

ORDINANCE #8-17

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the Borough of Keyport (the "Borough") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the State Legislature adopted Chapter 92 of the Laws of 2007 (N.J.S.A. 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.A. 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 Borough has considered the guidelines issued by the Local Finance Board and hereby sets forth the positions in the Borough eligible for participation in the Defined Contribution Retirement Program.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to N.J.S.A. 43:15C-2, the following Borough positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program; however, any person who performs any of the following positions under a professional services contract is ineligible for participation in the Defined Contribution Retirement Program:

- a. Borough Administrator
- b. Borough employed Borough Counsel
- c. Borough employed Borough Engineer
- d. Borough employed Borough Planner
- e. Any appointed Commissioners
- f. Borough employed Municipal Court Judge
- g. Borough employed Municipal Prosecutor
- h. Borough employed Public Defender
- i. Borough Public Works Director

- j. Borough Health Department Director

Section 3. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:

- a. Certified Health Officer;
- b. Tax Collector;
- c. Chief Financial Officer;
- d. Construction Code Official;
- e. Qualified Purchasing Agent;
- f. Tax Assessor;
- g. Municipal Planner;
- h. Registered Municipal Clerk;
- i. Licensed Uniform Subcode Inspector;
- j. Principal Public Works Manager.

Section 4. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (*N.J.S.A. 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 & Benefits of the New Jersey Department of the Treasury.

Section 7. This ordinance shall be in full force and effect from and after its adoption and publication according to law.

Introduced: May 16, 2107

Public Hearing: June 20, 2017

Adopted: June 20, 2017



Valerie T. Heilweil, RMC, CMR
Borough Clerk
Borough of Keyport



Harry M. Dumack, II, Mayor
Borough of Keyport