

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

**CHARTER AMENDMENT RESOLUTION NUMBER 19 –  
PROPOSING TO AMEND THE FOREST HEIGHTS TOWN CHARTER  
SECTION 33–6. MEETINGS.**

**INTRODUCED BY:** Councilman George Wiggers

**ENACTED:** March 6, 2006

**WHEREAS**, the Maryland Open Meetings Act permits local jurisdictions to close portions of meetings to the public in order that limited government business may be conducted away from the public, and,

**WHEREAS**, Maryland courts have found that Charter provisions similar to Section 33–6 of the town charter prohibits municipalities with such provisions from holding executive sessions, and

**WHEREAS**, the Forest Heights Town Council needs to be able to deal with personnel issues, legal issues, contract negotiations; and other sensitive matters in an executive session from which the public is excluded, and

**WHEREAS**, the Section 33-90 of the Charter of the Town of Forest Heights and Article 23A § 12 and 13 empower and regulate the Town Council in enacting charter amendments and the Mayor in posting and publication of proposed charter amendments;

**NOW THEREFORE BE IT RESOLVED** that the Town Council of Forest Heights proposes to amend the Charter of the Town of Forest Heights Section 33-6 Meetings. The amendment of the Charter of the Town of Forest Heights shall be enacted by striking the current language which reads

*“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.(Ch. Res. No. 1, August 21, 1963. sec. 6.)”*

And inserting the following wording:

**“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.**

**All meetings of the Council shall be open to the public, except that the Council may go into an executive session subject to the requirements of the Annotated Code of Maryland, Subtitle 5, “the Open Meetings Act” under the following conditions:**

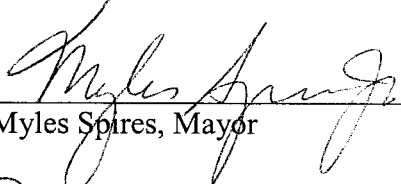
- (1) discuss:**
  - (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or**
  - (ii) any other personnel matter that affects 1 or more specific individuals;**
- (2) protect the privacy or reputation of individuals with respect to a matter that is not related to public business;**
- (3) consider the acquisition of real property for a public purpose and matters directly related thereto;**
- (4) consider the investment of public funds;**
- (5) consider the marketing of public securities;**
- (6) consult with counsel to obtain legal advice;**
- (7) consult with staff, consultants, or other individuals about pending or potential litigation;**
- (8) conduct collective bargaining negotiations or consider matters that relate to the negotiations;**
- (9) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:**
  - (i) the deployment of fire and police services and staff; and**
  - (ii) the development and implementation of emergency plans;**
- (10) prepare, administer, or grade a scholastic, licensing, or qualifying examination;**
- (12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;**
- (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or**
- (14) before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.”**

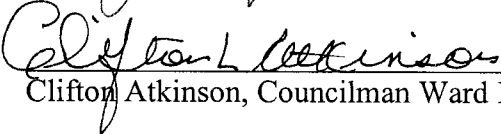
**BE IT FURTHER RESOLVED** that the Mayor shall give notice of this resolution for a proposed Charter Amendment by posting an exact copy thereof at the Town Hall for a period of at least forty days following its adoption and shall cause a fair summary of this proposed Charter Amendment to be published in a newspaper of general circulation in the Town of Forest Heights not less than four times, at weekly intervals within a period of at least forty days starting not later than three days immediately following the date of the adoption of this resolution containing the proposed Charter Amendment.

**BE IT FURTHER RESOLVED** that a violation of this resolution shall be deemed a misdemeanor and subject to 30 days in prison and a fine not to exceed \$1000.00; and

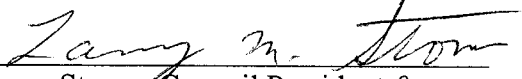
**AND BE IT FURTHER RESOLVED** that this resolution to amend the Charter of the Town of Forest Heights shall take effect immediately on its passage and the proposed Charter Amendment hereby shall take effect April 25, 2006.

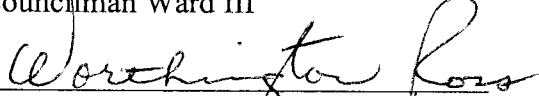
PASSED THIS DAY OF March 6, 2006.

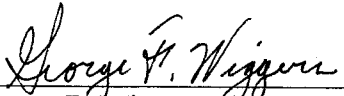
  
Myles Spires, Mayor


  
Clifton Atkinson, Councilman Ward II

  
Alice Hoskins, Councilman Ward I

  
Larry Stoner, Council President &  
Councilman Ward III

  
Worthington Ross, Councilman Ward III

  
George F. Wiggers, Councilwoman Ward I

Attest:  
  
Bonita Anderson, Town Clerk