

ENROLLED ORIGINAL

## A RESOLUTION

17-930

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve a time-limited real property tax abatement for the purpose of facilitating the location of The Urban Institute to the NOMA area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Urban Institute Real Property Tax Abatement Emergency Declaration Resolution of 2008".

(a) The Mayor has submitted permanent legislation to the Council, Bill 17-1034, the Urban Institute Real Property Tax Abatement Act of 2008.

(b) The permanent legislation was the subject of a duly-noticed public hearing before the Committee on Finance and Revenue ("Commission") on December 9, 2008.

(c) The Committee heard compelling public testimony from witnesses in support of the legislation regarding the need to send a positive signal prior to the end of the year as The Urban Institute is trying to close on their lease by that time.

(d) The Committee heard compelling public testimony regarding The Urban Institute's many projects regarding the District of Columbia – notably including the annual "*Housing in the Nation's Capital*," "*NeighborhoodInfo DC*," as well as studies of subprime lending in the District, charitable infrastructure, problems facing the homeless, and previously incarcerated populations, among many other studies of District issues.

(e) In the past 5 years, The Urban Institute has also made a positive contribution by providing subcontracts to more than 50 other D.C.-based organizations in the amount of \$8.8 million.

(f) The tax abatement envisioned by the underlying legislation is for a time-limited period of 10 years with its 1<sup>st</sup> fiscal impact occurring in Tax Year 2010, which begins October 1, 2009, and is not a permanent tax exemption.

(g) Further, the tax abatement is for the purpose of facilitating the relocation of The Urban Institute, and to promote positive economic development to the NOMA area of the District, an emerging market.

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(h) The legislation further envisions positive economic development in this area, as a condition of this tax abatement, by providing 10,000 square feet of below-market-rate leases in the building to nonprofit organizations.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that The Urban Institute Real Property Tax Abatement Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

17-931

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to permit the Family Division of the Superior Court of the District of Columbia to suspend juvenile arraignments on Inauguration Day 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Arraignments on Inauguration Day Emergency Declaration Resolution of 2008".

Sec. 2. (a) The next President of the United States of America will be inaugurated on January 20, 2009 ("Inauguration Day"). The inauguration is expected to draw record-breaking crowds, and it is now estimated that between 1.5 million and 4 million persons will come to the District of Columbia on Inauguration Day. People will line the parade route from the U.S. Capitol Building, along Pennsylvania Avenue, N.W., to the White House. Roads will be closed, parking will be limited, and it is expected that there will be record vehicular traffic. The ability of the Washington Metropolitan Area Transit Authority ("Metro") to transport people will also be strained.

(b) Juveniles are arraigned by the Family Court of the Superior Court. The Family Court is located at 500 Indiana Avenue, N.W., and abuts C Street, N.W., which is just one block from the inauguration parade route. Juvenile cases are papered by the Office of the Attorney General's Juvenile Section ("OAG"), which is located approximately 2 blocks from the parade route and is above the Judiciary Square Metro station.

(c) The Family Court plans to continue to arraign juveniles on Inauguration Day.

(d) Because of the proximity of the court and OAG's Juvenile Section to the inauguration parade route, the families of juveniles who have been arrested will have great difficulty traveling to the court for arraignments and victims of juvenile crime will not be able to travel to OAG to be interviewed about their victimization.

(e) In addition, officers from the Metropolitan Police Department who would otherwise be required to appear in court for juvenile cases are needed for assignments on Inauguration Day.

(f) The underlying emergency act would permit the Family Court to suspend juvenile arraignments on Inauguration Day 2009. The act would provide that the time frame for

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commencing a detention hearing shall not apply to a child who is arrested on January 19, 2009. For each child who is arrested on January 19, 2009, a detention hearing shall be commenced not later than January 21, 2009.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Juvenile Arraignments on Inauguration Day Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

17-932

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve the lease of certain real property owned by the District of Columbia, which real property is commonly known as the Douglass School and is located at 2600-2620 Douglas Road, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Douglass School Lease Emergency Disposition Declaration Resolution of 2008".

Sec. 2.(a) On October 15, 2008, the District of Columbia issued a Request for Offers ("RFO") to District of Columbia public charter schools, which included the Douglass School building located at 2600-2620 Douglas Road, S.E., and designated for assessment and taxation purposes as Lot 950, Square 5872 ("Property").

(b) In response to the RFO, KIPP DC, a District of Columbia public charter school submitted an offer to the District of Columbia to lease the Property for the purpose of operating a public charter school.

(c) The District of Columbia selected KIPP DC as the recipient of a long-term lease for the Property.

(d) Prompt authorization to lease the Property to KIPP DC is necessary due to the current physical condition of the Property and the need for KIPP DC to implement an approximately \$10 million improvement project by June 1, 2009, and an additional \$15 million improvement project by August 31, 2009. There is also the need to expeditiously close on a \$8,333,333 construction loan from the Charter School Growth Fund ("CSGF"), which is dependent on the disposition of the Property and the subsequent execution of the contemplated ground lease.

(e) Delay in the disposition of the Property and execution of the contemplated ground lease could result in the inability of KIPP DC to timely obtain the project financing needed for the renovation project and the inability to implement the improvements needed to create a safe and appropriate learning environment for students of the new KIPP DC early-childhood and high-school facility, which is scheduled to open on the Property in July 2009. Delay in the disposition of the Property and execution of the contemplated ground lease could also jeopardize

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the terms tentatively associated with the CSGF construction loan.

Sec 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Douglass School Lease Emergency Disposition Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

17-933

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve, on an emergency basis, the lease of certain real property owned by the District of Columbia, which real property is commonly known as the Douglass School and is located at 2600-2620 Douglas Road, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Douglass School Lease Emergency Disposition Approval Resolution of 2008".

Sec. 2. (a) Pursuant to sections 1(b) and (b-1) of an Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b) and (b-1)), the Mayor transmitted to the Council a request for Council approval of a disposition through a lease of the property located at 2600-2620 Douglas Road, S.E., and designated for assessment and taxation purposes as Lot 950, Square 5872, ("Property"), to KIPP DC, a District of Columbia nonprofit corporation and public charter school.

(b) The Council finds that the Property is no longer required for public purposes.

(c) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the Property justifies the lease proposed by the Mayor.

(d) The Council approves the lease of the Property to KIPP DC under such terms and conditions as the Mayor considers necessary and appropriate.

Sec 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chancellor of the District of Columbia Public Schools, the Office of Property Management, the Chief Financial Officer, and the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

17-934

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$33.5 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Washington Center for Internships and Academic Seminars, a District of Columbia nonprofit corporation, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Center for Internships and Academic Seminars Revenue Bond Project Emergency Declaration Resolution of 2008".

Sec. 2. Emergency circumstances.

(a) The Washington Center for Internships and Academic Seminars, a District of Columbia nonprofit corporation ("Washington Center for Internships and Academic Seminars"), seeks to have District of Columbia revenue bonds issued for the financing, refinancing or reimbursing of certain or all of the costs incurred in connection with:

(1) The acquisition, construction, furnishing, and equipping of a residential building of approximately 140,908 gross square feet located at 1005 3<sup>rd</sup> Street, N.E., Washington, D.C. 20024 (Lot 58, Square 774), to be used primarily as dormitories for 345 students in apartments and to include 9 classrooms, a fitness center, a small computer lounge, a student life office, and a large community space area to be used for various meetings and lectures;

(2) The purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the facilities described in paragraph (1) of this subsection;

(3) Funding, to the extent financeable, of any working capital costs;

(4) The funding of capitalized interest;

(5) The funding of any required deposit to a debt service reserve fund or other reserve fund;

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(6) The paying of eligible issuance costs; and

(7) The paying of the cost of any bond insurance or other credit enhancement.

(b) The market for tax-exempt bonds is presently highly volatile and in order for the Washington Center for Internships and Academic Seminars to maximize interest savings on the District of Columbia revenue bonds, the issuance needs to occur prior to the next scheduled Council meeting. Council approval of the bond resolution authorizing the issuance of up to \$33.5 million of District of Columbia revenue bonds would permit bonds to be issued promptly to provide maximum savings for the Washington Center for Internships and Academic Seminars.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Washington Center for Internships and Academic Seminars Revenue Bond Project Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-935

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$33.5 million in one or more series pursuant to a plan of finance and to authorize and provide for the loan of the proceeds of the bonds to the Washington Center for Internships and Academic Seminars to assist in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Center for Internships and Academic Seminars Revenue Bonds Project Emergency Approval Resolution of 2008".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

- (1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.
- (2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.
- (3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.
- (4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the Washington Center for Internships and Academic Seminars, a District of Columbia nonprofit corporation exempt from federal income taxes.
- (5) "Chairman" means the Chairman of the Council of the District of Columbia.
- (6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and

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other similar instruments.

(7) "Costs" means all fees, costs, charges, and expenses paid or incurred in connection with undertakings, other than Issuance Costs, permitted under section 490 of the Home Rule Act.

(8) "District" means the District of Columbia.

(9) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(12) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(13) "Project" means the financing, refinancing, or reimbursing of all or a portion of borrower's costs of:

(A) The acquisition of land and the construction, furnishing, and equipping of a residential building of approximately 140,908 gross square feet to be located at 1005 3<sup>rd</sup> Street, N.E., Washington, D.C. 20024 (Lot 58, Square 774), to be used primarily as dormitories for approximately 345 students in apartments and to include classrooms, a fitness center, a small computer lounge, a student life office, and a large community space area to be used for various meetings and lectures;

(B) The purchase of certain equipment, furnishings, and other property, real and personal, functionally related and subordinate to the facilities described in subparagraph (A) of this paragraph;

(C) Certain working capital expenditures;

(D) Capitalized interest;

(E) Any required deposit to a debt service reserve fund or other reserve fund;

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- (F) Issuance Costs; and
- (G) The costs of any bond insurance or other credit enhancement.

**Sec. 3. Findings.**

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$33.5 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the operation by the borrower of providing college students with participatory/experiential education experiences and education within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

**Sec. 4. Bond authorization.**

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$33.5 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements

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with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the bonds to be issued and denominations of the bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
- (8) The time and place of payment of the bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
- (11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the

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District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

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(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

**Sec. 8. Financing and closing documents.**

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

**Sec. 9. Authorized delegation of authority.**

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

**Sec. 10. Limited liability.**

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any

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transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this

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resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the development of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

#### Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

#### Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

#### Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

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**Sec. 18. Transmittal.**

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

**Sec. 19. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

**Sec. 20. Effective date.**

This resolution shall take effect immediately.

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## A RESOLUTION

17-936

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to adopt the Howard Road Academy Public Charter School, Inc., Revenue Bonds Project Emergency Approval Resolution of 2008 to fund various improvements to the Howard Road Academy Public Charter School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Howard Road Academy Public Charter School, Inc., Revenue Bonds Project Emergency Declaration Resolution of 2008".

Sec. 2. (a) Howard Road Academy Public Charter School, Inc. ("Borrower") has requested that the District issue revenue bonds ("Bonds").

(b) The proposed financing will make available funds critically needed to finance, refinance, and reimburse the Borrower for the following costs ("Project"):

(1) Refunding the outstanding principal amount of the \$6,295,000 District of Columbia Variable Rate Revenue Bonds (Howard Road Academy Public Charter School, Inc. Issue), Series 2004, dated November 18, 2004, which financed certain costs of the acquisition of the Borrower's elementary school, located at 701 Howard Road, S.E., Washington, D.C. 20020 (Square 5861, Lot 0089) ("Facility");

(2) Constructing, designing, renovating, equipping and furnishing the Borrower's approximately 40,000 square foot expansion of the Facility, which will include, among other features, classrooms, underground parking, full-service kitchen and cafeteria, science labs, gymnasium, and auditorium;

(3) Funding any required debt service reserve fund or capitalized interest on the Bonds; and

(4) Paying the issuance costs of the Bonds.

