



Notice of Public Hearing

TOWN OF FOREST HEIGHTS

A22-02: Proposed a Charter Amendment Resolution of the Mayor and Council of the Town of Forest Heights, Maryland amending section 33-6 (Meetings) of the Charter of the Town of Forest Heights, Maryland to allow the Town Council to recess in the month of August each year; and generally relating to town meetings of the governing body.

Purpose

Notice is hereby given that The Town Council of the Town of Forest Heights, as noted above, will hold a public hearing on the following topics:

This hearing will allow both virtual and in-person participation.

Hearing No. A22-02

Wednesday, December 21, 2022, 8:00 p.m.

Town Hall

5508 Arapahoe Drive,

Forest Heights, MD 20745

Virtual Access Dial-in 301-715-8592

Meeting ID: 563484463

**TOWN OF FOREST HEIGHTS
PUBLIC HEARING AND
TOWN MEETING**

Wednesday, December 21, 2022
Municipal Building
ForestHeightsFacebook
Zoom Dial-In 1-301-715-8592
Meeting ID Meeting ID: Meeting ID: 563484463

Agenda

- I. Call to Order
- II. Roll Call
- III. Moment of Silence
- IV. Pledge of Allegiance to the Flag of the United States of America
- V. Approval of Consent Agenda
 - a. Minutes from November 7, 16, Public Hearing and December 5, meeting will be presented at the January 9, 2023, meeting)
 - b. Public Hearing A22-02: Proposed a Charter Amendment Resolution of the Mayor and Council of the Town of Forest Heights, Maryland amending section 33–6 (Meetings) of the Charter of the Town of Forest Heights, Maryland to allow the Town Council to recess in the month of August each year; and generally relating to town meetings of the governing body.
- VI. Approval of Agenda
- VII. Public Hearing A22-02: Proposed a Charter Amendment Resolution Number 03-22 A Charter amendment resolution of the Mayor and Council of the Town of Forest Heights, Maryland amending section 33–6 (Meetings) of the Charter of the Town of Forest Heights, Maryland to allow the Town Council to recess in the month of August each year; and generally relating to Town meetings of the Governing body.
 - a. Public Comments
- VIII. Legislation
 - a. **A Charter Amendment Resolution Number 03-22:** A Charter amendment resolution of the Mayor and Council of the Town of Forest Heights, Maryland amending section 33–6 (Meetings) of the Charter of the Town of Forest Heights, Maryland to allow the Town Council to recess in the month of August each year; and generally relating to Town meetings of the Governing body.
 - b. **Ordinance No. 05-22: *Second Reading:*** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING ARTICLE 14 (TOWN PUBLIC ETHICS ORDINANCE) OF THE TOWN ORDINANCE CODE, BY AMENDING SUBSECTION 14.4(E) (CONFLICTS OF INTEREST) TO REQUIRE ONE FULL YEAR BEFORE A FORMER MEMBER OF THE TOWN COUNCIL MAY ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION; AND AMEND SUBSECTION 14.4(G) (CONFLICTS OF INTEREST) TO PROVIDE EXAMPLES OF VIOLATIONS OF THE USE OF PRESTIGE OF OFFICE; TO AMEND SUBSECTION 14.4(H) (CONFLICTS OF INTEREST) TO PROVIDE RELATING TO SOLICITATION AND ACCEPTANCE OF GIFTS THAT AN OFFICIAL OR EMPLOYEE MAY NOT KNOWINGLY ACCEPT A GIFT, DIRECTLY OR INDIRECTLY, FROM A PERSON THAT THE OFFICIAL OR EMPLOYEE KNOWS OR HAS THE REASON TO KNOW IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS; TO AMEND SUBSECTION 14.4(I) (CONFLICTS OF INTEREST) TO INCLUDE A PROHIBITION REGARDING DISCLOSURE OF CONFIDENTIAL INFORMATION TO INCLUDE FORMER OFFICIALS AND EMPLOYEES; TO AMEND SUBSECTION 14.4(K) (CONFLICTS OF INTEREST) TO INCLUDE PROHIBITING RETALIATION AGAINST AN OFFICIAL OR EMPLOYEE FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE; TO AMEND

