

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 26

Bill No. 51-13

Introduced by Mr. Benoit

By the County Council, May 23, 2013

Introduced and first read on May 23, 2013
Public Hearing set for and held on June 17, 2013
Public Hearing on AMENDED BILL set for July 1, 2013
Bill Expires August 26, 2013

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Pension – General Provisions

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3 FOR the purpose of restricting the limitation on recovery by the Personnel Officer or their
4 agents of pension system overpayments in certain circumstances; providing for the
5 application of this Ordinance; making this Ordinance an emergency measure; and
6 generally relating to pensions.

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8 BY repealing and reenacting, with amendments: § 5-1-104(c) (as amended by Bill No. 25-
9 13)
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) (and as amended by
14 Bill No. 25-13) read as follows:

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16 **ARTICLE 5 PENSION**
17 **TITLE 1. GENERAL PROVISIONS**

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19 **5-1-104. Administration by Personnel Officer.**

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21 (c) **Limitation on recovery of overpayments.** In the absence of fraud by a participant,
22 the Personnel Officer or their agents or assigns may not recover an overpayment based on an
23 erroneous past benefit determination CAUSED BY A FAILURE TO PROPERLY APPLY THE
24 REDUCTION IN BENEFITS UPON REEMPLOYMENT UNDER § 5-1-203 if the participant made a
25

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 material change in position, including accepting, resigning or retiring from employment, in
2 reasonable reliance upon an intentional or negligent misrepresentation of the amount of the
3 participant's benefit made to the participant by the personnel officer or an employee or other
4 agent of the personnel officer.

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

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9 ~~SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days~~
10 ~~from the date it becomes law.~~

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12 SECTION 3. *And be it further enacted*, That this Ordinance is hereby declared to be an
13 emergency ordinance and necessary for the immediate preservation of the public peace,
14 health, safety, welfare, and property and being passed by the affirmative vote of five
15 members of the County Council, the same shall take effect from the date it becomes law.