as well. The balance of the report would be three PARS for closed session.

MOTION TO GO INTO EXECUTIVE SESSION IN ORDER TO DISCUSS PAYMENT AUTHORITY REQUESTS.

Motion: Commissioner Kessler
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

MOTION TO RETURN TO OPEN SESSION

Motion: Commissioner Kessler
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

Commissioner Woods requested a Motion to approve the payment authorization requests discussed in closed session.

MOTION TO APPROVE THE PARS DISCUSSED DURING CLOSED SESSION.

Motion: Commissioner Kessler
Second: Commissioner Woods
Vote: 3 Ayes, 0 Nays

OLD BUSINESS: None.

NEW BUSINESS: None.

PUBLIC COMMENT:

MOTION TO OPEN THE MEETING TO PUBLIC COMMENT

Motion: Commissioner Kessler
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

Commissioner Woods opened the meeting to public comment. Having heard nor seen any public comment the public session is closed.

MOTION TO ADJOURN THE MEETING

Motion: Commissioner Kessler
Second: Commissioner Robbins
Vote: 3 Ayes, 0 Nays

MEETING ADJOURNED: 12:00 P.M.

Minutes prepared by: Chandra Anderson, Secretary