SUBSECTION 14.5(C) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) TO INCLUDE THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUAL'S HOME ADDRESS, AND THAT THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM: (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM; (II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE; AND TO AMEND SUBSECTION 14.5(E) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) TO REQUIRE AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION TO DISCLOSE ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS; TO AMEND SUBSECTION 14.5(E) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) RELATING TO THE CONTENTS OF FINANCIAL DISCLOSURE STATEMENT TO INCLUDE REPORTING GIFTS FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS AND DISCLOSE CERTAIN RELATIONSHIPS WITH THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM, A STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY; AND TO AMEND SUBSECTION 14.5(G) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) RELATING TO INTERESTS OF THE INDIVIDUAL MAKING THE STATEMENT SUCH THAT CERTAIN INTERESTS IN BUSINESS ENTITIES ARE TO BE INCLUDED IN THE DISCLOSURE FORMS; AND GENERALLY RELATING TO THE TOWN'S PUBLIC ETHICS LAW.

- c. **Ordinance No. 06-22: *Second Reading***: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS GRANTING A RENEWAL OF THE CABLE FRANCHISE TO COMCAST OF MARYLAND, LLC AND AUTHORIZING A FRANCHISE AGREEMENT.

- IX. Public Period (limit 2 minutes)
- X. New Business
- XI. Adjournment

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
CHARTER AMENDMENT RESOLUTION NUMBER 03 - 22**

A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING SECTION 33-6 (MEETINGS) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO ALLOW THE TOWN COUNCIL TO RECESS IN THE MONTH OF AUGUST EACH YEAR; AND GENERALLY RELATING TO TOWN MEETINGS OF THE GOVERNING BODY

INTRODUCED BY: Mayor Calvin Washington

WHEREAS, the Town Council is authorized by Article XI-E, § 4 of the Constitution of the State of Maryland and Subtitle 3 of Title 4 of the LG Article of the Annotated Code of Maryland, to amend the Town Charter by a resolution of the legislative body of the municipal corporation; and

WHEREAS, the General Assembly of Maryland passed House Bill 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, the Council has been regularly meeting on the third Wednesday of each month for its regular business meeting, and the 1st Monday of each month for the purposes of conducting a workshop; and

WHEREAS, Section 33-6 of the Charter of the Town of Forest Heights requires the Council to meet regularly once each month, and that special meetings shall be called by the Clerk upon the request of the Mayor or at least three members of the Council; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town to amend the Town Charter to allow the Council to declare a recess from its regular business meeting to be held in the month of August of each year.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS on this ___ day of December 2022, that the Charter of The Town of Forest Heights, Maryland including the specific sections enumerated below shall be and is hereby changed and amended to read as follows:

The Council

CAPITALS : Indicate matter added to existing law **Page 1 of 4** (CAR 03-22)
[[Brackets]] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

Section 33–6. Meetings.

The Council shall meet at 8:00 P.M. on the third Wednesday in May of each year for the purpose of organization, after which the Council shall meet the third Wednesday of each month, EXCEPT FOR THE MONTH OF AUGUST IN WHICH SUCH MEETING SHALL BE OPTIONAL AT THE DISCRETION OF THE MAYOR OR AT LEAST THREE OF THE MEMBERS OF THE COUNCIL. Special meetings shall be called by the Town Clerk upon the request of the Mayor or at least three of the members of the Council. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

* * *

Section 2. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Mayor and Council of The Town of Forest Heights, Maryland, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Forest Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 3. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Forest Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of The Town of Forest Heights, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Council of The Town of Forest Heights, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. BE IT FURTHER RESOLVED that the Town Clerk of The Town of Forest Heights is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as

Re: Change to allow August recess

evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Mayor and Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

PASSED by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the ___ day of December 2022.

ATTEST: THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

Calvin Washington, Mayor

Troy Lilly, Council President

CERTIFICATE OF EFFECT

I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 03 - 22, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF FOREST HEIGHTS.

