

THE TOWN OF FOREST HEIGHTS
RESOLUTION 08-14

A RESOLUTION FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S EMPLOYEE HANDBOOK REGARDING THE USE OF AND COMPENSATION PERMITTED FOR ACCRUED VACATION LEAVE; AND POLICIES RELATING TO FRATERNIZATION, HARASSMENT AND BULLYING; AND GENERALLY RELATING TO EMPLOYEE COMPENSATION, AND EMPLOYEE AND OFFICIAL STANDARDS OF BEHAVIOR AND DISCIPLINE

Introduced by: Mayor J. Goodall

WHEREAS, pursuant to Section 33-69 of the Town Charter, the compensation of all officers (except the Mayor and Councilmen) and employees of the Town shall be set from time to time by a resolution passed by the Council; and

WHEREAS, pursuant to Section 2.3 of the Town Ordinance Code, the Town Council is authorized and empowered to provide the employees of the Town with benefits, including, but not limited to, death benefits, surgical, hospitalization and other sick benefits, under group insurance plans or otherwise; and

WHEREAS, pursuant to Section 33-67 of the Town Charter, the Mayor and Council may provide by ordinance for a merit system for Town employees, and to carry out this purpose, the Council shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary; and

WHEREAS, pursuant to Section 2.5.A of the Town Ordinance Code, the Town Council may, from time to time, by resolution issue such rules and regulations governing: 1) the use of Town property by officers, employees, and volunteers, and 2) the compensation, discipline, performance, safety, separation and all other matters pertaining to the employment, supervision or management of the Town's officers, employees, and volunteers, as it deems appropriate; and

WHEREAS, the Mayor and Council adopted Resolution 65-12 on October 17, 2012 thereby adopting a comprehensive revision of the Town's Employee Handbook, which has since been amended; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town and for the good and efficient government thereof, that said Employee Handbook shall be revised and amended as stated herein below.

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NOW THEREFORE BE IT RESOLVED, that the Town Council hereby adopts, and approves the following amendments to the Employee Handbook, as amended, that were initially adopted and approved by Resolution 65-12 on October 17, 2012:

* * *

CHAPTER IV

LEAVE

4.10 VACATION LEAVE

- A. No temporary employee, working full-time or part-time, shall be entitled to vacation leave.
- B. Permanent part-time employees are not entitled to vacation leave.
- C. At the date of the adoption of these Policies, each employee shall be entitled to his vacation time earned up to that date and thereafter each full-time permanent employee shall earn vacation time in accordance with the following schedule:

MIN. YEARS OF SERVICE	ALLOWABLE VACATION DAYS PER YEAR
Less than 4 years	4 hours per pay period
4 years	5 hours per pay period
6 years & up	6 hours per pay period

D. Vacation time accrued shall not exceed 156 hours entitlement calculated from [~~the anniversary date of each year of employment~~] JANUARY 1ST OF EACH YEAR OR PART OF A YEAR OF EMPLOYMENT. Compensable accrued vacation time shall in no event be allowed to exceed 156 hours. UNLESS APPROVED BY THE MAYOR, [~~A~~]at no time, shall any employee take more vacation time per year than is allowed under the above "allowable vacation days per year". NOTWITHSTANDING ANYTHING WITHIN THIS CHAPTER TO THE CONTRARY, THE TOWN MAY ALLOW EMPLOYEES WHO ACCRUE VACATION TIME IN EXCESS OF 156 HOURS IN A GIVEN CALENDAR YEAR TO USE SAID EXCESS HOURS FOR (IN-KIND) VACATION LEAVE ONLY UP UNTIL THE SUCCEEDING JANUARY 1ST, PROVIDED THAT ANY ACCUMULATED VACATION HOURS EXCEEDING 156 HOURS THAT REMAIN UNUSED SHALL BE LOST UPON COMMENCEMENT OF THE SUBSEQUENT NEW CALENDAR YEAR.

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RESOLUTION 08-14

E. Vacation leave must be applied for by the employee and may only be used when approved by the Town Administrator, or the Mayor who shall designate such time or times when it will least interfere with the efficient operation of the department. Employee vacation hours shall be accounted for each pay period. Unless there is an emergency, all employees shall provide the Town Administrator or the Mayor with two weeks' notice when requesting vacation time.

[G]F. Department heads must apply for vacation leave to the Mayor for approval.

[H]G. For vacation leave purposes, a re-instated employee is a new employee.

[I]H. Vacation leave shall accrue to any employee during probation subject to a satisfactory evaluation after 6 months. During suspension, lay-off, or leave of absence without pay, unless otherwise directed by the Town Administrator and Mayor, an employee shall not accrue vacation time.

[J]I. The Town Administrator or Mayor may extend the probation period up to an additional six months with approval of the Council.

[K]J. No leave shall be granted for less than one hour time period.

[L]K. Each employee, upon retirement, dismissal or voluntary separation from the Town shall be paid for unused accumulated vacation leave IN AN AMOUNT NOT TO EXCEED 156 HOURS. Upon the death of any employee, their estate shall be paid for their unused accumulated vacation leave.

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CHAPTER V

GRIEVANCES AND APPEALS

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5.70 SEXUAL HARRASSMENT

A. Sexual harassment will not be tolerated within the work force, BODIES OR ENTITIES of the Town of Forest Heights. The Town affirms that all men and women are to be treated fairly and equally with dignity and respect. Any form of sexual harassment contradicts the policies of the Town and will be treated as discrimination on the basis of sex.

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RESOLUTION 08-14

B. Sexual harassment is a form of employee OR PUBLIC OFFICIAL misconduct which undermines the integrity of the employee relationship. It refers to behavior which is not welcome, which is personally offensive, which weakens morale, and which therefore interferes with the work effectiveness of its victims and their co-workers. A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an OFFICIAL OR employee of [the] A TOWN department or office who behaves in such manner while in the process of conducting department or office business is engaging in sexual harassment. Sexual harassment may include actions such as:

- Sex-oriented verbal “kidding” or abuse;
- Subtle pressure for sexual activity;
- Physical contact such as patting, pinching, or constant brushing against another body; [and]
- Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual’s employment status[.]; AND
- SENDING OR DISPLAYING OF MATERIAL THAT IS PORNOGRAPHIC, OBSCENE OR ABUSIVE OR THAT SOME INDIVIDUALS OR GROUPS MAY FIND OFFENSIVE (INCLUDING E-MAILS, TEXT MESSAGES, VIDEO CLIPS AND PHOTOGRAPHS TAKEN OR SENT USING MOBILE PHONES OR VIA THE INTERNET).

C. It is possible for sexual harassment to occur at two levels: among peers or co-workers or between supervisors and subordinates. Complaints of sexual harassment may be submitted to the same chains of command as a formal grievance. Employees OR OTHER OFFICIALS may go to their immediate supervisor OR PRESIDING OFFICIAL, unless the issue is with that particular supervisor or the employee may have the right to go directly to the Town Administrator. The complaint is then channeled to the next higher supervisor, and so on up to the Town Administrator or Mayor, if necessary. Individuals who instigate this type of harassment are subject to disciplinary action, including employment suspension, demotion or discharge.

