

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 13-2008

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN 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 Council of the Township of Moorestown has considered the guidelines issues by the Local Finance Board.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey as follows:

Section 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. Township Manager;
- b. Director of Finance, Director of Recreation, Director of Public Works, Director of Community Development;
- c. Township Solicitor;
- d. Township Engineer;
- e. Municipal Prosecutor;
- f. Magistrate of Municipal Court;

Section 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. Tax Assessor;
- e. Township Clerk;
- f. Principal Public Works Manager;

Section 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.

Section 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.

Section 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.

Section 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.

Section 7. This ordinance shall take effect upon its passage and publication as required by law/take effect immediately.

Section 8. Severability. If any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 9. Short Title. This ordinance may be cited as Ordinance No. 13-2008.

CERTIFICATION OF CERTIFYING OFFICER

I, Daisy L. Walker, Payroll Supervisor, of the Township of Moorestown, in the County of Burlington, 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 Moorestown, County of Burlington, State of New Jersey at a regular session of said governing body held on July 28, 2008.

Daisy L. Walker, Certifying Officer

CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that Ordinance No. 13-2008 was introduced and adopted on first reading by the Township Council at a meeting held on July 14, 2008. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on July 28, 2008.

<u>VOTE:</u>	
ABERANT	YES
ROCCATO	YES
BRODER	YES
SEGAL	YES
ERON	YES

Patricia L. Hunt, RMC
Township Clerk