

**ORDINANCE NO. 3780**

**ORDINANCE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED  
CONTRIBUTION RETIREMENT PROGRAM**

**SUMMARY**

An ordinance that determines what positions in the Township of Franklin that are eligible and are exceptions to the Defined Contribution Retirement Program. The following positions are eligible for the Defined Contribution Retirement Program: Township Manager; Assistant Township Manager; Director of Community Development; Director of Revenue and Finance; Director of Economic Development; Director of Fire Prevention/Fire Prevention Official; Director of Recreation; Grants Coordinator; Director of Social Services; Court Administrator; Township Attorney (only if employed as an employee); Director of Engineering & Public Works; Municipal Prosecutor (only if employed as an employee); and Municipal Court Judge. The following positions are exceptions to the Defined Contribution Retirement Program: Certified Health Officer; Tax Collector; Chief Financial Officer; Construction Code Official; Qualified Purchasing Agent; Tax Assessor; Municipal Planner; Registered Municipal Clerk; Licensed Uniform Subcode Inspector; and Principal Public Works Manager.

**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, municipal, 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, subject to the provisions of law; and

**WHEREAS**, the Township Council of the Township of Franklin has considered the guidelines issued by the Local Finance Board;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council that:

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;
  - a) Township Manager;
  - b) Assistant Township Manager
  - c) Director of Community Development;
  - d) Director of Revenue and Finance;
  - e) Director of Economic Development;
  - f) Director of Fire Prevention/Fire Prevention Official;
  - g) Director of Recreation;
  - h) Grants Coordinator;
  - i) Director of Social Services;
  - j) Court Administrator;
  - k) Township Attorney (only if employed as an employee);
  - l) Director of Engineering & Public Works;
  - m) Municipal Prosecutor (only if employed as an employee);
  - n) Municipal Court Judge.

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement membership, pursuant to N.J.S. 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.
3. 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.
4. Should any part 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.
5. 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.
6. This ordinance shall take effect upon its passage and publication as required by law.

**ORDINANCE NO. 3780**

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced:	August 12, 2008
Public Hearing:	September 9, 2008
Adoption:	September 9, 2008
Published:	September 16, 2008
Effective Date:	September 29, 2008

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Ann Marie McCarthy, Township Clerk