

AN ORDINANCE TO DETERMINE POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

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 Board of Commissioners of the Borough of Allenhurst has considered the guidelines issued by the Local Finance Board;

THEREFORE, BE IT ORDAINED, By the Board of Commissioners of the Borough of Allenhurst, 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:

- Business Administrator
- Public Works Supervisor
- Borough Prosecutor
- 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*:

- Tax Collector
- Certified Health Officer
- Chief Finance Officer
- Construction Code Official
- Qualified Purchasing Agent
- Tax Assessor
- Municipal Planner
- Registered Municipal Clerk
- Licensed Uniform Subcode Inspector
- 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 Borough may determine that the individual is not required to join the Defined

Contribution Retirement Program if that individual; 1. was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or 2. has been appointed pursuant to a valid promotional process; or 3. 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 4. 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 and Benefits of the New Jersey Department of the Treasury.

7. This ordinance shall take effect upon its passage and public as required by law.

APPROVED:

ADOPTED: