

**TOWNSHIP OF CHATHAM  
NOTICE OF  
INTRODUCTION**

**ORDINANCE 2008-12**

I, Joy M. Wiley, Municipal Clerk of the Township of Chatham, do hereby certify that the following ordinance was introduced on first reading at a regular meeting held on June 26, 2008 and said ordinance will be submitted for consideration and final passage at a regular meeting to be held on August 14, 2008 at 7:30 p.m., in the Municipal Building at which time and place any person who may be interested therein will be given an opportunity to be heard concerning said ordinance.

July 18, 2008

Joy M. Wiley  
Municipal Clerk

**ORDINANCE 2008-12**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, DESIGNATING ELIGIBILITY FOR AND EXEMPTION  
FROM 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 Committee of the Township of Chatham has considered the guidelines issues by the Local Finance Board;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham 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 Administrator, unless filled by promotion of a present Public Employees Retirement System (PERS) member from within the Township;
  - b. Public Works Manager, unless filled by promotion of a present PERS member from within the Township;
  - c. Township Attorney, when an employee and not employed pursuant to a professional service contract;
  - d. Municipal Prosecutor;
  - e. Municipal Court Judge;
2. Individuals holding a professional license or certificate to perform and who are serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2 and therefore are eligible to join or remain in PERS:
- a. Tax Collector;
  - b. Chief Financial Officer;
  - c. Construction Code Official;
  - d. Qualified Purchasing Agent;
  - e. Tax Assessor;
  - f. Registered Municipal Clerk;
  - g. 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 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.
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 in accordance with law.

Introduced: June 26, 2008

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:  
Attest:

BY: \_\_\_\_\_  
Kevin R. Tubbs, Mayor

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Joy M. Wiley, Clerk