5.80 BULLYING

A. BULLYING IS OFFENSIVE, INTIMIDATING, MALICIOUS OR INSULTING BEHAVIOR WHICH, THROUGH THE ABUSE OR MISUSE OF POWER, MAKES THE RECIPIENT FEEL VULNERABLE, UPSET, HUMILIATED OR THREATENED. POWER INCLUDES EITHER PERSONAL OR PHYSICAL STRENGTH AND THE POWER TO COERCE OTHERS THROUGH FEAR OR INTIMIDATION. BULLYING IS OFTEN A FORM OF HARASSMENT AND CAN UNDERMINE AN INDIVIDUAL'S SELF-CONFIDENCE, COMPETENCE AND SELF-ESTEEM. AS WITH HARASSMENT, BULLYING CAN TAKE THE FORM OF PHYSICAL, VERBAL AND NON-VERBAL CONDUCT. EXAMPLES OF BULLYING INCLUDE BUT ARE NOT LIMITED TO:

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RESOLUTION 08-14

- (1) SHOUTING AT, BEING SARCASTIC TOWARDS, RIDICULING OR DEMEANING OTHERS;
- (2) PHYSICAL OR PSYCHOLOGICAL THREATS;
- (3) OVERBEARING AND INTIMIDATING LEVELS OF SUPERVISION OR INTERACTION;
- (4) INAPPROPRIATE AND/OR DEROGATORY REMARKS ABOUT SOMEONE'S PERFORMANCE OR APPEARANCE;
- (5) ABUSE OF AUTHORITY OR POWER BY THOSE IN POSITIONS OF SENIORITY; OR
- (6) SENDING OR POSTING UNREASONABLE, SARCASTIC, RIDICULING OR DEMEANING COMMUNICATIONS, BLOG OR INTERNET POSTINGS, TEXT MESSAGES OR OTHERWISE COMMUNICATED BY USE OF OTHER ELECTRONIC MEDIA AIMED AT AN INDIVIDUAL OR INDIVIDUALS WHETHER SENT TO, COPIED TO OR OTHERWISE SHARED DIRECTLY WITH THE OTHER PERSON OR NOT.

B. BULLYING OFTEN INVOLVES REPETITIVE ACTIONS BY THE PERPETRATOR BUT DEPENDING ON SEVERITY A SINGLE INSTANCE CAN BE DEEMED BULLYING AND A VIOLATION OF THIS POLICY. LEGITIMATE AND CONSTRUCTIVE CRITICISM OF AN EMPLOYEE'S OR OFFICIAL'S PERFORMANCE OR BEHAVIOR OR REASONABLE REQUESTS MADE OF EMPLOYEES OR OFFICIALS IN THE COURSE OF THEIR EMPLOYMENT OR PERFORMANCE OF DUTIES SHALL NOT CONSTITUTE BULLYING.

C. THIS POLICY COVERS BULLYING OR RELATED HARASSMENT WHICH OCCURS BOTH IN THE WORKPLACE AND IN SETTINGS OUTSIDE THE WORKPLACE, SUCH AS BUSINESS TRIPS, TRAINING EVENTS, CONFERENCES OR SOCIAL FUNCTIONS ORGANIZED FOR OR ON BEHALF OF THE TOWN OR ITS AFFILIATED OR MEMBERSHIP ORGANIZATIONS AND WHETHER ON OR OFF TOWN PREMISES. DEPENDING ON THE MAGNITUDE OR SERIOUSNESS OF THE UNWANTED BEHAVIOR, ANYONE WHO BELIEVES THEY ARE BEING SUBJECTED TO BULLYING OR HARASSMENT OR THAT THEY ARE BEING BULLIED OR HARASSED MAY INITIALLY ATTEMPT TO RESOLVE THE PROBLEM INFORMALLY BUT SHOULD NOT HESITATE TO USE THE PROCEDURES SET OUT IN SECTION 5.70.C AND CHAPTER V OF THIS HANDBOOK.

D. CONFIDENTIALITY IS AN IMPORTANT PART OF THE PROCEDURES PROVIDED UNDER THIS POLICY AND ANY OTHERS FOUND HEREIN. EVERY OFFICIAL OR EMPLOYEE INVOLVED IN THE OPERATION OF THIS POLICY AND OTHERS FOUND

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RESOLUTION 08-14

HEREIN, WHETHER MAKING A COMPLAINT OR INVOLVED IN ANY INVESTIGATION, ARE RESPONSIBLE FOR OBSERVING THE HIGH LEVEL OF CONFIDENTIALITY THAT IS REQUIRED. BREACH OF CONFIDENTIALITY MAY GIVE RISE TO DISCIPLINARY ACTION UNDER THE TOWN'S DISCIPLINARY PROCEDURES.

