

Borough of Norwood

Ordinance No. 08-08

**An Ordinance Amending Chapter 42 of the Code of
the Borough of Norwood Regarding the Borough's Officers and Employees Determining
the 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. 43:15C-1 *et seq.*) to create a 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 Mayor and Council of the Borough of Norwood has considered the guidelines recently issued by the Local Finance Board, and the purpose of this ordinance is to update the Code of the Borough to comply with the guidelines.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood, County of Bergen, and State of New Jersey, as follows:

Section 1: A new Section 42-11 of Chapter 42 of the Code of the Borough of Norwood is added to state the following:

§42-11. Defined Contribution Retirement Program Offices and Positions of
Employment

A. Individuals serving or employed in the following offices or positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program, Pursuant to N.J.S. 43:15C-2:

1. Borough Administrator;
2. Municipal Court Administrator;
3. Municipal Prosecutor;
4. Municipal Court Judge; and
5. Public Defender.

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

1. Certified Health Officer;
2. Tax Collector;
3. Chief Financial Officer;
4. Construction Code Official;
5. Qualified Purchasing Agent;
6. Tax Assessor;
7. Registered Municipal Clerk;
8. Licensed Uniform Sub-code Inspector; and
9. Principal Public Works Manager.

C. If an individual is appointed to one of the offices or positions listed in Section

A and the individual is not serving in a position as described in section B, the Borough's 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 B, 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 section shall be implemented, construed, and is subject to 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 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance shall take effect upon final approval and publication, according to law. 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.

Introduced and passed first reading: September 2, 2008

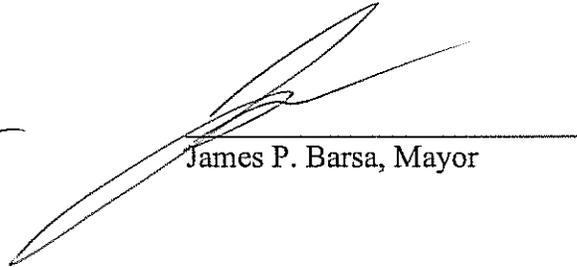
Passed second reading: October 7, 2008

ATTEST:

APPROVED BY:



Lorraine L. McMackin,
Borough Clerk



James P. Barsa, Mayor

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