

**Ordinance for Determining Positions Eligible for
the Defined Contribution Retirement Program**

WHEREAS, the New Jersey State Legislature recently adopted 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 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 the law; and

WHEREAS, the Mayor and Council of the Borough of Manville has considered the guidelines issued by the Local Finance Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, 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) Borough Administrator
- (b) Court Administrator, Recreation Director, Chief of Police
- (c) Borough Attorney, Planning Board Attorney, and Zoning Board Attorney (only if employed as an employee)
- (d) Borough Engineer
- (e) Municipal Prosecutor (only if employed as an employee)
- (f) Municipal Court Judge; and
- (g) Appointed members of local authority Board of Commissioners (subject to N.J.S.A. 40A:5A-1 et seq.)

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) Certified Health Officer
- (b) Tax Collector
- (c) Chief Financial Officer
- (d) Construction Code Official
- (e) Tax Assessor
- (f) Registered Municipal Clerk
- (g) Licensed Uniform Subcode Inspector
- (h) Director of Public Works

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; (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.

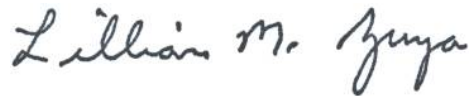
4.) This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pension and Benefits

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 final adoption and publication.

Borough of Manville



Lillian M. Zuza, Mayor

ATTEST:


Philip E. Petrone, Borough Clerk

ORDINANCE #2008-1071

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		KOMOROSKI	√			
		OTRIMSKI	√			
	√	PETROCK	√			
√		QUICK	√			
		SZABO	√			
		MAYOR ZUZA				

PASSED this 8th day of September, 2008.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		KOMOROSKI	√			
		OTRIMSKI	√			
	√	PETROCK	√			
√		QUICK	√			
		SZABO	√			
		MAYOR ZUZA				

PASSED this 22nd day of September, 2008.

Attest:

Philip E. Petrone, Borough Clerk