ATTEST: _____
Sherletta Hawkins, Town Clerk
Town of Forest Heights, Maryland

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Re: Change to allow August recess

CHARTER AMENDMENT RESOLUTION (“CAR”) SCHEDULE

DATE OF 21-DAY PUBLIC HEARING NOTICE _____
DATE OF CAR INTRODUCTION/PASSED _____
40-DAY POSTING END DATE: _____
FAIR SUMMARY NEWSPAPER _____
WEEKLY PUBLICATION DATES (x 4): _____

EFFECTIVE (50TH DAY) DATE: _____

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MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 05-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING ARTICLE 14 (TOWN PUBLIC ETHICS ORDINANCE) OF THE TOWN ORDINANCE CODE, BY AMENDING SUBSECTION 14.4(E) (CONFLICTS OF INTEREST) TO REQUIRE ONE FULL YEAR BEFORE A FORMER MEMBER OF THE TOWN COUNCIL MAY ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION; AND AMEND SUBSECTION 14.4(G) (CONFLICTS OF INTEREST) TO PROVIDE EXAMPLES OF VIOLATIONS OF THE USE OF PRESTIGE OF OFFICE; TO AMEND SUBSECTION 14.4(H) (CONFLICTS OF INTEREST) TO PROVIDE RELATING TO SOLICITATION AND ACCEPTANCE OF GIFTS THAT AN OFFICIAL OR EMPLOYEE MAY NOT KNOWINGLY ACCEPT A GIFT, DIRECTLY OR INDIRECTLY, FROM A PERSON THAT THE OFFICIAL OR EMPLOYEE KNOWS OR HAS THE REASON TO KNOW IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS; TO AMEND SUBSECTION 14.4(I) (CONFLICTS OF INTEREST) TO INCLUDE A PROHIBITION REGARDING DISCLOSURE OF CONFIDENTIAL INFORMATION TO INCLUDE FORMER OFFICIALS AND EMPLOYEES; TO AMEND SUBSECTION 14.4(K) (CONFLICTS OF INTEREST) TO INCLUDE PROHIBITING RETALIATION AGAINST AN OFFICIAL OR EMPLOYEE FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE; TO AMEND SUBSECTION 14.5(C) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) TO INCLUDE THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUAL'S HOME ADDRESS, AND THAT THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM: (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM; (II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE; AND TO AMEND SUBSECTION 14.5(E) (FINANCIAL DISCLOSURE BY ELECTED

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ORDINANCE NO. 05-22

OFFICIALS AND CANDIDATES) TO REQUIRE AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION TO DISCLOSE ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS; TO AMEND SUBSECTION 14.5(E) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) RELATING TO THE CONTENTS OF FINANCIAL DISCLOSURE STATEMENT TO INCLUDE REPORTING GIFTS FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS AND DISCLOSE CERTAIN RELATIONSHIPS WITH THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM, A STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY; AND TO AMEND SUBSECTION 14.5(G) (FINANCIAL DISCLOSURE BY ELECTED OFFICIALS AND CANDIDATES) RELATING TO INTERESTS OF THE INDIVIDUAL MAKING THE STATEMENT SUCH THAT CERTAIN INTERESTS IN BUSINESS ENTITIES ARE TO BE INCLUDED IN THE DISCLOSURE FORMS; AND GENERALLY RELATING TO THE TOWN'S PUBLIC ETHICS LAW.

