

RESOLUTION NO. 7-23

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

BE IT RESOLVED by the Ocean County Insurance Fund Commission (hereinafter the “Commission”) 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 Commission, and all discretion vested with the Attorney General shall be exercised by the Commission Attorney, subject to review by the Commission; and

BE IT FURTHER RESOLVED that any employee, inclusive of public officials employed by the Commission, 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 Commission, 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 2023 through 2024 Commission Re-organization, and to all acts performed in all prior years thereto; and

BE IT FURTHER RESOLVED that the Commission 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 OCEAN COUNTY INSURANCE FUND COMMISSION at a properly noticed meeting held on January 19, 2023.

ADOPTED:

BY: _____
ROBERT A. GREITZ, CHAIRPERSON

ATTEST: _____
MICHAEL J. FIURE, VICE CHAIRPERSON