(c) Due to the current economic emergency in the financial markets, it is important for the Council to expedite the process for the issuance of the Bonds and avoid any delay that may adversely affect the ability of the Borrower to market the Bonds to investors or to obtain an interest rate within the range contemplated by the Project budget.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Howard

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Road Academy Public Charter School, Inc., Revenue Bonds Project Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-937

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$25 million of District of Columbia revenue bonds in one or more series or issues as part of a single plan of financing and to authorize and provide for the loan of the proceeds of the bonds to assist the Howard Road Academy Public Charter School, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Howard Road Academy Public Charter School, Inc., Revenue Bonds Project Emergency Approval Resolution of 2008".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds which shall be the Howard Road Academy Public Charter School, Inc., a District of Columbia nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C. 501(a) (2007) as an organization described in 26 U.S.C. 501(c)(3) (2007), and which is liable for repayment of the bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than financing documents that may be necessary and appropriate to issue, sell, and deliver the bonds and to make

## ENROLLED ORIGINAL

the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Financing documents" means the documents other than closing documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code 1-201.01 *et seq.*).

(9) "Issuance costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the financing documents, the closing documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(10) "Loan" means the District lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(11) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's cost of:

(A) Refunding the outstanding principal amount of the \$6,295,000 District of Columbia Variable Rate Revenue Bonds (Howard Road Academy Public Charter School, Inc. Issue), Series 2004, dated November 18, 2004, which financed certain costs of the acquisition of the Borrower's elementary school located at 701 Howard Road, S.E., Washington, D.C. 20020 (Square 5861, Lot 0089) ("facility");

(B) Constructing, designing, renovating, equipping and furnishing the borrower's approximately 40,000 square foot expansion of the facility, which will include, among other features, classrooms, underground parking, full-service kitchen and cafeteria, science labs, gymnasium, and auditorium;

(C) Funding any required debt service reserve fund or capitalized interest on the bonds; and

(D) Paying the issuance costs.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution

## ENROLLED ORIGINAL

authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$25 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of an elementary school facility within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

#### Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$25 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the financing documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the bonds.

#### Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a

## ENROLLED ORIGINAL

determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

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## Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

## Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the financing documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the financing documents.

(b) Payment of the bonds shall be secured as provided in the financing documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the financing documents and closing documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the financing documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the financing documents.

## Sec. 8. Financing and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all financing documents and all closing documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower. Each of the financing documents and each of the closing documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the financing documents and any closing documents to which the District is a party by the Mayor

## ENROLLED ORIGINAL

manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the financing documents and the closing documents to which the District is a party.

(d) The Mayor execution and delivery of the financing documents and the closing documents to which the District is a party shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the financing documents and the closing documents, including those financing documents and closing documents to which the District is not a party.

(e) The Mayor is authorized to deliver the executed and sealed financing documents and closing documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered financing documents and closing documents.

**Sec. 9. Authorized delegation of authority.**

To the extent permitted by District and federal laws, the Mayor may delegate to any authorized delegate the performance of any function authorized to be performed by the Mayor under this resolution.

**Sec. 10. Limited liability.**

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the financing documents, or in the closing documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any issuance costs or for any transaction or event to be effected by the financing documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered financing documents and closing documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or

## ENROLLED ORIGINAL

appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the financing documents, or the closing documents, nor as a result of the incorrectness of any representation in or omission from the financing documents or the closing documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

**Sec. 11. District officials.**

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the financing documents, or the closing documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the financing documents, or the closing documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the financing documents, or the closing documents.

**Sec. 12. Maintenance of documents.**

Copies of the specimen bonds and of the final financing documents and closing documents shall be filed in the Office of the Secretary of the District of Columbia.

**Sec. 13. Information reporting.**

Within 3 days after the Mayor receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

**Sec. 14. Disclaimer.**

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the financing documents, or the closing documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

## ENROLLED ORIGINAL

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. Neither the borrower, any purchaser of the bonds, or any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act, for the project to be financed, refinanced, or reimbursed with the proceeds of the bonds. This resolution approving the issuance of the bonds for the project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-938

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve the Brightwood Neighborhood Investment Plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Brightwood Neighborhood Investment Plan Approval Emergency Declaration Resolution of 2008".

Sec. 2. Emergency circumstances.

(a) The Neighborhood Investment Fund ("NIF") program was established in 2004 to fund the development and implementation of neighborhood investment plans and to finance and assist revitalization activities in target areas of the District.

(b) Pursuant to section 3 of the Neighborhood Investment Act of 2004 ("Act"), effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1072(a)(3)), the Mayor is required to develop a neighborhood investment plan for each target area established by the Act.

(c) One of the target neighborhoods established by the Act is the Brightwood area, which includes the neighborhoods of Brightwood, Brightwood Park, and portions of Takoma.

(d) The Mayor transmitted the Neighborhood Investment Plan for Brightwood ("Brightwood Plan") to the Council on September 16, 2008.

(e) The Council held a hearing on the proposed plan on November 24, 2008, and at the hearing it was suggested that the boundaries of the area covered by the Brightwood Plan be expanded.

(f) After the hearing, the Council approved legislation that expanded the boundaries of the Brightwood target area.

(g) Based on the legislation and the comments received at the hearing, the Brightwood Plan has been revised to reflect the expanded boundaries of the Brightwood target neighborhood.

(h) The revised Brightwood Plan establishes an overall framework for the revitalization of the Brightwood area, helps guide funding under the NIF Program, and helps establish District agency priorities.

**ENROLLED ORIGINAL**

(i) Any delay in approving the plan will unnecessarily delay a more coordinated approach to revitalizing the Brightwood area, may disadvantage the area relative to other areas with approved plans, and may delay funding for important neighborhood revitalization activities.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Brightwood Neighborhood Investment Plan Emergency Approval Resolution of 2008 be approved on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-939

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve, on an emergency basis, the proposed Brightwood and Upper Georgia Avenue Neighborhood Investment Plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Brightwood and Upper Georgia Avenue Neighborhood Investment Plan Emergency Approval Resolution of 2008".

Sec. 2. Pursuant to section 3(a)(3) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1072(a)(3)), the Mayor transmitted to the Council the proposed Brightwood and Upper Georgia Avenue Neighborhood Investment Plan ("Plan").

Sec. 3. The Council finds that:

(1) The Plan is located in Ward 4 and includes the neighborhoods of Brightwood, Brightwood Park, and portions of Takoma and Petworth. The target area is defined as the following: starting at the corner of Kennedy Street, N.W., and 16<sup>th</sup> Street, N.W., north along 16<sup>th</sup> Street, N.W., to Alaska Avenue, N.W., northeast along Alaska Avenue, N.W., to Fern Street, N.W., east along Fern Street, N.W., to Georgia Avenue, N.W., north along Georgia Avenue, N.W., to Fern Place, N.W., east along Fern Place, N.W., to Blair Road, N.W., southeast along Blair Road, N.W., to Cedar Street, N.W., east on Cedar Street to Carroll Street, N.W., east on Carroll Street, N.W. to Eastern Avenue, N.W., southeast on Eastern Avenue, N.W., to Willow Street, N.W., South on Willow Street, N.W., to Aspen Street, N.W., west on Aspen Street, N.W., to Blair Road, N.W., southeast on Blair Road, N.W., to North Capitol Street, N.E., south along North Capitol, to Kennedy Street, N.W., and west along Kennedy Street, N.W., to 13<sup>th</sup> Street, N.W., south along 13<sup>th</sup> Street, N.W. to Arkansas Avenue, N. W., south along Arkansas Avenue to 16<sup>th</sup> Street, N.W., north on 16<sup>th</sup> Street, N.W., to Kennedy Street, N.W.

(2) The Plan was initiated in December 2007, by the Office of Planning.

(3) The goals and strategies of the Plan are as follows:

(A) The creation of new affordable homeownership options and rental housing options along commercial corridors by:

(i) Using Neighborhood Investment Funds ("NIF") to acquire

## ENROLLED ORIGINAL

vacant and underutilized lots for redevelopment as mixed-use retail and affordable housing;

(ii) Identifying underutilized parcels or buildings located on or near major commercial corridors that could be acquired and redeveloped as senior or special needs housing facilities; and

(iii) Including Brightwood as a target area to receive the Department of Housing and Community Development's ("DHCD") Notice of Funding Availability ("NOFA") and market information to the community.

(B) Preserving existing affordable rental and homeownership within Brightwood by:

(i) Marketing existing programs, tools, and services; and creating new ones that increase homeownership opportunities for first time homebuyers of all ages; and

(ii) Identifying and monitoring existing subsidized rental units to assure the continuation of the subsidy contracts or that the purchase of the properties remain affordable.

(C) Creating new or implementing existing programs, to support low-income and senior homeowners in maintaining their properties; and targeting areas with a high concentration of low-income households or seniors to receive assistance with homeownership preservation projects and exterior home improvements.

(D) Supporting programs for economic development, commercial revitalization, and street beautification by:

(i) Prioritizing funding to help new and existing businesses implement the land use and economic development recommendations within ongoing land use plans;

(ii) Supporting technical assistance to existing businesses along commercial corridors, especially in areas where increases in property taxes have increased dramatically; and

(iii) Supporting non-profit and faith based organizations to co-locate community programs and services that will provide support to existing businesses.

(4) The Plan is the result of a collaborative planning process between Advisory Neighborhood Commissions, community groups, neighborhood institutions, the faith community, representatives of the business community, other neighborhood stakeholders, the Ward 4 Councilmember, District government agencies, and the Office of Planning.

(5) Pursuant to section 3(b) of the Neighborhood Investment Act of 2004, effective March 30, 2001 (D.C. Law 15-131; D.C. Official Code § 6-1072(b)), the Plan uses the following tool for neighborhood investment: supporting the revitalization and reuse of vacant, abandoned, underutilized, or negatively utilized lots.

(6) The Plan is designed to ensure that expenditures from the Neighborhood Investment Fund are used to supplement, rather than supplant, operating and capital dollars already appropriated to District of Columbia agencies for similar purposes. The Plan also seeks to coordinate the expenditures of operating and capital dollars already appropriated to District of

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Columbia government agencies to support neighborhood goals. This was accomplished by coordinating this effort with ongoing projects and activities that are relevant to economic development within Brightwood.

(7) The Plan outlines how funds will be used to develop, maintain, and improve physical facilities and infrastructure owned by the District of Columbia, particularly for projects or improvements in neighborhood plans such as the Kennedy Street Revitalization Plan and the Upper Georgia Avenue Great Streets Plan that do not qualify for capital budget funding.

(8) The Plan was published and made available to the public on February 21, 2008.

(9) The Plan was submitted to the affected Advisory Neighborhood Commissions, community groups, neighborhood institutions, the faith community, representatives of the business community, and other neighborhood stakeholders for a comment period of one month.

Sec. 4. The Plan is approved as submitted.

Sec. 5. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-940

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve the Washington Highlands Neighborhood Investment Plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Highlands Neighborhood Investment Plan Approval Emergency Declaration Resolution of 2008".

Sec. 2. Emergency circumstances.

(a) The Neighborhood Investment Fund ("NIF") program was established in 2004 to fund the development and implementation of neighborhood investment plans and to finance and assist revitalization activities in target areas of the District.

(b) Pursuant to section 3 of the Neighborhood Investment Act of 2004 ("Act"), effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1072(a)(3)), the Mayor is required to develop a neighborhood investment plan for each target area established by the Act.

(c) One of the target neighborhoods established by the Act is the Washington Highlands area.

(d) The Mayor transmitted the Neighborhood Investment Plan for Washington Highlands ("Washington Highlands Plan") to the Council on September 16, 2008.

(e) The Council held a hearing on the proposed plan on November 24, 2008.

(f) Based on the legislation and the comments received at the hearing, the Washington Highlands Plan was revised to reflect the full set of strategies recommended in the plan.

(g) The revised Washington Highlands Plan establishes an overall framework for the revitalization of the Washington Highlands area, helps guide funding under the NIF Program, and also helps establish District agency priorities.