5.90 NON-FRATERNIZATION

A. THE TOWN IS COMMITTED TO PROVIDING EQUAL EMPLOYMENT OPPORTUNITIES TO ITS EMPLOYEES. INTIMATE RELATIONSHIPS HAVE THE POTENTIAL TO INTERFERE WITH THE ABILITY OF THE TOWN TO PROVIDE EQUAL EMPLOYMENT OPPORTUNITIES FOR ITS EMPLOYEES, AND IN SOME INSTANCES, MAY CONSTITUTE SEXUAL HARASSMENT OR OTHER UNLAWFUL DISCRIMINATION. TO MINIMIZE CONFLICTS OF INTEREST WHICH OFTEN OCCUR AS A RESULT OF INTIMATE RELATIONSHIPS, THE TOWN PROHIBITS ITS EMPLOYEES FROM ENTERING INTO INTIMATE RELATIONSHIPS WITH OTHER EMPLOYEES FOR WHOM THEY HAVE PROFESSIONAL SUPERVISORY RESPONSIBILITY. EMPLOYEES WHO ENTER INTO AN INTIMATE RELATIONSHIP WITH ANOTHER EMPLOYEE, OR WHO BECOME AWARE OF AN INTIMATE RELATIONSHIP WHERE PROFESSIONAL SUPERVISORY RESPONSIBILITY EXISTS, SHOULD REPORT IT IMMEDIATELY TO THE PERSONNEL OFFICER/TOWN ADMINISTRATOR SO THAT APPROPRIATE STEPS MAY BE TAKEN CONSISTENT WITH THIS AND OTHER THE TOWN POLICIES.

B. IF TWO EMPLOYEES MARRY, BECOME RELATED, OR ENTER INTO AN INTIMATE RELATIONSHIP, THEY MAY NOT REMAIN IN A PROFESSIONAL SUPERVISORY RELATIONSHIP OR IN POSITIONS WHERE ONE INDIVIDUAL MAY AFFECT THE TERMS OR CONDITIONS OF EMPLOYMENT OF THE OTHER EMPLOYEE. WHEN SUCH A SITUATION ARISES, THE TOWN WILL ATTEMPT TO IDENTIFY OTHER AVAILABLE POSITIONS, AND THE AFFECTED EMPLOYEES WILL HAVE 10 BUSINESS DAYS TO DECIDE WHICH INDIVIDUAL WILL REMAIN IN HIS/HER CURRENT POSITION. IF NO ALTERNATE POSITION IS AVAILABLE, THE EMPLOYEES WILL HAVE 30 ADDITIONAL CALENDAR DAYS TO DECIDE WHICH EMPLOYEE WILL REMAIN EMPLOYED WITH THE TOWN. IF THIS DECISION IS NOT MADE IN THE TIME ALLOWED, THE TOWN WILL MAKE THE DECISION AND THE DEPARTING EMPLOYEE'S EMPLOYMENT WILL TERMINATE NO LATER THAN 30 DAYS AFTER THE DECISION, AT THE DISCRETION OF THE TOWN AND IN ACCORDANCE WITH THE LAW.

