

ORDINANCE O-11-10

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF SOUTH HARRISON
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 and 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 South Harrison has considered the guidelines issued by the Local Finance Board;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of South Harrison, as follows:

SECTION I.

A. The positions that are eligible and which shall participate in the Defined Contribution Retirement Program are those positions recited and memorialized under N.J.S.43:15C-2.

B. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.43:15C-2:

1. Tax Collector;
2. Chief Financial Officer;
3. Construction Code Official;

4. Tax Assessor;
5. Registered Municipal Clerk;
6. Licensed Uniform Subcode Inspector; and
7. Principal Public Works Manager.

C. If an individual is appointed to one of the positions listed in Section I.A and the individual is not serving in a position as described in Section I.B above, the pension certifying officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if the 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 1.B 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.

D. 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.

E. 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.

F. 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.

SECTION II.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, Paragraph, Subdivision, Clause or Provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III.

All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV.

This Ordinance shall take effect after final passage, adoption, and publication according to Law.

TOWNSHIP OF SOUTH HARRISON

By: _____
JAMES McCALL, MAYOR

ATTEST:

Nancy E. Kearns, RMC
Township Clerk

NOTICE

The foregoing Ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of South Harrison conducted on May 11, 2011, and will be considered for final hearing and adoption at a meeting to be held on the 8th day of June, 2011, at 8:00 p.m., at which time any objections hereto will be heard.

Nancy E. Kearns, RMC
Township Clerk

NOTICE

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
SOUTH HARRISON DETERMINING POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM**

NOTICE is hereby given that the foregoing Ordinance O-11-10 was finally adopted at a meeting of the South Harrison Township Committee held on the 8th day of June 2011 at 8:00 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

Information Only