(h) Any delay in approving the plan will unnecessarily delay a more coordinated approach to revitalizing the Washington Highlands area, may disadvantage the area relative to other areas with approved plans, and may also delay funding for important neighborhood revitalization activities.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Washington Highlands Neighborhood Investment Plan Emergency Approval Resolution of 2008 be approved on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-941

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve, on an emergency basis, the proposed Washington Highlands Neighborhood Investment Plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Highlands Neighborhood Investment Plan Emergency Approval Resolution of 2008".

Sec. 2. Pursuant to section 3(a)(3) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1072(a)(3)), the Mayor transmitted to the Council the proposed Washington Highlands Neighborhood Investment Plan ("Plan").

Sec. 3. The Council finds that:

(1) The target area is located in Ward 8, and includes the neighborhood of Washington Highlands. The target area is defined by the following boundaries: corner of Southern Avenue, S.E., and South Capitol Street, S.E., north along South Capitol Street, north along Livingston Road, S.E., northeast along Valley Avenue, S.E., southeast along Wheeler Road, S.E., and southwest along Southern Avenue, S.E.

(2) The Plan was initiated in December 2007 by the Office of Planning.

(3) The goals and strategies of the Plan are as follows:

(A) Improving the condition of rental housing while preserving its affordability.

(i) Improving the promotion and expansion of programs that aid in affordable housing preservation; and

(ii) Identifying and monitoring subsidized rental units with expiring contracts, and intervening when necessary.

(B) Creating and preserving affordable homeownership units.

(i) Improving the promotion of programs that increase homeownership opportunities;

(ii) Funding the acquisition of vacant and underutilized sites to develop new affordable housing units;

## ENROLLED ORIGINAL

(iii) Supporting programs and services to existing low income homeowners that enable them to retain ownership; and

(iv) Mitigating the impact of condo conversions and termination of HUD contracts by providing acquisition and pre development assistance to tenant-based organizations for multifamily properties.

(C) Prioritizing public investment in affordable housing development.

(D) Adding Washington Highlands as a target area for the Department of Housing and Community Development's ("DHCD") Notice of Funding Availability ("NOFA") for housing finance.

(E) Improving commercial and retail opportunities throughout the neighborhood.

(i) Implementing the recommendations of the Retail Action Strategy South Capitol Street submarket;

(ii) Developing merchants associations or Clean and Safe teams in commercial areas to improve safety, cleanliness, and build capacity among area businesses; and

(iii) Implementing the Great Street Plan to beautify South Capitol Street, and maintaining the width of the street and landscaping.

(F) Improving recreational opportunities, social services, and health care options.

(i) Supporting the implementation of a major renovation or reconstruction of the Washington Highlands library for the Bellevue and Washington Highlands neighborhoods;

(ii) Expanding programs and improving facilities that offer recreation, education, and services for youth, senior citizens, and ex-offenders;

(iii) Supporting gang intervention programs that will aid in reducing teen violence amongst various youth factions; and

(iv) Expanding resources to address school truancy and attendance issues.

(G) Funding programs and services to achieve Clean and Safe neighborhoods.

(H) Implementing Metropolitan Police Department foot patrols, public safety plans, and Clean and Safe teams.

(i) Improving relations between public safety personnel and citizens by funding training for sensitivity and communication skills.

(ii) Supporting and enhancing existing neighborhood programs that maximize interaction between Metropolitan Police Department officers and neighborhood residents.

(4) The Plan is the result of a collaborative planning process between Advisory Neighborhood Commissions, community groups, neighborhood institutions, the faith

## ENROLLED ORIGINAL

community, representatives of the business community, other neighborhood stakeholders, the Ward 8 Councilmember, District government agencies, and the Office of Planning.

(5) The Plan is designed to ensure that expenditures from the Neighborhood Investment Fund are used to supplement, rather than supplant, operating and capital dollars already appropriated to District of Columbia agencies for similar purposes. The Plan also seeks to coordinate the expenditures of operating and capital dollars already appropriated to District of Columbia government agencies to support neighborhood goals. This was accomplished through an extensive policy review of existing plans, and citizen based prioritization and input on major investments strategies and goals outlined in the plan.

(6) The Plan was published and made available to the public on February 7, 2008.

(7) The Plan was submitted to the affected Advisory Neighborhood Commissions, community groups, neighborhood institutions, the faith community, representatives of the business community, and other neighborhood stakeholders for a comment period of one month.

Sec. 4. The Plan is approved as submitted.

Sec. 5. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-942

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to authorize payment under Contract No. GMFM-2008-C-0027 to Management Alternatives, Inc., in the amount of \$230,803 for services rendered under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GMFM-2008-C-0027 Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve payment under Contract No. GMFM-2008-C-0027 for relocation and storage services in the amount of \$230,803 and to authorize payment for the goods and services received under this contract.

(b) On June 20, 2008, the Office of Public Education Facilities Modernization ("OPEFM") issued to Management Alternatives, Inc., a letter contract in the amount of \$902,000 for inventory relocation and storage services to remove, catalogue, store, and relocate furniture, fixtures, equipment, and educational materials from schools closing under the District of Columbia Public Schools school consolidation plan. Subsequent to issuing this letter contract, OPEFM submitted a definitized contract for inventory relocation and storage services, Contract No. GMFM-2008-C-0027, to the Council for approval. The Council approved Contract No. GMFM-2008-C-0027 on July 15, 2008.

(c) When Management Alternatives, Inc., submitted its billings, it was determined that it had exceeded the \$902,000 letter contract amount by \$230,803 prior to the July 15, 2008 approval of the definitized Contract No. GMFM-2008-C-0027. This caused the work under the letter contract to exceed the \$1 million threshold.

(d) The \$230,803 amount by which Management Alternatives, Inc., exceeded the letter contract was included in the \$4,749,528 value of Contract No. GMFM-2008-C-0027 approved by the Council. Although value of the work was included in the contract amount approved by the Council, the work was put in place prior to that approval.

(e) Authorization of payment in the amount of \$230,803 to Management Alternatives, Inc., is necessary to compensate it for relocation and storage services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GMFM-2008-C-0027 Payment Authorization Emergency Act of 2008 be adopted after a single reading.

**ENROLLED ORIGINAL**

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-943

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 3 to Contract No. GMFM-2008-C-0027, and to authorize payment to Management Alternatives, Inc., in the amount of \$867,621 for the services rendered under this change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 3 to Contract No. GMFM-2008-C-0027 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Change Order No. 3 to Contract No. GMFM-2008-C-0027 for relocation and storage services in the amount of \$867,621 and to authorize payment for the goods and services received under this change order.

(b) On June 20, 2008, the Office of Public Education Facilities Modernization ("OPEFM") awarded to Management Alternatives, Inc., Contract No. GMFM-2008-C-0027 for inventory relocation and storage services to remove, catalogue, store, and relocate furniture, fixtures, equipment, and educational materials from schools closing under the District of Columbia Public Schools school consolidation plan. Contract No. GMFM-2008-C-0027 was submitted to the Council and approved on July 15, 2008.

(c) As part of the close-out of the contract, Management Alternatives, Inc., presented to OPEFM invoices for work performed by subcontractors that was not previously included in Management Alternatives, Inc., projected total contract costs. This work caused the aggregate change orders issued to Management Alternatives, Inc., under Contract No. GMFM-2008-C-0027 to exceed the \$1 million threshold.

(d) Approval of this change order and authorization of payment in the amount of \$867,621 to Management Alternatives, Inc., is necessary to compensate it for relocation and storage services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order No. 3 to Contract No. GMFM-2008-C-0027 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17- 944

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 4 to Contract No. GMFM-2008-C-098 with Motir Services, Inc., and to authorize payment to Management Alternatives, Inc., in the amount of \$772,000 for the services rendered under this change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 4 to Contract No. GMFM-2008-C-098 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Change Order No. 4 to Contract No. GMFM-2008-C-098 for relocation and storage services in the amount of \$772,000 and to authorize payment for the goods and services received under this change order.

(b) On July 1, 2008, the Office of Public Education Facilities Modernization ("OPEFM") awarded to Motir Services, Inc., Contract No. GMFM-2008-C-098 for inventory relocation and storage services to remove, catalogue, store, and relocate furniture, fixtures, equipment, and educational materials from schools closing under the District of Columbia Public Schools school consolidation plan. Contract No. GMFM-2008-C-098 was submitted to the Council and approved on July 28, 2008.

(c) As part of the close-out of the contract, Motir Services, Inc., presented to OPEFM invoices for work performed by subcontractors that was not previously included in Motir Services, Inc.'s projected total contract costs. This work caused the aggregate change orders issued to Motir Services, Inc., under Contract No. GMFM-2008-C-098 to exceed the \$1 million threshold.

(d) Approval of this change order and authorization of payment in the amount of \$772,000 to Motir Services, Inc., is necessary to compensate it for relocation and storage services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order No. 4 to Contract No. GMFM-2008-C-098 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-945

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 3 to Contract No. GMFM-2008-C-067 with Manhattan Construction Company, and to authorize payment to Manhattan Construction Company in the amount of \$125,000 for the services rendered under this change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 3 to Contract No. GMFM-2008-C-067 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Change Order No. 3 to Contract No. GMFM-2008-C-067 for the conversion of a traditional classroom at Shadd Transition Academy into a crisis center by retrofitting the room and to authorize payment in the amount of \$125,000 for goods and services received under this change order.

(b) On May 19, 2008, the Office of Public Education Facilities Modernization ("OPEFM") awarded to Manhattan Construction Company ("Manhattan") Contract No. GMFM-2008-C-067 for Construction-Renovation Services Receiving Schools – Phase 2 to complete renovations required in connection with the District of Columbia Public Schools school consolidation plan. Contract No. GMFM-2008-C-067 was submitted to the Council and approved on June 26, 2008.

(c) After the first week of the school year, staff at the Shadd Transition Academy determined that a standard class room could not be used to for certain behaviorally challenged students and requested that OPEFM convert the standard classroom into a crisis center by retrofitting the room with specific elements to protect students in crisis from injury. OPEFM directed Manhattan to perform the work necessary to retrofit the selected room. This work caused the aggregate change orders issued to Manhattan under Contract No. GMFM-2008-C-067 to exceed the \$1 million threshold.

(d) Approval of this change order and authorization of payment in the amount of \$125,000 to Manhattan is necessary to compensate Manhattan for the crisis center retrofitting.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order No. 3 to Contract No. GMFM-2008-C-067 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-946

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to authorize payment under Contract No. GMFM-2008-C-0068 to Hess Construction Company in the amount of \$637,083 for services rendered under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GMFM-2008-C-0068 Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve payment under Contract No. GMFM-2008-C-0068 for design-build services to complete renovations required in connection with the District of Columbia Public Schools school consolidation plan and to authorize payment in the amount of \$637,083 for the goods and services received under this contract.

(b) On May 28, 2008, the Office of Public Education Facilities Modernization ("OPEFM") issued to Hess Construction Company a Notice of Award pursuant to its solicitation for the Contract for Design-Build Services Receiving School – Phase 2 to complete renovations required in connection with the District of Columbia Public Schools school consolidation plan. The OPEFM submitted the Contract for Design-Build Services Receiving School – Phase 2 to the Council. The Council approved the contract on June 26, 2008.

(c) When Hess Construction Company submitted its billings, it was determined that it had put \$637,083 of work in place prior to the approval of the Contract for Design-Build Services Receiving School – Phase 2.

(d) The \$637,083 amount that Hess Construction Company put in place prior to approval by the Council of the Contract for Design-Build Services Receiving School – Phase 2 was included in the \$4,796,750 value of the Contract for Design-Build Services Receiving School – Phase 2, Contract No. GMFM-2008-C-0068, approved by the Council. Although value of the work was included in the contract amount approved by the Council, the work was put in place prior to that approval.