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RESOLUTION 08-14

C. IN OTHER CASES WHERE A CONFLICT OR THE POTENTIAL FOR CONFLICT ARISES BETWEEN TWO EMPLOYEES, AND EVEN IF THERE IS NO PROFESSIONAL SUPERVISORY RESPONSIBILITY INVOLVED, THE PARTIES MAY BE SEPARATED BY REASSIGNMENT OR TERMINATED FROM EMPLOYMENT, AT THE DISCRETION OF THE TOWN AND IN ACCORDANCE WITH THE LAW. THE POLICY FOUND IN THIS SECTION SHALL NOT APPLY TO ELECTED OFFICIALS; HOWEVER, AN ELECTED OFFICIAL HAVING AN INTIMATE RELATIONSHIP OR OTHERWISE COHABITATING WITH AN EMPLOYEE SHALL RECUSE HIMSELF OR HERSELF FROM ANY DEBATE OR VOTING REGARDING ANY MATTER THAT MAY DIRECTLY AFFECT THE TERMS OR CONDITIONS OF EMPLOYMENT OF THE EMPLOYEE.

D. IN THE EVENT AN EMPLOYEE IS SUBJECTED TO UNWANTED ADVANCES OR SEXUALLY HARASSING BEHAVIOR, SUCH EMPLOYEE SHALL FOLLOW THE TOWN'S POLICY PROHIBITING HARASSMENT SET OUT IN SECTION 5.70.C AND CHAPTER V OF THIS HANDBOOK IN REPORTING THE INCIDENT. VIOLATIONS OF THIS POLICY MAY SUBJECT EMPLOYEES TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

CHAPTER VI

DISCIPLINARY ACTION

6.10 GROUNDS

The following shall be grounds for taking disciplinary action against a Town employee, which may range from reprimand to discharge. However, this list is not all inclusive. Other conduct not described herein, may also result in discipline.

* * *

(9) Use of offensive, INTIMIDATING, OR MALICIOUS language toward or abusive, improper, INSULTING or discourteous BEHAVIOR TOWARD OR treatment of a member of the public, A CONTRACTOR, a Town official or another Town employee;

* * *

(27) Waste of time, MATERIALS or malingering; [and]

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RESOLUTION 08-14

(29) UNAUTHORIZED USE OF TOWN VEHICLES TO TRANSPORT INDIVIDUALS WHO ARE NOT OFFICERS, EMPLOYEES, OR AGENTS OF THE TOWN; AND

(30) BREACH OF CONFIDENTIALITY, BREACH OF THE DUTY OF LOYALTY OR BREACH OF THE DUTY TO SHARE INFORMATION WITH THE EMPLOYER.

* * *

CHAPTER XI
ELECTRONIC ACCESS (ePOLICIES)

A. GENERAL

The Town provides some, if not all, employees AND OFFICIALS with electronic access, consisting of an e-mail system, A MOBILE PHONE, a network connection, and Internet/Intranet access. This policy governs all use of the Town's network, Internet/Intranet access, MOBILE PHONES and e-mail system at all Town locations, [and] offices OR OTHER AUTHORIZED PLACES. This policy includes, but is not limited to, electronic mail, TEXT MESSAGING, BLOGGING, TWEETING, chat rooms, the Internet, news groups, electronic bulletin boards, SOCIAL MEDIA, the Town of Forest Heights, Maryland's Intranet and all other Town electronic messaging systems.

B. [~~E-MAIL/INTERNET~~] ELECTRONIC COMMUNICATIONS POLICIES AND PROCEDURES

- (1) The Town's e-mail system is designed to improve service to our resident's, contractors, enhance internal communications, and reduce paperwork. Employees AND OFFICIALS using The Town of Forest Heights, Maryland's e-mail system must adhere to the following policies and procedures:
 - The Town's e-mail system, network, and Internet/Intranet access are intended for business-use only. Employees AND OFFICIALS may access e-mail and the Internet for personal use only during non-working hours, and strictly in compliance with the terms of this policy.
 - All information created, sent, or received via the Town of Forest Heights, Maryland's e-mail system, network, Internet, or Intranet, including all e-mail AND TEXT messages and electronic files, is the property of the Town. Employees should have no expectation of privacy regarding this information. The Town of Forest Heights, Maryland reserves

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RESOLUTION 08-14

the right to access, read, review, monitor, copy all messages and files on its computer system AND MOBILE PHONES at any time and without notice. When deemed necessary, the Town reserves the right to disclose text or images to law enforcement agencies or other third parties without the employee's consent.

