

TOWNSHIP OF MENDHAM

ORDINANCE 7-2009

**AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM**

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

WHEREAS, N.J.S.A. 43:15C-1 et seq. requires the governing body of a municipality to adopt an ordinance to determine the positions that shall be eligible for and participate in the DCRP; and

WHEREAS, the positions for the DCRP involve executive decision-making positions or positions of senior management for the municipality; and

WHEREAS, the positions that require that an individual hold a professional license or certificate to perform their responsibilities are exempt from the DCRP; and

WHEREAS, an individual that was appointed to a DCRP position prior to July 2007, and is a member of the Public Employees’ Retirement System (“PERS”), may continue their PERS membership if the person has “continuously “ been a member of PERS since that time; and

WHEREAS, the Township Committee of the Township of Mendham has considered Local Finance Notice 2008-10 attached hereto and issued by the Local Finance Board of the Division of Local Government Services, New Jersey Department of Community Affairs.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham , in the County of Morris and State of New Jersey on this _____ day of _____, 2009 that:

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. Township Administrator,
 - b. Department Directors,
 - c. Municipal Attorney,
 - d. Municipal Engineer
 - e. Municipal Prosecutor, and
 - f. Municipal Court Judge.

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:
 - a. Municipal Clerk,
 - b. Tax Collector,
 - c. Chief Financial Officer,
 - d. Construction Official,
 - e. Qualified Purchasing Agent, and
 - f. Tax Assessor.
 - g. Principal Public Works Manager
 - h. Municipal Court Administrator

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, then the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if any of the following conditions exist: (1) the individual was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; (2) the individual has been appointed pursuant to a valid promotional process; (3) the individual 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) the individual 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 N.J.S.A. 43:15-1 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 immediately upon its passage and publication as required by law.

Introduced: February 24, 2009

Adopted:

Effective

Attest:

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

By: _____

Ann L. Carlson, RMC

Frank V. Cioppettini, Jr.

Township Clerk

Mayor