(e) Approval of this work and authorization of payment in the amount of \$637,083 to Hess Construction Company is necessary to compensate Hess Construction Company for design-

**ENROLLED ORIGINAL**

build services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GMFM-2008-C-0068 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-947

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 4 to Contract No. GMFM-2008-C-068 with Hess Construction Company, Inc., and to authorize payment to Hess Construction Company, Inc., in the amount of \$1,248,054 for services rendered under this change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 4 to Contract No. GMFM-2008-C-068 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Change Order No. 4 to Contract No. GMFM-2008-C-068 for additional scope added to this contract and to authorize payment in the amount of \$1,248,054 for the goods and services received under this change order.

(b) On May 28, 2008, the Office of Public Education Facilities Modernization ("OPEFM") awarded to Hess Construction Company, Inc., ("Hess") Contract No. GMFM-2008-C-067 for Construction-Renovation Services Receiving Schools – Phase 2 to complete renovations required in connection with the District of Columbia Public Schools school consolidation plan. Contract No. GMFM-2008-C-068 was submitted to the Council and approved on June 26, 2008.

(c) Shortly before the opening of the 2008 school year, River Terrace, Maury, and Amidon schools were added to the list of schools that required Phase 2 work. Emery had been added to the list earlier in the program, but costs to complete the required scope came in higher than projected. The cost to complete the scope at 3 schools, Green, Hendley, and Leckie, which was included in the initial work plan, was greater than projected. During the 2 weeks leading to school opening, OPEFM directed Hess to eradicate a mosquito-infested ditch and make athletic-field improvements at Green. This work caused the aggregate change orders issued to Hess under Contract No. GMFM-2008-C-068 to exceed the \$1 million threshold.

(d) Approval of this change order and authorization of payment in the amount of \$1,248,054 to Hess is necessary to compensate Hess for the work performed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

**ENROLLED ORIGINAL**

Change Order No. 4 to Contract No. GMFM-2008-C-068 Approval and Payment Authorization  
Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-948

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to authorize payment under Contract No. GMFM-2008-C-0010 to Smoot Construction Company, and to authorize payment to Smoot Construction Company in the amount of \$77,882 for the services rendered under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GMFM-2008-C-0010 Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve payment under Contract No. GMFM-2008-C-0010 for design-build services for receiving schools and to authorize payment in the amount of \$77,882 for goods and services received under this contract.

(b) On April 25, 2008, the Office of Public Education Facilities Modernization ("OPEFM") issued to Smoot Construction Company a letter contract in the amount of \$833,681 pursuant to its solicitation for Design-Build Services Receiving School – Phase 1 to complete renovations required in connection with the District of Columbia Public Schools school consolidation plan. Subsequent to issuing this letter contract, OPEFM submitted a definitized Contract for Design-Build Services Receiving School – Phase 1. The Council approved the contract on July 15, 2008.

(c) When Smoot Construction Company submitted its billings, it was determined that it had exceeded the \$833,681 letter contract amount by \$77,882 prior to the July 15, 2008, approval of the definitized Contract for Design-Build Services Receiving School – Phase 1, Contract No. GMFM-2008-C-0010.

(d) The \$77,882 amount by which Smoot Construction Company exceeded the letter contract was included in the \$11,495,000 value of the Contract for Design-Build Services Receiving School – Phase 1, Contract No. GMFM-2008-C-0010, approved by the Council. Although value of the work was included in the contract amount approved by the Council, the work was put in place prior to that approval.

(e) Approval of this work and authorization of payment in the amount of \$77,882 to Smoot Construction Company is necessary to compensate Smoot Construction Company for

**ENROLLED ORIGINAL**

design-build services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GMFM-2008-C-0010 Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-949

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 4 to Contract No. GMFM-2008-C-0001, and to authorize payment to Blue Sky Construction, LLC, in the amount of \$2,140,536 for the services rendered under this change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 4 to Contract No. GMFM-2008-C-0001 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Change Order No. 4 to Contract No. GMFM-2008-C-0001 for work performed to provide air conditioning at various District of Columbia Public Schools and to authorize payment in the amount of \$2,140,536 for the goods and services received under this change order.

(b) On February 26, 2008, the Office of Public Education Facilities Modernization ("OPEFM") awarded to Blue Sky Construction, LLC, ("Blue Sky") Contract No. GMFM-2008-C-0001 for air-conditioning repair and installation work to ensure that the school facilities covered by the contract had functioning air conditioning. Contract No. GMFM-2008-C-0001 was submitted to the Council and approved on March 22, 2008.

(c) While conducting the air-conditioning repair program, OPEFM encountered a number of challenges, including insufficient power at numerous schools to support the installation or upgrade of the air-conditioning systems. The OPEFM took several approaches to addressing the power issues, including ordering power upgrades from Pepco, replacing major electrical components, and providing temporary power while these power upgrades and equipment replacements were completed. This work caused the aggregate change orders issued to Blue Sky under Contract No. GMFM-2008-C-0001 to exceed the \$1 million threshold.

(d) The air-conditioning program was designed to conduct assessments of the air-conditioning needs and perform repairs and renovations to make sure that air conditioning was provided to school facilities. Given the nature of this work, OPEFM and Blue Sky encountered difficulty tracking in real-time the amount of work put in place. While work put in place remained within the overall air-conditioning budget, the work subject to this change order was

## ENROLLED ORIGINAL

put in place prior to OPEFM being able to prepare change orders for submission to the Council.

(e) Approval of this change order and authorization of payment in the amount of \$2,140,536 to Blue Skye is necessary to compensate Blue Skye for the air condition work completed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order No. 4 to Contract No. GMFM-2008-C-0001 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

17-950

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve the Close-out Agreement to the Contract No. GAGA-2004-C-0131 with WSC/Tompkins Joint Venture, and to authorize payment to WSC/Tompkins Joint Venture in the amount of \$621,523 for the services rendered under this close-out agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Close-out Agreement to Contract No. GAGA-2004-C-0131 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve the Close-out Agreement to Contract No. GAGA-2004-C-0131 for the modernization of John Philip Sousa Middle School and to authorize payment in the amount of \$621,523 for the goods and services received under this close-out agreement.

(b) The District of Columbia Public Schools had previously awarded WSC/Tompkins Joint Venture ("WSC/Tompkins") Contract No. GAGA-2004-C-0131 to modernize John Philip Sousa Middle School. Pursuant to Mayor's Order Number 2007-164, the responsibility for this project was transferred to the Office of Public Education Facilities Modernization ("OPEFM").

(c) Prior to the transfer of the project to OPEFM, there were costs related to a 3-month delay that increased general-conditions costs. In addition, once OPEFM took over the project, OPEFM directed WSC/Tompkins to perform change-order work to get the project completed by the February 15, 2008, deadline. This work caused the aggregate change orders issued to WSC/Tompkins under Contract No. GAGA-2004-C-0131 to exceed the \$1 million threshold.

(d) Approval of this change order and authorization of payment in the amount of \$621,523 to WSC/Tompkins is necessary to compensate WSC/Tompkins for the modernization work performed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Close-out Agreement to Contract No. GAGA-2004-C-0131 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

**ENROLLED ORIGINAL**

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-951

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve the Close-out Agreement to Contract No. GAOP4004821 – NB737/04 with Grunley/Goel Joint Venture, and to authorize payment to Grunley/Goel Joint Venture in the amount of \$2,580,055 for the services rendered under this close-out agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Close-out Agreement to Contract No. GAOP4004821 – NB737/04 Approval and Payment Authorization Emergency Declaration Resolution of 2008”.

Sec. 2.(a) There exists an immediate need to approve the Close-out Agreement to Contract No. GAOP4004821 – NB737/04 for the modernization of Brightwood Elementary School and to authorize payment in the amount of \$2,580,055 for the goods and services received under this close-out agreement.

(b) The District of Columbia Public Schools (“DCPS”) had previously awarded Goel/Grunley Joint Venture (“Goel/Grunley”) Contract No. GAOP4004821 – NB737/04 to modernize Brightwood Elementary School. Pursuant to Mayor’s Order Number 2007-164, the responsibility for this project was transferred to the Office of Public Education Facilities Modernization (“OPEFM”).

(c) Prior to the transfer of the project to OPEFM, there were delay costs and scope changes that had not been memorialized in change orders by DCPS. In addition, the original project budget and contract were insufficient to complete the required scope of work.

(d) In the course of closing out the Brightwood modernization project, OPEFM determined that Grunley/Goel was entitled to compensation under the contract for these delay costs and the completed additional scope work. These delay costs and scope issues were negotiated with Grunley/Goel and are reflected in the close-out agreement.

(e) Approval of this close-out agreement and authorization of payment in the amount of \$2,580,055 to Grunley/Goel is necessary to compensate Grunley/Goel for the work performed on the Brightwood modernization.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Close-out Agreement to Contract No. GAOP4004821 – NB737/04 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-952

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Contract No. GAFM-2007-C-217A with Turner Construction Company, and to authorize payment to Turner Construction Company in the amount of \$1,707,203 for the services rendered under this contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAFM-2007-C-217A Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Contract No. GAFM-2007-C-217A for renovations made to Spingarn High School and to authorize payment in the amount of \$1,707,203 for the goods and services received under this contract.

(b) The District of Columbia Public Schools ("DCPS") had previously awarded Turner Construction Company Contract No. GAFM-2007-C-0215 to modernize Phelps High School. Pursuant to Mayor's Order Number 2007-164, the responsibility for this project was transferred to the Office of Public Education Facilities Modernization ("OPEFM").

(c) Prior to the transfer of the project to OPEFM, DCPS directed Turner to make certain renovations to Spingarn High School to bring the facility into compliance with the Americans With Disabilities Act, in response to a lawsuit against DCPS. Due to the fact that Turner was mobilized at Phelps and, therefore, could perform the work at the adjacent Spingarn, DCPS issued Contract No. GAFM-2007-217A pursuant to the same procurement used to select Turner Construction for the Phelps modernization. Although Turner has completed the work, it has not been paid as Contract No. GAFM-2007-C-217A had not been submitted to the Council.

(d) Approval of Contract No. GAFM-2007-C-0217A and authorization of payment in the amount of \$1,707,203 to Turner Construction Company is necessary to compensate Turner Construction Company for the work performed on Spingarn High School.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAFM-2007-C-217A Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-953

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 8 to Contract No. GAFM-2007-C-0267A with Heery International, Inc., and to authorize payment to Heery International, Inc., in the amount of \$1,261,779.10 for the services rendered under this change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 8 to Contract No. GAFM-2007-C-0267A Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2.(a) There exists an immediate need to approve Change Order No. 8 to Contract No. GAFM-2007-C-0267A for the modernization of Alice Deal Middle School and to authorize payment in the amount of \$1,261,779.10 for the goods and services received under this change order.

(b) The District of Columbia Public Schools ("DCPS") had previously awarded Heery International, Inc., Contract No. GAFM-2007-C-0267A to modernize Alice Deal Middle School. Pursuant to Mayor's Order Number 2007-164, the responsibility for this project was transferred to the Office of Public Education Facilities Modernization ("OPEFM").

(c) After assuming the project, OPEFM discovered a number of scope changes directed by DCPS that had not been memorialized by change orders. This work had been completed. Because these change orders had not been properly issued and exceeded \$1 million, OPEFM was unable to issue change orders to respond to certain emergency situations at Fort Reno and elsewhere.

(d) Approval of this change order and authorization of payment in the amount of \$1,261,779.10 to Heery International, Inc., is necessary to compensate Heery International, Inc., for this modernization work.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order No. 8 to Contract No. GAFM-2007-C-0267A Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-954

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve the disposition of the Southwest Waterfront property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Southwest Waterfront Third Revised Disposition Approval Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Mayor transmitted to the Council a request for Council approval of the disposition of the real property comprising the land area between the southern curb line of Maine Avenue, S.W., and the bulkhead paralleling the Washington Channel, from the eastern edge of the Fish Market to the western edge of the parking lot serving the District of Columbia Harbor Police ("Property").