- Use extreme caution to ensure that the correct e-mail address OR HASHTAG is used for the intended recipient(s).
- Any message or file sent via e-mail, OR TEXTING must have the employee's name attached OR DISCERNIBLE. Personal e-mail accounts are not permitted unless expressly authorized in advance by the Town's Chief Information Officer or the Town Administrator. Alternate Internet Service Provider connections to the Town's internal network are not permitted unless expressly authorized by the Town of Forest Heights, Maryland and properly protected by a firewall or other appropriate security device(s) and/or software.
- Confidential information should not be sent via e-mail unless encrypted by Town approved encryption software and according to established Town procedure in affect at the time of transmittal. This includes the transmission of customer financial information, Social Security numbers, employee health records, or other confidential material.
- Employees must provide the Town Clerk or Administrator and/or Mayor with all passwords.
- Only authorized management personnel are permitted to access another person's e-mail OR ELECTRONIC COMMUNICATIONS without consent.
- Employees should exercise sound judgment when distributing messages OR OTHER COMMUNICATIONS. Client-related, HEALTH-RELATED, OR FINANCIAL-RELATED messages should be carefully guarded and protected. Employees must also abide by copyright laws, ethics rules, and other applicable laws.
- E-mail AND TEXT messages must contain professional and appropriate language at all times. Employees are prohibited from sending abusive, harassing, intimidating, threatening, and discriminatory or otherwise offensive messages via e-mail. Sending abusive, harassing, intimidating, threatening, discriminatory, or otherwise offensive messages via e-mail will result in disciplinary action up to and including termination.

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RESOLUTION 08-14

- E-mail, VOICEMAILS AND TEXT MESSAGING usage must conform to the Town's harassment and discrimination policies.
 - Use of the Town's e-mail system OR CELL AND SMART PHONES to solicit for any purpose, personal or otherwise, without the consent of the Town of Forest Heights, Maryland is strictly prohibited.
 - Chain messages and executable graphics and/or programs should be deleted. Any employee OR OFFICIAL engaging in the transmission of inappropriate e-mails, TEXT MESSAGES OR VOICEMAILS as determined by management, will be subject to discipline, up to and including termination.
 - Employees should archive messages to prevent them from being automatically deleted. All messages archived in the Town's computer system shall be deemed Town property, as is all information on the Town of Forest Heights, Maryland's systems. Employees are responsible for knowing the Town of Forest Heights, Maryland's e-mail retention policies.
 - Misuse and/or abuse of electronic access, including but not limited to, personal use during working hours, copying or downloading copyrighted materials, visiting pornographic sites or sending abusive e-mail, TEXT OR VOICE messages will result in disciplinary action, up to and including termination.
- (2) Violation of any of these policies will subject an employee to disciplinary action, up to and including termination.

* * *

AND BE IT FURTHER RESOLVED that the Town Administrator shall have the duty to give reasonable notice to the employees of the newly adopted rules, regulations, or directives promulgated under this Resolution and that reasonable notice may include but is not limited to posting this Resolution on a designated bulletin board or other conspicuous place in the municipal building for no less than five work days after to its effective date.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 3rd Day of February, 2014.

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RESOLUTION 08-14

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS



Bonita C. Anderson, Town Clerk



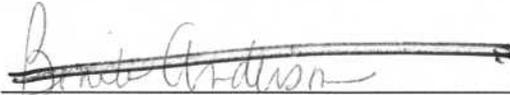
Jacqueline Goodall, Mayor



C. Lynn Smith-Barnes, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 3rd day of February 2014 with 5 Aye votes and 1 Nay votes the aforesaid Resolution 08-14 passed.



Bonita Anderson, Town Clerk

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