Introduced By: Mayor Calvin Washington

WHEREAS, unless a waiver or exemption is obtained, the General Provisions Article, Title 5, Subtitle 8, Part I of the *Annotated Code of Maryland* requires that all incorporated municipalities in Maryland have ethics laws as required by the State for their employees and public officials, and regulations issued by the State Ethics Commission contained in Title 19A, subtitle 04 of COMAR outlining the standards for compliance with these requirements, and the regulations include model ethics code provisions for local governments to consider when adopting their laws; and

WHEREAS, the State Ethics Commission is responsible for approving or disapproving local governmental ethics codes and will provide technical assistance to local ethics boards and if a municipality changes all or a part of its required ethics law, the amendments must be submitted to the State Ethics Commission for review and approval, but nonetheless, the State Commission does not decide local ethics issues or investigate local officials; and

WHEREAS, on August 26, 2022 , the State Ethics Commission wrote the Town to notify it that the requirements under the State Ethics Law have changed due to House Bill 363 and House Bill 1058 that were enacted during the 2021 General Assembly session, which made

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MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 05-22

multiple modifications to the State Ethics Law, and which will change the requirements for local government ethics laws with those changes including new conflict of interest provisions and additional disclosures for State elected officials that local governments must incorporate into their ethics ordinances for their elected officials; and

WHEREAS, furthermore pursuant to the requirements of HB 879 (enacted during the 2017 legislative session), changes that must be adopted for local government to be in compliance with the requirements of Subtitle 8 of the Public Ethics Law or COMAR 19A.04 include: (i) language added to the conflict of interest section covering local elected officials precluded from lobbying for one calendar year after leaving office, and (ii) removal of home addresses from public disclosure for local employees and elected officials on their filings submitted after January 1, 2019; and

WHEREAS, the Mayor and Council finds that it is in the best interest of the Town Government to amend its public ethics ordinance and thereby update the Town's Public Ethics Ordinance to bring it into conformity with State Law.

Section 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, that Article 14 (Town Public Ethics Ordinance) of the Ordinance Code of the Town of Forest Heights as written herein below is hereby enacted, readopted and amended such that said Ordinance Code and Article shall henceforth read as follows:

ARTICLE 14 – TOWN PUBLIC ETHICS ORDINANCE

Section 14.4. Conflicts of interest.

(e) Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an

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MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 05-22

official or employee.

(2) Until the conclusion of ~~[the]~~ ONE FULL calendar year ~~[that ends]~~ after the elected official leaves office, a former member of the Town Council or legislative body may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(g) Use of prestige of office.

(1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

(2) This subsection does not prohibit the performance of usual and customary constituent services by an elected Town official without additional compensation.

(3) THE FOLLOWING THREE NON-EXCLUSIVE SPECIFIC CIRCUMSTANCES ARE EXAMPLES THAT CONSTITUTE VIOLATIONS OF THE PRESTIGE OF OFFICE PROVISION: (I) INFLUENCING THE AWARD OF A STATE OR LOCAL CONTRACT TO A SPECIFIC PERSON, (II) INITIATING A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR LOBBYIST OR FIRM, (III) USING PUBLIC RESOURCES OR TITLE TO SOLICIT A POLITICAL CONTRIBUTION REGULATED IN ACCORDANCE WITH STATE ELECTION LAW ARTICLE.

(h) Solicitation and acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) An official or employee may not directly solicit or facilitate the solicitation of a gift on behalf of another person from an individual regulated lobbyist.

(3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(I) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

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MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 05-22

(II) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(III) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

(IV) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

(V) IS AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee OR FORMER OFFICIAL OR EMPLOYEE may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's OR FORMER OFFICIAL'S OR EMPLOYEE'S public position and that is not available to the public for the economic benefit of the official or employee or that of another person.

(j) Participation in procurement.

(1) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

(K) RETALIATION PROHIBITED. AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL FOR REPORTING OR PARTICIPATING IN AN

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INVESTIGATION OF A POTENTIAL VIOLATION OF THE LOCAL ETHICS LAW OR ORDINANCE.

Section 14.5. Financial disclosure by elected officials and candidates.

(a) Applicability; manner of filing; deadlines for elected officials.

(c) Public record.

(1) Unless otherwise designated by the Commission or an approved records retention and disposition schedule, the Town Clerk shall maintain all financial disclosure statements filed under this section.

(2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission or by resolution of Council.

(3) If an individual examines or copies a financial disclosure statement, the Town Clerk acting for the Commission or the office designated by the Commission shall record:

(I) The name and home address of the individual reviewing or copying the statement; and

(II) The name of the person whose financial disclosure statement was examined or copied.

