

ORDINANCE 2009-05

Ordinance for Determining 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 township committee of the Township of Barnegat has considered the guidelines issues by the Local Finance Board;

Therefore, be it ordained by the township committee 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. Business Administrator;
 - b. All other appointed positions commonly called “department heads” , that are filled by action of the governing body and who report directly to an elected official(s) or chief administrative officer;

- c. Municipal Court Judge
 - d. All Newly Elected Officials
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. 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.
4. 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.
5. 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.

6. This ordinance was introduced on first reading at a regular meeting of the Barnegat Township Committee held on the 2nd day of February 2009, and will be considered for second reading and final adoption at a regular meeting of said Committee to be held on the 17th day of February, 2009, at 900 West Bay Avenue, Barnegat, New Jersey at which time and place any person wishing to be heard on the subject shall be given an opportunity to be so heard.

Kathleen T. West RMC
Municipal Clerk

Date: _____

I, Kathleen Janeski, Chief Financial Officer, of the Township of Barnegat, in the County of Ocean, State of New Jersey do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the governing body of the Township of Barnegat, County of Ocean, State of New Jersey at a regular session of said governing body held on January 20th, 2009.

Kathleen Janeski, Chief Financial Officer