

TOWNSHIP OF WANTAGE

Ordinance Determining Positions Eligible for the Defined Contribution Retirement Program

ORDINANCE 2008 - 09

Whereas, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 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. 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 the advice and consent of the Senate for appointments by the Governor of the State, 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 Mayor and Committee of the Township of Wantage has considered the guidelines issues by the Local Finance Board;

Now, Therefore, Be It Ordained by the Mayor and Committee of the Township of Wantage that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - a. Township Administrator;
 - b. All Department Heads, excluding those positions exempted in Section 2 of this Ordinance;
 - c. Municipal Court Judge
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:
 - a. Tax Collector;
 - b. Chief Financial Officer;
 - c. Construction Code Official;
 - d. Qualified Purchasing Agent;
 - e. Tax Assessor;
 - f. Registered Municipal Clerk;
 - g. Licensed Uniform Subcode Inspector;
 - h. Principal Public Works Manager.

3. If an individual is appointed to one of the positions listed in Section 1 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 on July 1, 2007 and has continuously been a member since that time or has been appointed pursuant to a valid promotional process; or
 - b) 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
 - c) Meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.
4. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 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.
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.
6. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
7. This ordinance shall take effect upon its passage and publication as required by law.

F. Parker Space, Mayor

ATTEST:

James R. Doherty, Administrator Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of Wantage, County of Sussex, New Jersey, held on July 10, 2008, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Township Committee to be held on August 14, 2008 at 8:00 p.m. in the Municipal Building, Route 23, Wantage, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

James R. Doherty, Clerk/Administrator