(b) The purchaser of the Property has, due to the absence of Council approval of the disposition of the Property, experienced significant delays in obtaining the needed financing, entitling, and design for the redevelopment of the Property.

(c) Financial institutions, burdened by sagging financial markets, are reluctant to invest in the redevelopment of the Property unless the Council approves the disposition of the Property, and provides those financial institutions with the certainty they need to invest.

(d) The Mayor will be unable to enter into acquisition agreements with the existing leaseholders within the Property unless the Council approves the disposition of the Property.

(e) Without approval of the disposition of the Property by the Council, the Mayor will be unable to acquire control of the Property through acquisition agreements, the purchaser will be unable to obtain the necessary financing, entitling, and design for the redevelopment of the Property, and the District will be unable to redevelop the Property.

(f) Any further delay in Council approval of the disposition of the Property will increase costs to the District, continue delays in project financing, increase risks to the developer and the District, increase obstacles to the development of the project, and delay the project start and completions dates, unnecessarily delaying and potentially reducing benefits to the District and its residents and businesses.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Southwest Waterfront Third Revised Disposition Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-955

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve, on an emergency basis, the disposition by the Mayor of certain District-owned real property in the Southwest Waterfront area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Southwest Waterfront Disposition Third Revised Emergency Approval Resolution of 2008".

Sec. 2. The terms in this resolution shall have the meaning given in the Land Disposition Agreement, unless defined herein. For the purposes of this section, the term:

(1) "Affordable Unit" has the meaning given to "Affordable Unit" in the covenant agreements between the District and Developer attached to the LDA as the Affordable Housing Covenant (For-Sale) and the LDA Affordable Housing Covenant (Rental), which shall be recorded in the Land Records, shall run with the land, and shall be binding on Developer, its successors and assigns and their respective subtenants (including each Vertical Developer), and each other owner, user, or occupant of the Project Site.

(2) "Developer" means Hoffman-Struever Waterfront L.L.C.

(3) "Land Disposition Agreement" or "LDA" means the Land Disposition Agreement by and between the District of Columbia and Hoffman-Struever Waterfront L.L.C. for the Southwest Waterfront dated September 30, 2008, as may be amended pursuant to the LDA and consistent with this resolution.

(4) "Property" means a land area between the southern curb line of Maine Avenue, S.W., and the bulkhead paralleling the Washington Channel, from the eastern edge of the Fish Market to the western edge of the parking lot serving the District of Columbia Harbor Police, less and excepting those public streets, alleys, and rights of way ("Public Streets") open as of the effective date of this resolution, which area includes the parcels of real property designated for tax and assessment purposes, and the District's riparian rights associated therewith, as follows:

## ENROLLED ORIGINAL

<u>Square</u>	<u>Lot</u>	<u>Address</u>
390	54	900 Water Street, S.W., parking strip
391	804	800 Water Street, S.W., parking strip
391	805	800 Water Street, S.W., parking strip
391	806	800 Water Street, S.W., parking strip
472	827	471-W 810650 Water Street, S.W., parking strip Landscape strip along Maine Ave. S.W., adjacent to 600 M Street, S.W.
473	84	700 Water Street, S.W.
473	815	Small parcel by St. Augustine's Church
473	819	Pocket park between 600 Water Street, S.W., and WBL
473	820	Pier 4 – 6th and Water Streets, S.W.
473	822	1000 Water Street, S.W.
473	823	900 Water Street, S.W.
473	824	900 Water Street, S.W.
473	825	800 Water Street, S.W.
473	826	800 Water Street, S.W.
473	827	Surface parking adjacent to 700 Water Street, S.W.
473	828	Adjacent to 700 Water Street, S.W.
473	831	Surface parking adjacent to 700 Water Street, S.W.
473	834	600 Water Street, S.W.
473	837	Parking strip adjacent to 650 Water Street, S.W.
473	839	Public promenade
473	840	Promenade along 600 Water Street, S.W.
473	841	600 Water Street, S.W.
473	842	Pier 4 – 6th and Water Streets, S.W.
473	843	Southeast corner of 6th and Water Streets, S.W.
473	844	Pier 4 – 6th and Water Streets, S.W.
473	845	Park between 600 and 650 Water Street, S.W.
473	849	Maine Avenue, S.W.
473	851	650 Water Street, S.W.
503	883	Southeast corner of 6th and Water Streets, S.W.

(5) "Transfer" has the meaning given "Transfer" in the Land Disposition Agreement by and between the District of Columbia and Hoffman-Struever Waterfront L.L.C. for the Southwest Waterfront dated September 30, 2008.

## ENROLLED ORIGINAL

Sec. 3. (a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor transmitted to the Council a request for approval of the proposed disposition of the Property. The disposition shall be pursuant to the LDA and shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary and appropriate:

(1) The Mayor shall deliver to the Council an amended Initial Project Funding and Financing Plan, which shall reflect all material changes to the Initial Project Funding and Financing Plan occurring following submission and shall include the allocation of financial responsibilities between District and Developer for the Project and the proposed methods for obtaining such funds and the impact of changes made to the Concept Plan or the then current Master Development Plan, in the form required by section 5.1 of the LDA by May 1, 2009, and, thereafter, promptly following the District's and Council's reasonable written request therefor, from time to time Developer shall submit to the District an amended Initial Project Funding and Financing Plan, which amended Initial Project Funding and Financing Plan shall reflect all material changes to the Initial Project Funding and Financing Plan occurring following the previous submission.

(2) Except as otherwise provided in section 13.4 of the Land Disposition Agreement by and between the District of Columbia and Hoffman-Struever Waterfront L.L.C. for the Southwest Waterfront dated September 30, 2008, no Transfer that requires consent or approval of the District pursuant to Article 13 may occur without prior approval of the Council.

(3) In accordance with the LDA, Developer shall cause to be developed Affordable Units on the Property pursuant to the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; 55 DCR 1689).

(4) Developer shall comply with the negotiated terms and conditions of the Certified Business Enterprise Utilization and Participation Agreement made by and between the District of Columbia Department of Small and Local Business Development and Hoffman-Struever Waterfront L.L.C., which was agreed to and executed on July 11, 2008, and shall, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and require at least 20% equity and 20% development participation of local, small, and disadvantaged business enterprises.

(5) In accordance with the terms of the LDA, the District shall have the right of re-entry to repossess the Property if Developer fails to meet the terms and conditions in the LDA.

(b) The Council finds that the Property is no longer required for public purposes.

(c) The Council approves the disposition of the Property by the Mayor on terms and conditions that are consistent with this resolution and that the Mayor determines to be in the best interest of the District, including the disposition of a portion of the Property to SW Waterfront L.L.C. consistent with the terms of the Land Disposition Agreement.

## ENROLLED ORIGINAL

(d) The Mayor shall seek to close and dispose of the Public Streets pursuant to the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), consistent with the purpose of the disposition authorized in this resolution.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To provide rules of organization and procedure for the Council of the District of Columbia during Council Period 18.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rules for the Council of the District of Columbia, Council Period 18 Resolution of 2009".

Sec. 2. The document entitled "Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18", attached and made a part of this resolution, shall be the rules of the Council of the District of Columbia.

Sec. 3. This resolution shall take effect immediately pursuant to section 204 of the District of Columbia Codification Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-602).

**ENROLLED ORIGINAL**

**RULES OF ORGANIZATION**

**AND**

---

**PROCEDURE FOR THE**

**COUNCIL OF THE DISTRICT OF COLUMBIA**

**COUNCIL PERIOD 18**

ENROLLED ORIGINAL

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**ARTICLE I -- DEFINITIONS.****101. DEFINITIONS.**

For the purposes of these Rules, the term:

(1) "Agency" means any of the organizational units of the District of Columbia including, but not limited to, departments, boards, divisions, commissions, and offices, whether subordinate to or independent of the Mayor; except that "agency" shall not include the Council or the District of Columbia courts.

(2) "Auditor" means the Auditor of the District of Columbia as established by section 455 of the Charter (D.C. Official Code § 47-117).

(3) "Bill" means a proposed act of the Council.

(4) "Borrowing request" means a borrowing request submitted by the Mayor to the Council pursuant to section 10 of the Funds Control Act (D.C. Official Code § 47-309).

(5) "Budget" or "budget request" means the entire request for appropriations and loans or spending authority for all activities of all agencies, the Council and the District of Columbia courts, financed from all existing or proposed resources including both operating and capital expenditures.

(6) "Budget of the Council" means the entire request for appropriations by the Council.

(7) "Budget structure resolution" means a resolution submitted by the Mayor to the Council pursuant to section 9 of the Funds Control Act (D.C. Official Code § 47-308).

(8) "Ceremonial resolution" means an expression of appreciation, an honorarium of limited application, or a declaration of no legal effect, which is adopted without objection.

(9) "Chairman" means the Chairman of the Council of the District of Columbia, as established by section 401 of the Charter (D.C. Official Code § 1-204.01).

(10) "Charter" means title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.01 *et seq.*).

(11) "Comprehensive Plan" means the comprehensive plan for the National Capital, including any elements of the plan, as provided in section 423 of the Charter (D.C. Official Code § 1-204.23).

(12) "Control budget act" means an act submitted for consideration by the Council pursuant to section 8 of the Funds Control Act (D.C. Official Code § 47-307) to establish a control budget for the District of Columbia government or to establish as part of a control budget grants awarded during the fiscal year.

(13) "Council" means the Council of the District of Columbia established by section 401 of the Charter (D.C. Official Code § 1-204.01).

(14) "Council fiscal impact statement" means an analysis of the fiscal ramifications of the legislation to the Budget and Financial Plan of the District of Columbia, in accordance with requirements stipulated by the Council Budget Director, which is certified by the Budget Director, appointed pursuant to Rule 264.

## ENROLLED ORIGINAL

(15) "Council Period" means the legislative session of the Council beginning at noon on January 2nd of each odd-numbered year and ending at noon on January 2nd of the following odd-numbered year.

(16) "Engrossing" or "engrossment" means the process by which there is finally prepared the text of a bill that has passed any reading prior to final reading.

(17) "Enrolling" or "enrollment" means the process by which there is finally prepared the text of a measure that has passed final reading.

(18) "Executive Branch" means the Office of the Mayor and any office, department, division, board, commission, or agency under the administrative authority of the Mayor.

(19) "Funds Control Act" means the District of Columbia Funds Control Act of 1980, effective September 26, 1980 (D.C. Law 3-104; D.C. Official Code § 47-381 *et seq.*).

(20) "Grant application" means any grant application required to be submitted by the Mayor to the Council pursuant to section 6 of the Funds Control Act (D.C. Official Code § 47-385).

(21) "Gross planning budget resolution" means the gross planning budget resolution submitted by the Mayor for approval by the Council pursuant to section 7 of the Funds Control Act (D.C. Official Code § 47-306).

(22) "Legal holiday" means a legal public holiday of the District of Columbia or the United States as set forth in D.C. Official Code § 28-2701.

(23) "Mayor" means the Mayor of the District of Columbia as established by section 421 of the Charter (D.C. Official Code § 1-204.21).

(24) "Measure" means a proposed act, resolution, or amendment to a proposed act or resolution, a motion pending before the Council or before a committee of the Council, a proposed reorganization plan, reprogramming request, non-offsetting budget modification request, grant application, proposed state plan, contract, or proposed municipal regulation transmitted by law to the Council for its approval.

(25) "Meeting" means the formal convening of a committee or the Council, other than solely for the purpose of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

(26) "Member" means a member of the Council established by section 401 of the Charter (D.C. Official Code § 1-204.01) and includes the Chairman, unless the context clearly indicates otherwise.

(27) "Normal business hours" means 9:00 a.m. through 5:30 p.m., Monday through Friday, except legal holidays.

(28) "Official action" has the same meaning as in section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-207.42).

(29) "Person" means an individual, partnership, association, corporation, or any other organization.