(4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Town Clerk acting for the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

(5) FOR STATEMENTS FILED AFTER JANUARY 1, 2019, THE COMMISSION OR THE OFFICE DESIGNATED BY THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS DESIGNATED AS THE INDIVIDUAL'S HOME ADDRESS.

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(6) THE COMMISSION OR OFFICE DESIGNATED BY THE COMMISSION SHALL NOT PROVIDE PUBLIC ACCESS TO INFORMATION RELATED TO CONSIDERATION RECEIVED FROM:

- (I) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;
- (II) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR
- (III) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE.

(d) Retention requirements. The Town Clerk acting for the Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt or as otherwise prescribed by an approved records retention and disposition schedule obtained pursuant to Article 17 of the Town Code.

(E) AN INDIVIDUAL WHO IS REQUIRED TO DISCLOSE THE NAME OF A BUSINESS UNDER THIS SECTION SHALL DISCLOSE ANY OTHER NAMES THAT THE BUSINESS IS TRADING AS OR DOING BUSINESS AS.

~~(e)~~ (F) Contents of financial disclosure statement.

(1) Interests in real property.

(I) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(II) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

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MAYOR AND COUNCIL
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ORDINANCE NO. 05-22

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

(F) The identity of any other person with an interest in the property.

(4) Gifts.

(I) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town, OR FROM AN ASSOCIATION, OR ANY ENTITY ACTING ON BEHALF OF AN ASSOCIATION THAT IS ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS.

(II) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(9) RELATIONSHIP WITH UNIVERSITY OF MARYLAND MEDICAL SYSTEM, STATE OR LOCAL GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY.

(I) AN INDIVIDUAL SHALL DISCLOSE THE INFORMATION SPECIFIED IN GENERAL PROVISIONS ARTICLE §5-607(J)(1), ANNOTATED CODE

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MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 05-22

OF MARYLAND, FOR ANY FINANCIAL OR CONTRACTUAL RELATIONSHIP WITH:

- (A) THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM;
- (B) A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE; OR
- (C) A QUASI-GOVERNMENTAL ENTITY OF THE STATE OR LOCAL GOVERNMENT IN THE STATE. IN ALL SECTIONS OF THIS CHAPTER, "QUASI-GOVERNMENTAL ENTITY" MEANS AN ENTITY CREATED BY STATE STATUTE, THAT PERFORMS A PUBLIC FUNCTION, AND THAT IS SUPPORTED IN WHOLE OR IN PART BY THE STATE BUT IS MANAGED PRIVATELY.

(II) FOR EACH FINANCIAL OR CONTRACTUAL RELATIONSHIP REPORTED, THE SCHEDULE SHALL INCLUDE:

- (A) A DESCRIPTION OF THE RELATIONSHIP;
- (B) THE SUBJECT MATTER OF THE RELATIONSHIP; AND
- (C) THE CONSIDERATION.

~~[(9)]~~(10) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

~~[(f)]~~(G) For the purposes of Section 14.5(e)(1), (2), and (3) of this Article, the following interests are considered to be the interests of the individual making the statement:

- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
- (2) An interest held, at any time during the applicable period, by:
 - (I) A business entity in which the individual held a (10)% or greater interest;
 - (II) A BUSINESS ENTITY DESCRIBED IN SECTION (I) OF THIS

CAPITALS : Indicate matter added to existing law
[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

MAYOR AND COUNCIL
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ORDINANCE NO. 05-22

SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 25% OR GREATER INTEREST;

(III) A BUSINESS ENTITY DESCRIBED IN SECTION (II) OF THIS SUBSECTION IN WHICH THE BUSINESS ENTITY HELD A 50% OR GREATER INTEREST; AND

(IV) A BUSINESS ENTITY IN WHICH THE INDIVIDUAL DIRECTLY OR INDIRECTLY, THROUGH AN INTEREST IN ONE OR A COMBINATION OF OTHER BUSINESS ENTITIES, HOLDS A 10% OR GREATER INTEREST.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(I) The individual held a reversionary interest or was a beneficiary; or

(II) If a revocable trust, the individual was a settlor.

[(g)] (H) Compliance.

(1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The Town Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Section 14.11. Short title.

This ordinance shall be known as the Town Public Ethics Ordinance or Article 14 and may be cited as such.

* * *

Section 2.

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MAYOR AND COUNCIL
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ORDINANCE NO. 05-22

AND BE IT FURTHER ORDAINED AND ENACTED, that if any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 3.

AND BE IT FURTHER ORDAINED AND ENACTED, that any prior ordinances adopting and enacting any substantially similar provision of this newly enacted or amended Article 14 of said Ordinance Code, or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not specifically covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

Section 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect thirty (30) calendar days following adoption by the Town Council, having been passed by the required yea and nay votes of the Mayor and Council of the Town of Forest Heights.

Section 5.

AND BE IT FURTHER ORDAINED AND ENACTED, that subject to the publication of such change or correction posted no less than thirty (30) days in a conspicuous place in the Municipal Building, the Town Clerk shall be authorized to correct any non-substantive or typographical errors in this or any other ordinance passed by the Council including but not limited to errors in spelling, or the proper sequence or numbering of the sections or articles contained herein that are to be codified in the Town's Ordinance Code or in any other ordinance subsequently or previously passed by the Council, but this Section shall not be construed to authorize the Town Clerk to revise the latest version of the duly enacted Ordinance Code with

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MAYOR AND COUNCIL
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ORDINANCE NO. 05-22

any newly adopted provision, language, section or correction having substance, such that said amendments would have the force of law, without approval of the Council by ordinance.

Section 6.

AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk, or in her absence, the Town Administrator shall cause to be published a summary of this Ordinance at least twice in the town newsletter or a newspaper having general circulation within the Town of Forest Heights.

HAVING BEEN INTRODUCED AND HAVING BEEN READ, as an ordinance and passed by a yea and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this ___ day of _____ 2022, at _____ o'clock ____.m., in the Municipal Building.

PASSED this ___ day of December 2022.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____
KENNEDY II	_____
LILLY	_____
NOBLE	_____

I HEREBY CERTIFY that the above Ordinance ___ - 22 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the ___ day of December 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS

- CAPITALS : Indicate matter added to existing law
- [Brackets] : Indicate matter deleted from existing law
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MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 05-22

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. __ -22 has been published at least twice in the Town newsletter or a newspaper having general circulation in the Town of Forest Heights and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

Date: _____

Sherletta Hawkins, Town Clerk

1st Reader: _____
2nd Reader: _____

CAPITALS : Indicate matter added to existing law
[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 06-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS GRANTING A RENEWAL OF THE CABLE FRANCHISE TO COMCAST OF MARYLAND, LLC AND AUTHORIZING A FRANCHISE AGREEMENT

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Forest Heights (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, the Town Council has the ordinance making power under §5-204(d) of the Local Government Article, Annotated Code of Maryland to grant non-exclusive cable franchises; and

WHEREAS, the Town Council has the power under §33-20(b)(22)(Franchises) of the Town Charter to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes: To grant and regulate franchises to electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of the Annotated Code of Maryland, but no franchise shall be granted for a longer period than fifty years; and

WHEREAS, the Town has enacted and codified in Article 6 of the Town Ordinance Code an article governing cable television; and

WHEREAS, pursuant to § 6.3.F of the Code of the Town of Forest Heights, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public and the public and all interested parties afforded a reasonable opportunity to be heard; and

WHEREAS, the Town entered into a cable franchise agreement with Comcast of Maryland, LLC which ended in 2015, but has been extended during the negotiation of the renewal of the franchise agreement; and

WHEREAS, through a consortium of participating municipalities, the Council authorized the negotiation of the renewal of the franchise agreement with Comcast of Maryland, LLC and said proposed agreement has been prepared and presented to the Council; and

WHEREAS, pursuant to this Ordinance, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which every franchisee or applicant and its applications or requests shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard; and

