

EXPLANATION: This Ordinance establishes the positions eligible for the Defined Contribution Retirement Program provided by the Pension Reform Act of 2007, N.J.S.A. 43:15C-1 et seq.

ORDINANCE NO. 2009-14

**AN ORDINANCE ESTABLISHES THE POSITIONS
ELIGIBLE FOR THE DEFINED CONTRIBUTION
RETIREMENT PROGRAM PROVIDED BY THE PENSION
REFORM ACT OF 2007, N.J.S.A. 43:15C-1 et seq.**

WHEREAS, the State Legislature adopted the Pension Reform Act of 2007, Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.), to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to those positions for which the advice and consent of the Senate for appointments by the Governor of the State is required, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

WHEREAS, the Township Committee of the Township of Hillsborough considered the guidelines issues by the Local Finance Board.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee that:

Section 1. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a. Elected Officials
- b. Municipal Administrator
- c. Municipal Court Judge

- d. Municipal Prosecutor
- e. Public Defender
- f. Municipal Engineer, if an employee
- g. Business Advocate
- h. Director of Building Department
- i. Director of Parks and Recreation
- j. Director of Social Services.

Section 2. Pursuant to N.J.S.A.43:15C-2, individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership:

- a. Certified Health Officer
- b. Chief Financial Officer
- c. Construction Code Official
- d. Licensed Uniform Subcode Inspectors, including building, electrical and plumbing subcode inspectors
- e. Principal Public Works Manager (this refers to a certification, not a position)
- f. Qualified Purchasing Agent
- g. Registered Municipal Clerk
- h. Tax Assessor
- i. Tax Collector
- j. Township Planner.

Section 3. If an individual is appointed to one of the positions listed in Section 1 above and the individual is not serving in a position as described in Section 2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual:

- a. Was an active participant in the Public Employee Retirement System (PERS) on July 1, 2007 and continuously since that time; or
- b. Has been appointed pursuant to a valid promotional process; or
- c. Is appointed on a temporary, interim, or “acting” basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification; or
- d. Meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.

Section 4. This Ordinance shall be implemented, construed and subject to Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

Section 5. Should any part or parts of this Ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

Section 6. A copy of this Ordinance shall be filed with the Director of the Division of Pensions and Benefits of the New Jersey Department of the Treasury.

Section 7. This Ordinance shall take effect upon its passage and publication as required by law.

ATTEST:

HILLSBOROUGH TOWNSHIP

Kevin P. Davis, Clerk

Frank DelCore, Mayor

Introduced: 02/24/09

Published: 03/05/09

Public Hearing: 03/24/09

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Adopted: 04/02/09