(30) "Reading" means, within the meaning of section 412 of the District of

Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12), an opportunity for the Members to debate and vote on proposed legislation at a regular or additional legislative meeting of the Council. A reconsideration of legislation after it has been transmitted to the Mayor is considered a "reading" where there has been at least 13 days intervening between the last reading of the legislation and the reconsideration date.

(31) "Recess of the Council" means periods of time during which regularly scheduled meetings of the Council are not held; i.e., the month of August through September 15th, the 9-day period beginning on the Friday immediately preceding Easter, the 17-day period beginning on July 15th of each year, and the 9-day period ending on December 31st of each year.

(32) "Remuneration" means the rate or level of compensation to be paid an employee for the performance of his or her duties up to and including, but no more than, the maximum authorized and appropriated by law.

(33) "Reprogramming Policy Act" means the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-361 *et seq.*).

(34) "Reprogramming request" means any reprogramming request or budget modification submitted to the Council pursuant to sections 4 and 5, respectively, of the Reprogramming Policy Act (D.C. Official Code §§ 47-363 and 364).

(35) "Resolution" means an expression of a simple determination, decision, or direction of the Council of a special or temporary character and includes actions of the Council concerning its internal management and conduct.

(36) "Short title" means the term by which an act or resolution may be cited.

(37) "State plan approval request" means a request to approve a state plan submitted by the Mayor to the Council pursuant to section 6 of the Funds Control Act (D.C. Official Code § 47-385).

(38) "Subpoena" means *subpoena ad testificandum* or *subpoena duces tecum*, or both.

(39) "Transcription" means a verbatim recordation, including a tape recording.

**ARTICLE II -- ORGANIZATION.****201. OATH OF OFFICE.**

(a) On January 2nd of each odd-numbered year, members of the Council whose terms begin at that time shall take and subscribe an oath or affirmation to support the Constitution of the United States and faithfully to discharge the office of member of the Council. The oath of office to the Councilmembers shall be administered by a legally authorized person of the member's choice. The Secretary to the Council shall supply printed copies of the oath, which shall be subscribed by the members and returned to the Secretary and recorded in the Council records as conclusive proof of the fact that the signer took the oath in accordance with law.

(b) A member of the Council whose term of office does not begin at the beginning of a Council Period shall take and subscribe an oath or affirmation described above as soon as practicable after he or she has been duly certified as having been elected or selected for the position.

**202. CONFLICT OF INTEREST.**

(a) Any member who, in the discharge of his or her official duties on the Council, would be required to take an action or make a decision that would affect directly or indirectly his or her financial interest, as defined by section 601(b) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Official Code § 1-1106.01(b)), or those of a member of his or her household or a business with which he or she is associated, or must take an official action on a matter as to which he or she has a conflict situation created by a personal, family, or client interest, shall disclose this information in writing to the Chairman, or shall submit a statement for the record at the appropriate committee or Council meeting. The Chairman shall excuse the member from votes, deliberations, and other action on the matter, if the member requests to be excused.

(b) If a member discloses a potential conflict of interest which the member determines does not prohibit him or her from taking official action pursuant to D.C. Official Code § 1-1106.01(b), the member may participate in the votes, deliberations and other actions on the matter; however, this disclosure shall be made whenever the member participates in any deliberations or other actions on the matter.

(c) If the member's participation would be prohibited by D.C. Official Code § 1-1106.01(b), the member shall not participate in any vote, deliberation or other action on the matter. If the participation by a chairperson of a committee in the votes, deliberations or other action on a measure assigned to the chairperson's committee would be prohibited by D.C. Official Code § 1-1106.01(b), the chairperson shall return the measure to the Chairman for reassignment.

(d) Any information disclosed under this section shall be included in the written record of the proceedings.

**A. EXECUTIVE OFFICERS OF THE COUNCIL.****211. CHAIRMAN.**

The Chairman shall be the presiding and chief executive officer of the Council.

**212. CHAIRMAN PRO TEMPORE.**

In each Council period, the Chairman shall nominate one member as Chairman Pro Tempore who will act in the place of the Chairman when the Chairman is absent or has recused himself or herself. The Council shall act on the Chairman's nomination by resolution.

**213. VACANCY IN OFFICE OF CHAIRMAN.**

Whenever a vacancy occurs in the Office of the Chairman or the Chairman is serving as Acting Mayor, the Chairman Pro Tempore selected pursuant to section 212 shall convene the Council. The Council, by resolution, shall elect one of its at-large members as Acting Chairman and another at-large member as Acting Chairman Pro Tempore until the vacancy in the Office of Chairman is filled or until the return of the regularly-elected Chairman.

**B. COMMITTEE MEMBERSHIP.****221. SELECTION.**

At or near the beginning of a new Council Period, the Chairman shall nominate the chairperson and members of each committee of the Council. The Council shall by resolution act on the Chairman's nominations.

**222. CHAIRMAN AS EX-OFFICIO MEMBER.**

The Chairman shall be an ex-officio, voting member of all committees and may be counted for purposes of a quorum, but shall not increase the quorum requirement for the committee.

**223. VACANCIES.**

A vacancy in the membership or chair of a committee shall be filled by appointment by the Chairman, with the approval of the Council by resolution.

**224. DISTRIBUTION OF RESPONSIBILITY.**

The Chairman and Council shall endeavor to distribute committee responsibility as evenly as possible among the members and in no event shall an individual member chair more than one standing committee. The principle of seniority shall be respected in the assignment of committee chairs.

**225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS.**

(a) Any member of the Council may attend the meeting of any committee and may participate in committee discussions, but only committee members may make motions and cast votes.

(b) Any member of the Council may participate fully in the hearings of any committee.

**226. RULES OF COMMITTEES.**

(a) Each committee shall adopt written rules, not inconsistent with these Rules or other applicable law, to govern its procedures. The committee rules, effective when filed in the Secretary's Office, shall incorporate the following principles:

(1) The scheduling of regular meeting days, which shall not be less frequent than monthly, for conducting business;

(2) A procedure for rescheduling or cancelling a regular meeting;

(3) A procedure for holding additional meetings to be called by the chairperson;

(4) A procedure for holding special meetings, which shall be called at the request of a majority of the members of the committee;

(5) Procedures to govern the chair of a committee meeting in the absence of the chairperson;

(6) Procedures for keeping a complete record of all committee action, which shall include roll call votes;

(7) Procedures for making available for inspection by the public, at reasonable times in the office of either the committee or the Secretary to the Council, a description of each amendment, motion, order, or other proposition on which a roll call was taken, the name of each member voting for and against the amendment, motion, order, or proposition, and the names of those members present but not voting;

(8) A procedure for giving notice of hearings consistent with section 422;

(9) Procedures setting a fixed number of members to constitute a quorum for

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taking testimony and receiving evidence;

(10) The imposition of a 10 minute rule in the interrogation of a witness before the committee, until each member of the committee has had an opportunity to question the witness;

(11) A prohibition against voting upon a measure or recommendation unless a quorum of the committee is actually present;

(12) A requirement that if, at the time of approval of a measure by a committee, a member of the committee gives notice of the intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 5 days, excluding Saturdays, Sundays, and legal holidays, within which to file the views, which shall be included in the report of the committee on the measure;

(13) A procedure for amending the committee rules by a vote of a majority of the committee;

(14) A requirement that if an amendment is orally moved during a committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Clerk or other staff of the Committee;

(15) A requirement for the circulation of notice of the date, hour, and place of all committee meetings to all members of the Council at least 24-hours before the date of the meeting, along with a copy of the agenda of the meeting and a draft of any measures to be considered, unless at least four members of the committee agree to a shorter notice;

(16) A procedure for providing at least 24 hours notice to Members and the Secretary to the Council of the cancellation of a regularly scheduled meeting and at least 12 hours notice to Members and the Secretary of the Council of the cancellation of an additional meeting, unless the Members of the Council and the Secretary are given written notice of the cancellation at least two hours prior to the scheduled meeting;

(17) A procedure for recessing a meeting which is consistent with Rule 302(c);

(18) A procedure to ensure that meetings of the committee do not conflict with a previously scheduled meeting of another committee; and

(19) A procedure for the adoption of a consent agenda.

(b) The following provisions of these Rules shall be considered rules of committees: 101 (Definitions); 202 (Conflict of Interest); 304 (Quorum); 305 (Meetings Open to the Public); 306 (Executive Sessions); 307 (Hearing the Mayor); 321 (Decorum of Members); 322 (Decorum of Members of the Public); 331 (Obtaining the Floor); 332 (Limitations on Debate); 333 (Personal Privilege); 334 (Points of Order); 335 (Appeal); 336 (Extension of Remarks); 341 (Motions Recognized During Debate); 342 (Withdrawal or Modification of Motions); 343 (Amendments to be Written); 351 (Form of Vote); 352 (Voice Votes); 353 (Demand for Roll Call Vote); 356 (Proxy Voting Prohibited); 357 (Reconsideration); 425 (Methods of Notice); 448 (Records of Legislative Meetings); 450 (Effect of End of Council Period); 1001 (Parliamentary Authority); 1002 (Gender Rule of Construction); and 1003 (Suspension of Rules).

(c) Any provision of these Rules that by its terms specifically applies to a committee shall be binding on each committee.

(d) When these rules are used as committee rules, and unless the context dictates a different meaning, the term "Council" means "committee", the term "member" or "member of the Council" means "member of the committee", the term "Chairman" means "Chairperson of the Committee", and the term "Secretary" means "Clerk or other staff of the committee".

(e) A committee may adopt additional rules. Committee rules adopted under this section shall be consistent with these Rules and other applicable law, and shall be filed with the Secretary to the Council.

## **227. COMMITTEE ACTIVITY REPORT.**

Each committee shall file a report not later than 30 days prior to the end of each Council period which details its oversight and legislative activities. The format and content of the reports shall be determined by the Secretary

## **C. STANDING COMMITTEES.**

### **231. COMMITTEE OF THE WHOLE.**

(a) The Committee of the Whole is responsible for the annual budget, and amendments, additions, or supplements to the budget; coordinating the Council's relationships with the Congress, the Federal executive branch; monitoring the progress of Council legislation through Congress; monitoring the status of original legislative proposals in Congress that may affect the District of Columbia, the Council, or its legislation; Council appointments to Boards and Commissions; the development of the comprehensive plan and other matters pertaining to land use; public space naming; reapportionment and realignment of the political subdivisions of the District of Columbia; Council administration and personnel; the scheduling of all matters for consideration by the Council in the legislative meeting; legislative matters related to the District of Columbia as a political entity, including voting rights; responsible for coordinating the Council's relationships with appropriate regional, state, and national associations and organizations; labor relations; the Council's relationship with regional authorities and other regional bodies and organizations not specifically assigned to other committees; all matters related to public education, including authorizing public charter schools; cable television; and other matters assigned to it by these Rules or by the Chairman.

(b) The Chairman of the Council is the Chairman of the Committee of the Whole and its members include all members of the Council. The Committee of the Whole shall meet on the third Tuesday of each month, except during periods of Council recess, in a work session to consider measures which have been reported and timely filed by committees pursuant to subsection (c) of this section, and for the introduction and referral of legislation. The Chairman shall prepare the agenda for each meeting of the Committee of the Whole. The Chairman may not withhold a measure duly reported and timely filed by another committee from the Committee of the Whole agenda unless the Committee of the Whole votes to table the measure.

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(c) (1) Except as provided in section 339, each bill and resolution reported by the committees of the Council identified in sections 232 to 242 shall be referred to the Committee of the Whole for a review of its legal sufficiency and technical compliance with the drafting rules of the Council; for ascertaining completion of the record; for a determination of the sufficiency of the fiscal impact statement required by section 443(c); and for scheduling for the Legislative Meeting.

(2) No bill or resolution may be reported by a committee of the Council for consideration at the Committee of the Whole unless it is accompanied by a fiscal impact statement.

(3) Amendments made by committees that are outside the legislative jurisdiction of the committee shall be referred to the relevant committee before the legislation is agendized for the legislative meeting at the Committee of the Whole.