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 06-22

WHEREAS, the Comcast Cable Franchise Agreement of 1999 required construction of a Prince George's County Intergovernmental Network (“I-Net”) governed by a committee represented by the county and all participating municipalities (“PM’s”) with infrastructure and connectivity to 174 sites, and a functional purpose of connecting authorized users, including specific governmental, educational, and public facilities, with connectivity via the network offering participating governments a communication vehicle to reduce costs for services otherwise provided through commercially leased lines (e.g., Dial-Up, DSL (Digital Subscriber Line), ISDN (Integrated Services Digital Network), etc.); and

WHEREAS, the elected leadership of the County and PM’s regarding a joint franchise agreement have been asked to approve a 10-year cable franchise renewal with Comcast and the consortium has asked the PM’s to pass their ordinances before January 1, 2023, in order to make the County’s legislative deadlines after the New Year; and

WHEREAS, the major features of the new collective franchise agreement are as follows: (i) 5% of gross revenues as a franchise fee, (ii) 3% of gross revenues as support for PEG (includes I-Net/C-Net), (iii) up to 3 municipal PEG channels with option for county to utilize unused channels; (iv) the I/C-Net is preserved for 10 years until transitioned to a government network, (v) provide new service at cost and maintain existing connections to government buildings; (vi) free build out or extension of service area up to 350 ft. from network, and (vi) provides for two company offices in the county for equipment pick up and drop off; and`

WHEREAS, the Mayor and Council have determined that it is in the public interest to renew the cable franchise with Comcast of Maryland, LLC, within the corporate limits of the Town, on condition that Comcast of Maryland, LLC. enter into a franchise agreement in substantially the form as attached to this Ordinance.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Town Council of the Town of Forest Heights, the renewal of the non-exclusive right to construct and operate a cable television system along the public rights of way in the Town of Forest Heights is hereby granted to Comcast of Maryland, LLC, subject to the provisions a franchise agreement between the Town and Comcast Cable, LLC, which is incorporated by reference herein in a form substantially similar to that attached as Exhibit A to this Ordinance, and the Mayor of the Town of Forest Heights is authorized to endorse the franchise agreement on behalf of the Town.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Town Council of the Town of Forest Heights that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk and shall post at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV, if any, and on the Town cable channel, if any, and if time permits, in any Town newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 06-22

The public hearing, hereby set for _____ on the ____ day of _____ 2022, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This proposed Ordinance shall be posted by the Town Clerk as is or as a fair summary of the Ordinance and notice of its adoption at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV, on the Town cable channel, and in any regularly published Town newsletter.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, that if any section or part of a section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 4. AND BE IT FURTHER ORDAINED AND ENACTED, by the Town Council of the Town of Forest Heights, Maryland that this ordinance shall become effective at the expiration of thirty (30) calendar days following approval by the Town Council, but shall not be codified in the Town Ordinance Code.

Section 5. AND BE IT FURTHER ORDAINED AND ENACTED by the Town Council of the Town of Forest Heights, Maryland that this ordinance shall be posted in the Town Hall office, and it shall be published once in a newspaper of general circulation in the Town.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an ordinance and passed by a yea and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this __ day of _____ 2022, at _____ o'clock __ p.m., in the Municipal Building in Forest Heights, Maryland.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____
KENNEDY II	_____
LILLY	_____

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

ORDINANCE NO. 06-22

NOBLE _____

I HEREBY CERTIFY that the above Ordinance __ - 22 was passed by the required ye and nay vote of the Mayor and Council of Forest Heights on the ___ day of December 2022.

ATTEST: THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. __ -22 has been published at least twice in the Town newsletter or a newspaper having general circulation in the Town of Forest Heights.

Date: _____

Sherletta Hawkins, Town Clerk

1st Reader: 12/5/2022 _____

2nd Reader: _____

Exhibit A – (CABLE FRANCHISE AGREEMENT BETWEEN PRINCE GEORGE’S COUNTY, MARYLAND, THE TOWN OF FOREST HEIGHTS AND PARTICIPATING MUNICIPALITIES AND COMCAST OF MARYLAND, LLC)