

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1813**

**AN ORDINANCE 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 of Mahwah has considered the guidelines issued by the Local Finance Board.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. Chapter XIX "Personnel Policies" is hereby amended and supplemented by adding a new Section 19-17 "Defined Contribution Retirement Program", as follows:

19-17 Defined Contribution Retirement Program.

19-17.1 Eligible and Exempt Positions.

A. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program, unless employed pursuant to a professional services agreement:

- (1) Business Administrator;
- (2) Department Heads;
- (3) Township Attorney;
- (4) Township Engineer;
- (5) Municipal Prosecutor;
- (6) Municipal Court Judge; and
- (7) Township Council Members and Mayor.

B. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership pursuant to N.J.S.A. 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) Municipal Planner;
- (8) Registered Municipal Clerk;
- (9) Licensed Uniform Subcode Inspector; and
- (10) Certified (Principal) Public Works Manager.

C. If an individual is appointed to one of the positions listed in subsection A and the individual is not serving in a position as described in subsection B above, the Pension Certifying Officer of the Township of Mahwah 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 Subsection B herein and is in pursuit of the required certification; or
- (4) Meets such other exceptions that may be approved by the Local Finance Board of the Division of Pensions and Benefits.

§19-17.2 Implementation of Program.

This article 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 2. This Ordinance shall be deemed effective as of July 1, 2007.

Section 3. All other parts, portions and provisions of Chapter XIX of the Township of Mahwah Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 4. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the

validity of this ordinance as a whole or any part thereof.

Section 5. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

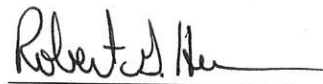
Section 6. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

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Dated: 9/21/17

Attest

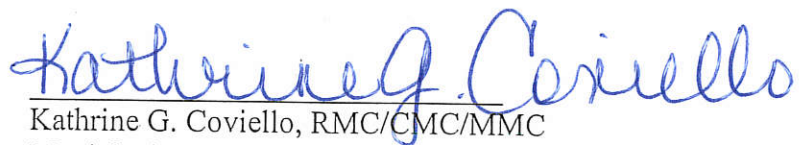


Robert G. Hermansen
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 24 day of August, 2017.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk