

**\*\*\*ADOPTED SEPTEMBER 8, 2008\*\*\***

**TOWNSHIP OF DELANCO  
ORDINANCE NO. 2008-8**

**AN ORDINANCE OF THE TOWNSHIP OF DELANCO IN THE COUNTY OF BURLINGTON TO SET FORTH THE DETERMINATION OF THE GOVERNING BODY CONCERNING ELIGIBILITY FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP) PURSUANT TO CHAPTER 92 OF THE LAWS OF 2007**

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 Delanco in the County of Burlington has considered the guidelines issues by the Local Finance Board, as provided in Local Finance Notice 2008-10;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delanco, in the County of Burlington, as follows:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in Defined Contribution Retirement Program:
  - a. Township Committee Members sworn in on or after July 1, 2007, unless previously enrolled in PERS as an elected official prior to July 1, 2007.
  - b. Township Administrator, if appointed or promoted on or after July 1, 2007, unless previously enrolled in PERS prior to July 1, 2007.

- c. Department Heads, if appointed or promoted on or after July 1, 2007, unless previously enrolled in PERS prior to July 1, 2007, subject to the guidelines for exclusions set forth in N.J.S.A. 43:15C-2 *et seq.* and LFN 2008-10.
- d. Municipal Court Judge, Municipal Prosecutor and Municipal Attorney if appointed on or after July 1, 2007, as a salaried employee, unless previously enrolled in PERS prior to July 1, 2007, subject to the guidelines for exclusions set forth in N.J.S.A. 43:15C-2 *et seq.* and LFN 2008-10, including but not limited to exclusions for individuals appointed through a professional services agreement.

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. 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 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. 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.
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 & Benefits of the New Jersey Department of the Treasury.
7. This ordinance shall take effect upon its passage and publication as required by law.