(d) The following agencies shall come within the purview of the Committee of the Whole:

Council of the District of Columbia  
District of Columbia Auditor  
Metropolitan Washington Airports Authority  
Metropolitan Washington Council of Governments  
National Capital Planning Commission  
Office of Budget and Planning  
Office of Labor Relations and Collective Bargaining  
Office of Cable Television  
Public Access Corporation  
Office of Planning  
Tobacco Settlement Financing Corporation  
Office of Zoning  
Board of Zoning Adjustment  
Zoning Commission of the District of Columbia  
District of Columbia Public Schools  
Office of the State Superintendent of Education  
University of the District of Columbia  
Office of Public Education Facilities Modernization  
Office of the Deputy Mayor for Education  
District of Columbia Public Charter School Board

## 232. COMMITTEE ON AGING AND COMMUNITY AFFAIRS.

(a) The Committee on Aging and Community Affairs is responsible for the concerns of the aging; matters regarding Advisory Neighborhood Commissions; matters related to Statehood and self-determination for the District; human rights; Latino, African, Asian and pacific islander affairs; gay, lesbian, bisexual and transgender affairs; issues related to women; and veterans

affairs.

(b) The following agencies come within the purview of the Committee on Aging and Community Affairs:

- Advisory Neighborhood Commissions
- Commission on Aging
- Office on Aging
- Commission on Human Rights
- Office of Human Rights
- Commission on Latino Community Development
- Office of Latino Affairs
- Commission for Women
- Office on African Affairs
- Office of Asian and Pacific Islanders Affairs
- Office of Gay, Lesbian, Bisexual, and Transgender Affairs
- Office of Veterans Affairs
- District of Columbia Statehood Commission
- District of Columbia Statehood Compact Commission

### **233. COMMITTEE ON ECONOMIC DEVELOPMENT.**

(a) The Committee on Economic Development is responsible for matters related to economic, industrial and commercial development; the disposition of property for economic development purposes; tourism, cultural affairs; international business and affairs; and local business development policy.

(b) The following agencies come within the purview of the Committee on Economic Development:

- Deputy Mayor for Economic Development
- District of Columbia Small and Local Business Opportunity Commission
- Department of Small and Local Business Development
- Sports and Entertainment Commission
- Washington Convention Center Authority
- Washington Convention and Tourism Corporation
- District of Columbia Boxing and Wrestling Commission
- Commission on Arts and Humanities
- Office of Motion Picture and Television Development

### **234. COMMITTEE ON FINANCE AND REVENUE.**

(a) The Committee on Finance and Revenue is responsible for matters relating to taxation

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and revenue for the operation of the government of the District of Columbia; general obligation bond acts, revenue anticipation notes, and industrial revenue bonds.

(b) The following agencies come within the purview of the Committee on Finance and Revenue:

- Board of Real Property Assessments and Appeals
- District of Columbia Lottery and Charitable Games Control Board
- Multistate Tax Commission
- Office of the Chief Financial Officer
- Office of Financial Management
- Office of Financial Operations
- Office of Finance and Treasury
- Office of Tax and Revenue

### **235. COMMITTEE ON GOVERNMENT OPERATIONS AND THE ENVIRONMENT.**

(a) The Committee on Government Operations and the Environment is responsible for matters relating to elections, campaign finance, general services, personnel, including employee appeals and general administration of the government of the District of Columbia; maintenance of public buildings, property management, including the declaration of government property as no longer required for public purposes; grants management; government procurement; matters relating to the general operations and services of government; and matters relating to environmental protection regulation and policies.

(b) The following agencies come within the purview of the Committee on Government Operations and the Environment:

- Contract Appeals Board
- District of Columbia Board of Elections and Ethics
- District of Columbia Retirement Board
- Department of Human Resources
- Office of the Chief Procurement Officer
- Office of the Chief Technology Officer
- Office of the City Administrator
- Office of Employee Appeals
- Office of Grants Management
- Office of the Inspector General
- Office of the Mayor
- Office of Policy and Legislative Affairs
- Office of Press Secretary
- Office of Property Management
- Office of Risk Management

Office of Disability Rights  
Public Employees Relations Board  
Secretary of the District of Columbia  
Department of the Environment  
Environmental Planning Commission  
Office of Energy

### **236. COMMITTEE ON HEALTH.**

(a) The committee is responsible for matters concerning health and environmental health, except for rodent control; the regulation of health occupations and professions, and health care inspectors.

(b) The following agencies come within the purview of the Committee on Health:

Department of Health  
Department of Mental Health  
Department of Health Care Finance  
Board of Chiropractic  
Board of Dentistry  
Board of Dietetics and Nutrition  
Board of Marriage and Family Therapy  
Board of Massage Therapy  
Board of Medicine  
Board of Nursing  
Board of Nursing Home Administration  
Board of Occupational Therapy  
Board of Optometry  
Board of Pharmacy  
Board of Physical Therapy  
Board of Podiatry  
Board of Professional Counseling  
Board of Psychology  
Board of Respiratory Care  
Board of Veterinary Examiner  
Statewide Health Coordinating Council

### **237. COMMITTEE ON HOUSING AND WORKFORCE DEVELOPMENT.**

(a) The Committee on Housing and Workforce Development is responsible for matters related to development, maintenance, preservation, and regulation of the housing stock, including rental housing; and neighborhood development, improvement, stabilization, and urban affairs;

workforce development issues; employment and manpower development; and ex-offender affairs.

(b) The following agencies come within the purview of the Committee on Housing and Workforce Development:

Department of Housing and Community Development or any successor agency  
District of Columbia Housing Authority  
Housing Finance Agency  
Housing Production Trust Fund Board  
Rental Housing Commission  
Department of Employment Services  
Apprenticeship Council  
Office on Ex-Offender Affairs

### **238. COMMITTEE ON HUMAN SERVICES.**

(a) The Committee on Human Services is responsible for matters concerning welfare; social services; youth affairs (other than juvenile justice) and disability services.

(b) The following agencies come within the purview of the Committee on Human Services:

Board of Social Work  
Child and Family Services Agency  
Children and Youth Investment Trust Corporation  
Department on Disability Services  
Department of Human Services  
Department of Youth Rehabilitation Services

### **239. COMMITTEE ON LIBRARIES, PARKS AND RECREATION.**

(a) The Committee on Libraries, Parks and Recreation is responsible for all matters related to libraries, public parks and recreation.

(b) The following agencies come within the purview of the Committee on Libraries, Parks and Recreation:

Department of Parks and Recreation  
District of Columbia Public Library system

### **240. COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY.**

(a) The Committee on Public Safety and the Judiciary is responsible for matters affecting the judiciary and judicial procedure which are within the authority of the Council; matters

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affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure; matters affecting criminal law and procedure; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, homeland security, and public safety.

(b) The following agencies come within the purview of the Committee on Public Safety and the Judiciary:

Child Support Guidelines Commission  
Commission on Judicial Disabilities and Tenure  
Corrections Information Council  
Criminal Justice Coordinating Council  
Department of Corrections  
Homeland Security and Emergency Management Agency  
District of Columbia Judicial Nomination Commission  
District of Columbia Sentencing and Criminal Code Revision Commission  
Fire and Emergency Medical Services Department  
Forensic Health and Science Laboratories  
Metropolitan Police Department  
District of Columbia National Guard  
Office of Administrative Hearings  
Office of Unified Communications  
Office of the Attorney General for the District of Columbia  
Office of the Chief Medical Examiner  
Police Complaints Board  
Public Defender Service  
Office of Justice Grants Administration  
Office of Victims Services  
Police Officers' and Fire Fighters Retirement System

#### **241. COMMITTEE ON PUBLIC SERVICES AND CONSUMER AFFAIRS.**

(a) The Committee on Public Services and Consumer Affairs is responsible for matters related to consumer and regulatory affairs; public utilities, the regulation of banks and banking activities; securities, and insurance; including private health insurance matters.

(b) The following agencies come within the purview of the Committee on Public Services and Consumer Affairs:

Department of Consumer & Regulatory Affairs  
Board of Consumer Claims Arbitration for the District of Columbia  
Office of People's Counsel

Public Service Commission  
Office of the Tenant Advocate  
Department of Insurance, Securities and Banking  
Board of Architecture and Interior Designers  
Board of Accountancy  
Board of Barber and Cosmetology  
Board of Professional Engineering  
Board of Funeral Directors  
Board of Industrial Trades  
Board of Real Estate  
Board of Real Estate Appraisers

#### **242. COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.**

(a) The Committee on Public Works and Transportation is responsible for matters relating to highways, bridges, traffic, vehicles, the regulation of taxicabs, maintenance of public spaces, recycling, waste management, water supply, and wastewater treatment, regional public transportation issues; and the regulation of alcoholic beverages.

(b) The following agencies come within the purview of the Committee on Public Works and Transportation:

Alcoholic Beverage Regulation Administration  
Department of Motor Vehicles  
Department of Public Works  
District Department of Transportation  
District of Columbia Bicycle Advisory Council  
District of Columbia Taxicab Commission  
Soil and Water Conservation District  
Washington Aqueduct  
Washington Metropolitan Area Transit Authority  
Water and Sewer Authority

#### **D. CREATION OF SUBCOMMITTEES.**

##### **245. SUBCOMMITTEES.**

At or near the beginning of a new Council Period, the Chairman of the Council, shall nominate the chairperson and members of each subcommittee of the Council. The Council shall by resolution act on the Chairman's nominations. A subcommittee may use subpoenas to obtain testimony or documents only if the standing committee of which it is a subcommittee authorizes the issuance of subpoenas. Each bill or resolution reported by a subcommittee shall be referred to

its standing committee for a vote and scheduling for the Committee of the Whole. Subcommittees shall comply with the requirements of these Rules.

**E. SPECIAL COMMITTEES.**

**251. CREATION OF SPECIAL COMMITTEES.**

Special committees to consider investigations, ethics, and other matters may be created by resolution, approved by 2/3rds of the members of the Council. The resolution shall set forth the jurisdiction, size, duration, and date for final action of the special committee.

**252. USE OF SUBPOENAS BY SPECIAL COMMITTEE.**

A special committee may use subpoenas to obtain testimony or documents only if the resolution creating the special committee authorizes the issuance of subpoenas. Subpoenas issued by special committees shall comply with the requirements of Article VI of these Rules.

**F. SPECIAL PROJECTS.**

**253. SPECIAL PROJECTS.**

Special policy development and oversight projects may be created and funded by a Council resolution. The resolution shall set forth the timetable, budget, goals, and deliverables of the special project, and specify whether the project will be undertaken by a standing or special committee, or another method of organization.

**G. APPOINTED OFFICERS OF THE COUNCIL.**

**261. APPOINTMENT OF OFFICERS.**

The appointed officers of the Council are the Secretary, General Counsel, Budget Director, and Policy Director. The assignment, removal, and remuneration of these officers shall be recommended by the Chairman, and approved by vote of the majority of the Council.

**262. SECRETARY.**

The Secretary is, and shall also be known as, the chief administrative officer of the Council and is responsible for maintaining records of Council actions including the filing of bills and proposed resolutions, amendments to bills and resolutions, requests for hearings, committee reports, and other records and reports assigned by these Rules, the Council, or the Chairman, and

for proposing and administering the fiscal year budget of the Council.

#### **263. GENERAL COUNSEL.**

The General Counsel is responsible for advising the Council on matters of parliamentary procedure, identifying legislative problems, providing members with alternatives in terms of policy options to solve those problems, representing the Council in any legal action to which it is a party, supervising the publication of the District of Columbia Official Code, providing legislative drafting assistance to all members, engrossing and enrolling measures, and making necessary technical and conforming changes in measures during enrollment.

#### **264. BUDGET DIRECTOR.**

The Budget Director is responsible for advising members of the Council on matters related to the budget including the development of annual and multiyear budgets and financial plans, review of contracts, and analysis of the fiscal impact of legislation. The budget staff shall also serve as a resource for all Council committees and members.

