

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE #2008-16**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP)**

**WHEREAS**, the State Legislature recently 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 Township Committee of the Township of Andover has considered the guidelines issues by the Local Finance Board and have determined which positions are eligible for membership into the Defined Contribution Retirement Program (DCRP).

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey as follows:

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: Township Administrator, all Township Department Heads that are appointed by the Township Committee who report directly to the Township Administrator, Municipal Prosecutor and Municipal Court Judge and any Gubernatorial appointees who serve in county or municipal government for a fixed term.
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2: Certified Health Officer; Tax Collector; Chief Financial Officer; Construction Code Official; Qualified Purchasing Agent; Tax Assessor; Registered Municipal Clerk; Licensed Uniform Subcode Inspector and Principal Public Works Manager/Superintendent.
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.

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.

**ATTEST:**

**TOWNSHIP OF ANDOVER  
COUNTY OF SUSSEX  
STATE OF NEW JERSEY**

\_\_\_\_\_  
Vita Thompson, Clerk

By: \_\_\_\_\_  
Gail Phoebus, Mayor

**EFFECTIVE DATE: OCTOBER 17, 2008**

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**WHEREAS** the Township Committee of the Township of Andover has considered the guidelines issues by the Local Finance Board and have determined which positions are eligible for membership into the Defined Contribution Retirement Program (DCRP).

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey as follows:

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: Township Administrator, all Township Department Heads that are appointed by the Township Committee who report directly to the Township Administrator, Municipal Prosecutor and Municipal Court Judge and any Gubernatorial appointees who serve in county or municipal government for a fixed term.
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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.

**NOTICE OF PENDING ORDINANCE**

**PUBLIC NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on September 08, 2008. A public hearing regarding same will be held at a meeting scheduled for October 13, 2008 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

**ATTEST:**

\_\_\_\_\_  
Vita Thompson, Clerk

**TOWNSHIP OF ANDOVER  
COUNTY OF SUSSEX  
STATE OF NEW JERSEY**

By: \_\_\_\_\_  
Gail Phoebus, Mayor

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

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STATE OF NEW JERSEY FOR DETERMINING POSITIONS ELIGIBLE FOR THE  
DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP)  
NOTICE OF FINAL ADOPTION**

**NOTICE** is hereby given that the above entitled ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 08<sup>th</sup> day of September 2008. The same came up for final adoption at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 13<sup>th</sup> day of October 2008, and, after all persons present were given an opportunity to be heard concerning same, it was finally passed and adopted and will be in full force in the Township according to law.

Vita Thompson, R.M.C.  
Municipal Clerk