

**FINAL**

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 9

Bill No. 25-13

Introduced by Mr. Benoit

By the County Council, April 15, 2013

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Introduced and first read on April 15, 2013  
Public Hearing set for and held on May 20, 2013  
Bill Expires July 19, 2013

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Pension – General Provisions

2  
3 FOR the purpose of adding a provision to pension administration to limit the recovery by the  
4 Personnel Officer or their agents of pension system overpayments in certain  
5 circumstances; and generally relating to pensions.  
6

7 BY repealing and reenacting, with amendments: § 5-1-104  
8 Anne Arundel County Code (2005, as amended)  
9

10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
11 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:  
12

13 **ARTICLE 5 PENSION**

14  
15 **TITLE 1. GENERAL PROVISIONS**

16  
17 **5-1-104. Administration by Personnel Officer.**  
18

19 (a) **Generally.** Each plan shall be administered by the Personnel Officer. In matters  
20 relating to the administration of each plan, the Personnel Officer may seek the advice and  
21 guidance of the Board.  
22

23 (b) **Powers.** The Personnel Officer has the powers necessary for proper administration of  
24 each plan, including the powers to prepare forms and prescribe procedures to be used and  
25 followed by participants in filing applications for benefits and for furnishing of evidence  
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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

1 necessary to establish a right to benefits; make determinations as to the rights of participants  
2 applying for or receiving benefits; develop procedures for determining credited service of  
3 participants, including affording participants an opportunity after written notice to make  
4 objection to the determination in advance of retirement; authorize disbursements from each  
5 pension fund in accordance with the plan and establish necessary procedures for authorizing  
6 disbursements; audit and review past benefit determinations and initiate recovery of any  
7 overpayments; establish policies and standards and make determinations concerning total and  
8 permanent disability for the purposes of this article; withhold funds for making payment of  
9 taxes and for making payments under qualified domestic relations orders; and, at the  
10 Personnel Officer's discretion, withhold funds authorized by a participant.

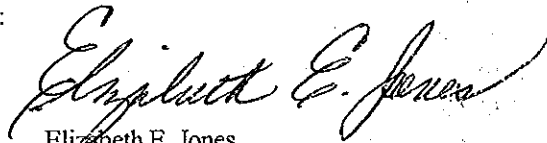
11  
12 (C) **Limitation on recovery of overpayments.** IN THE ABSENCE OF FRAUD BY A  
13 PARTICIPANT, THE PERSONNEL OFFICER OR THEIR AGENTS OR ASSIGNS MAY NOT RECOVER AN  
14 OVERPAYMENT BASED ON AN ERRONEOUS PAST BENEFIT DETERMINATION IF THE  
15 PARTICIPANT MADE A MATERIAL CHANGE IN POSITION, INCLUDING ACCEPTING, RESIGNING OR  
16 RETIRING FROM EMPLOYMENT, IN REASONABLE RELIANCE UPON AN INTENTIONAL OR  
17 NEGLIGENT MISREPRESENTATION OF THE AMOUNT OF THE PARTICIPANT'S BENEFIT MADE TO  
18 THE PARTICIPANT BY THE PERSONNEL OFFICER OR AN EMPLOYEE OR OTHER AGENT OF THE  
19 PERSONNEL OFFICER.

20  
21 SECTION 2. *And be it further enacted,* That the provisions of this Ordinance shall apply  
22 to any overpayment not recovered by the Personnel Officer on or before April 15, 2013.

23  
24 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from  
25 the date it becomes law.

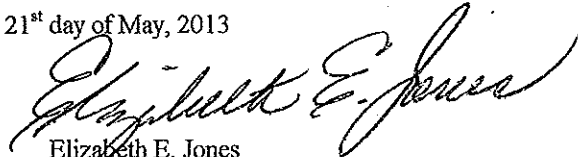
READ AND PASSED this 20<sup>th</sup> day of May, 2013

By Order:



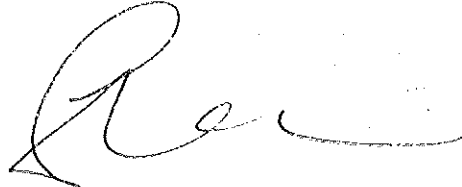
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for her approval this 21<sup>st</sup> day of May, 2013



Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 22<sup>nd</sup> day of May, 2013



Laura Neuman  
County Executive

EFFECTIVE DATE: July 6, 2013

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
25-13, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



Elizabeth E. Jones  
Administrative Officer