

THE TOWN OF FOREST HEIGHTS
RESOLUTION 05-14

A RESOLUTION OF THE COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND DECLARING AN INVITATION TO CERTAIN PUBLIC WORKS EMPLOYEES FOR CERTAIN EXPENSES TO BE PAID BY A NAMED VENDOR TO ATTEND A TRADE SHOW CONFERENCE SHALL NOT BE DEEMED A CONFLICT OF INTEREST, OR ALTERNATIVELY GRANTING AN EXEMPTION OR MODIFICATION FROM SECTION 14.4 OF THE TOWN PUBLIC ETHICS ORDINANCE (ARTICLE 14 OF THE TOWN CODE), AND GENERALLY RELATING TO PUBLIC ETHICS

Introduced By: Mayor Jacqueline Goodall

WHEREAS, pursuant to Section 14.4 of the Town Ordinance Code, Town officials and employees shall not solicit any gift or accept gifts of greater than \$25 in value, from any person that has or is negotiating a contract with the Town except when these gifts would not present a conflict of interest as determined by the Town Council, and said Section further states that a gift includes the transfer of anything of value regardless of form without adequate and lawful consideration and for the purposes of said Section, a gift does not include ceremonial awards of nominal value; reasonable expenses for food, travel or lodging when an official or employee is scheduled to participate in training activities as a speaker or panelist; and

WHEREAS, pursuant to Section 14.8 of the Town Ordinance Code, the Town Council may grant exemptions and modifications to the provisions of Sections 14.4 and 14.5 of Article 14 if said governing body determines that application of those provisions would (a.) constitute an unreasonable invasion of privacy, (b.) significantly reduce the availability of qualified persons for public service, and (c.) not to be required to preserve the purposes of said Article; and

WHEREAS, a Town vendor, W.W. Grainger, Inc., recently provided a customer quotation to the Town dated 11/4/2013 for a street or litter vacuum and the Council subsequently approved said quote for procurement by the Town; and

WHEREAS, said vendor has invited a Town employee(s) to attend the 2014 Grainger Show/Conference in Orlando, FL scheduled for February 9-11, 2014 for the purpose of interfacing with leading industry suppliers, networking with industry peers and attending training seminars, and

WHEREAS, Public Works Supervisor Stan Mosely has tendered a letter sent or prepared on his behalf requesting that the Town Administrator confirm his understanding that said employee's attendance at the subject training conference will not violate the Town's public ethics law; and

WHEREAS, the Council finds that it does not anticipate any further purchases from said vendor in the foreseeable future and further finds that the subject employee's (or any other

THE TOWN OF FOREST HEIGHTS
RESOLUTION 05-14

employee's) attendance at said event would not violate the ordinance by accepting this offer of admission, travel and lodging and otherwise would not present a conflict of interest; and

WHEREAS, the Council further finds that if said official(s) is/are denied said offered event attendance under Article 14 by said vendor it would (a.) constitute an unreasonable invasion of privacy, (b.) significantly reduce the availability of qualified persons for public service, and (c.) would not to be required to preserve the purposes of said Article.

NOW THEREFORE BE IT RESOLVED, and enacted that the Town Council hereby declares there to be no conflict regarding the offer described herein and otherwise approves and grants an exemption or modification to the provisions of Sections 14.4 of Article 14 subject to the following conditions or requirements to be observed by the designated employee(s):

1. Disclose and provide a list of any seminars, meetings, events or presentations attended at said Conference and further report the acceptance of any promotional items offered by suppliers or advertisers at said Conference;
2. Refrain from using one's municipal title, or prominent identification as a Town official, for the employee's private gain or the private gain of another. However, service with the Town may be noted in a resume, or employment-related biographical description;
3. Use official Town correspondence or other Town property only for official Town business or customary constituent services;
4. Do not publicly endorse a public issue, business entity, or product under circumstances that invoke one's position as a Town official or employee unless duly authorized by Council;
5. When in doubt as to the propriety of a proposed action or interest, request a written opinion from the Town Attorney pursuant to Article 14; and
6. That the modification or exemption granted herein is subject to repeal or change by the Council.

AND BE IT FURTHER RESOLVED, that the Town Council approves and authorizes the Mayor to further provide or authorize a *per diem* meal allowance to be paid by the Town for any Town attendee designated or approved by the Mayor for attendance at said Conference pursuant to this Resolution and Section 3.90 of the Employee Handbook; and

AND BE IT FURTHER RESOLVED, that the above recitals are incorporated by reference herein and made part of this Resolution; and

THE TOWN OF FOREST HEIGHTS
RESOLUTION 05-14

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

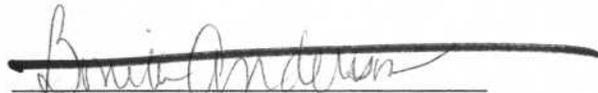
PASSED this 3rd day of February 2014.

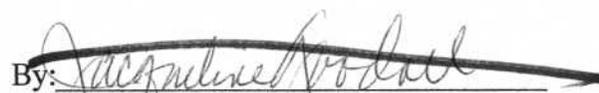
APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

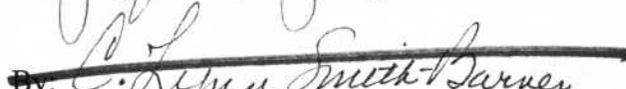
<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY II	<u>YEA</u>
STONER	<u>ABSTAIN</u>
BARNES	<u>YEA</u>
MUHAMMAD	<u>ABSENT</u>
SMITH-BARNES	<u>YEA</u>
MANN	<u>YEA</u>

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

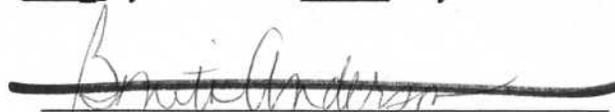

Bonita C. Anderson, Town Clerk

By: 
Jacqueline Goodall, Mayor

By: 
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 05-14 passed.


Bonita Anderson, Town Clerk