#### **265. POLICY DIRECTOR.**

The Policy Director is responsible for advising members of the Council on policy matters that are presented to the Office of Policy Analysis for its review and to provide comprehensive, independent, and objective research and analysis on defined legislative and policy issues to members of the Council, upon request. The policy analysis staff shall also serve as a resource for all Council committees and their members.

### **H. COUNCIL PERSONNEL AND APPOINTMENTS.**

#### **271. SUBORDINATE STAFF OF APPOINTED OFFICERS.**

The appointed officers may assign, remove, and determine the remuneration for their respective professional and clerical staffs, subject to appropriations and positions allocated by the Council.

#### **272. COMMITTEE STAFF.**

(a) The chairperson of each committee shall appoint and shall present for the approval of committee members the names and responsibilities of each committee staff person. The chairperson shall remove, and determine the remuneration for the staff of the committee, subject to appropriations and positions allocated by the Council.

(b) The chairperson of each committee shall notify the members of the committee of such

action within 3 working days.

### **273. MEMBERS' PERSONAL STAFF.**

Each member may assign, remove, and determine the remuneration for his or her personal staff, subject to appropriations and positions allocated by the Council.

### **274. COUNCIL APPOINTMENT TO OTHER BODIES.**

Where the law provides for the Council to appoint a person to another body, the Chairman shall nominate the person and the Council shall act on the nomination by resolution. A representative appointed by the Chairman or Council shall report to the Council on a periodic basis. The Council may, by resolution, instruct its representative as to the position to take on a particular matter.

### **275. APPOINTMENT BY COMMITTEES AND MEMBERS.**

(a) Where the law provides for a committee to appoint or approve the appointment of a person to a board or commission, the committee shall act on the appointment by committee resolution filed with the Secretary.

(b) Where the law provides for a member to appoint a person to a board or commission, the member shall make the appointment by memoranda filed with the Secretary, which states:

- (1) The legal capacity in which the member is acting, e.g., as a member of the Council or as chair or a member of a particular committee;
- (2) The date of appointment;
- (3) The official name of the board or commission to which the person is being appointed;
- (4) The name, complete mailing address, and ward designation of the person appointed;
- (5) The law under which the appointment is being made; and
- (6) The term of the appointment.

### **276. RESIDENCY REQUIREMENT FOR APPOINTMENTS.**

After January 1, 1987, each member of a District of Columbia board or commission who is not serving as a member of that board or commission as of January 1, 1987, and who is appointed under section 274 or 275, shall be a resident of the District of Columbia at the time of appointment, unless the law or executive order that established the board or commission specifically authorizes the appointment of a nonresident as a member of the board or commission.

**ARTICLE III -- PROCEDURES FOR MEETINGS.****A. LEGISLATIVE MEETINGS.****301. ORGANIZATIONAL MEETING.**

On the first day of each Council Period that is not a Saturday, Sunday, or legal holiday, the Council shall convene an organizational meeting for the purpose of considering the adoption of Rules of Organization and Procedure, selecting a Chairman Pro Tempore pursuant to section 212, appointment of committee chairs and memberships, appointment of members to regional bodies, and appointment of Council officers. If a quorum is not present, the Chairman shall convene an organizational meeting as soon as feasible.

**302. REGULAR MEETINGS.**

(a) The Council shall hold a regular legislative meeting on the first Tuesday of every month except during a period of recess of the Council. When the day for a regularly scheduled legislative meeting falls on a day designated by law as a legal holiday, the meeting shall be held at the same time on the next succeeding day that is not a holiday. Regularly scheduled legislative meetings shall be held at 10:00 a.m. The Chairman may designate another hour for a meeting at the next legislative meeting or meeting of the Committee of the Whole or by written notice to each member and the Secretary to the Council at least 24 hours before the regularly scheduled hour.

(b) All regular meetings of the Council shall be held in the Council Chamber, Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., unless another place is designated by a majority of the Council either in a legislative meeting or in writing circulated to all members and the Secretary to the Council not less than 24 hours prior to the scheduled meeting.

(c) If a majority of the Council is present at a regular meeting, the Chairman may recess that meeting to another time, day, or place, or may reschedule a future regular meeting to another time, day, or place.

(d) The Chairman may cancel a future regularly scheduled meeting. The Secretary shall notify each member of a meeting cancellation.

**303. ADDITIONAL AND SPECIAL MEETINGS.**

(a) The Chairman may call additional meetings of the Council.

(b) Any 2 members may request that the Chairman call a special meeting of the Council. The request must be in writing and filed in the Office of the Secretary. Immediately upon the filing of the request, the Secretary shall notify the Chairman and other members of the filing of the request. If, within 24 hours after the request is filed, the Chairman does not call the requested

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special meeting, to be held within 72 hours after the request is filed, a majority of the members of the Council may file in the office of the Secretary their written notice that a special meeting of the Council will be held, specifying the date, hour, place, and agenda of the special meeting. The Council shall meet at that date and hour. Immediately upon the filing of the notice, the Secretary shall notify all members of the Council as provided in subsection (c) of this section.

(c) Whenever an additional or special meeting is called, the Secretary shall notify each member in writing not less than 24 hours prior to the additional or special meeting. The notice shall state the date, hour, place, and agenda of the meeting and may state whether items are to be considered on a consent or non-consent agenda. No matter shall be considered at an additional or special meeting except those stated in the request and notification. An additional meeting to consider an emergency and temporary matter may be called upon shorter notice, if a majority of the members agree in writing to the shorter notice. The Chairman may add emergency and temporary measures to the agenda of an additional meeting with the written agreement of a majority of the Members.

**304. QUORUM.**

A majority of the members constitutes a quorum for the lawful convening of a Council meeting and for the transaction of business, except that a lesser number may hold hearings. A meeting shall not begin until a quorum is ascertained by the Chairman. After a quorum has been ascertained, the meeting shall proceed, unless a member raises the absence of a quorum, whereupon the Chairman shall direct the calling of the roll and shall announce the result. These proceedings shall be without debate, and until a quorum is present, no debate or motion shall be in order except to recess for 20 minutes to find absent members. After the recess, the roll shall be called again. If a quorum is present, the meeting shall proceed; if a quorum is not present, the meeting shall be adjourned.

**305. MEETINGS OPEN TO THE PUBLIC.**

All meetings of the Council at which official action is taken shall be open to the public. No resolution, rule, act, or other official action shall be effective unless taken, made, or enacted at an open meeting.

**306. EXECUTIVE MEETINGS.**

Upon the affirmative vote of a majority of the members present and voting at a public meeting, the Council may conduct a meeting in an executive session to the extent permitted by section 305.

**307. HEARING THE MAYOR.**

The Mayor has the right to be heard by the Council upon request and at reasonable times set by the Council.

**308. RECESS.**

(a) Except as set forth in subsection (b) of this section, no bill or resolution, other than an emergency bill or emergency resolution and accompanying temporary bill, or a resolution to approve or disapprove a contract, to be considered at a special or additional meeting called pursuant to these Rules, may be introduced during a recess of the Council. No committee may take official action during a recess of the Council, except that, when specifically authorized to do so by a vote of a majority of the Council, a committee may hold a public hearing or roundtable. A notice of future committee action may be filed during a recess of the Council.

(b)(1) A member of the Council may introduce a resolution approving or disapproving a contract in excess of \$1 million or a multiyear contract during any recess period.

(2) A proposed contract in excess of \$1 million during a 12-month period or a multiyear contract for goods or services that is required to be submitted to the Council pursuant to section 451 of the District Charter may be transmitted to the Office of the Secretary for the Council during the 30-day period prior to the end of the summer recess of the Council, a committee may hold a public hearing and take official action on the proposed contract in excess of \$1 million or multiyear contract during this period, and a member of the Council may introduce a resolution approving or disapproving a contract in excess of \$1 million or a multiyear contract during this recess period.

(3) A proposed federal-aid highway contract in excess of \$1 million during a 12-month period that is required to be submitted to the Council for its review pursuant to the District Charter may be transmitted to the Office of the Secretary to the Council during a recess of the Council, a committee may hold a public hearing and take official action on the proposed federal-aid highway contract during the recess, and a member of the Council may introduce a resolution approving or disapproving the proposed federal-aid highway contract during the recess and during the 10-day period following submission of the proposed federal-aid highway contract to the Council.

**309. COUNCIL REVIEW OF CONTRACTS.**

(a) Notwithstanding section 402(b) of these Rules, the time period for Council review of a proposed contract in excess of \$1 million during a 12-month period or a multiyear contract that is required to be submitted to the Council pursuant to the District Charter shall begin on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council. The Secretary to the Council shall ensure that a copy of the proposed contract is designated as urgent and circulated in a folder of a distinctive color to the office of each member

of the Council within 24 hours (excluding Saturdays, Sundays, and holidays), following its receipt by the Office of the Secretary to the Council.

(b) The submission of an annual capital program of federal-aid highway projects to the Council for review and approval and approval of the annual program is deemed as approval of the individual contracts that make up the annual program.

(c) The Secretary to the Council shall place an electronic copy of the summary of a proposed contract on the Legislative Information Management System in a manner that it may be accessed through the website of the Council, and on the Council "v" drive within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt.

## **B. ORDER OF BUSINESS FOR MEETINGS.**

### **311. ORDER OF BUSINESS FOR REGULAR MEETINGS.**

Subject to section 313, the Council shall take up business in the following order unless a different order has been set for a particular meeting by action of the Committee of the Whole:

- (1) Call to order at the time and place set forth pursuant to section 302;
- (2) Moment of silence;
- (3) Determination by the Chairman of the presence of a quorum;
- (4) Presentation of ceremonial resolutions;
- (5) Secretary's report on the filing of reports by committees, unless the formal reading of the report is waived by unanimous consent;
- (6) Secretary's report of the introduction of new bills and proposed resolutions filed with that office, and the introduction by members of new bills and proposed resolutions by reading the short title, unless the formal reading of the report is waived by unanimous consent pursuant to section 404(c);
- (7) Approval of the consent agenda without objection by a member;
- (8) Reading by short title and votes on proposed ceremonial resolutions;
- (9) Final reading by short title and final vote on bills that have been pending at least 13 days since they were previously read;
- (10) Reading by titles of reported and discharged bills with a limitation on debate as provided in section 332;
- (11) Reading by short title and vote on proposed resolutions except as provided in paragraph (8) of this section;
- (12) Reading by short title and vote on resolutions declaring the existence of emergencies and accompanying emergency bills;
- (13) Reading by short title and vote on temporary legislation;
- (14) Official communications received from the Mayor or an agency; and
- (15) Other business.

**312. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.**

The Council shall take up business in the following order at an additional or special meeting:

- (1) The Council shall be called to order at the time and place set forth in the notice of the meeting.
- (2) The Chairman shall ascertain the presence of a quorum.
- (3) If a quorum is present, the Council shall take up business in the order set forth in the meeting notice.

**313. PROCEEDING OUT OF ORDER.**

The Chairman, without objection, or upon the vote of a majority of the members present and voting, may take up any item of business out of order.

**C. RULES OF DECORUM.****321. DECORUM OF MEMBERS.**

(a) Members shall not engage in private discourse or commit any other act tending to distract the attention of the Council from the business before it.

(b) In debate a member must confine remarks to the question at hand, and avoid personalities.

(c) A member in referring to another member should avoid using the member's name, rather identifying that member by ward or at-large status, as the member who last spoke or by describing the member in some other manner.

(d) It is not the person but the measure that is the subject of debate, and it is not allowable to question or impugn the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.

(e) The use of cellular telephones and pagers during meetings or public hearings in the Council Chambers or in any other place where Council committee meetings or public hearings are being conducted is prohibited.

**322. DECORUM OF MEMBERS OF THE PUBLIC.**

(a) Members of the public shall not commit any act tending to distract the attention of the Council from the business before it.

(b) The Chairman shall maintain order in the Council Chamber. If the Chairman determines that the removal of a person other than a member is necessary to maintain order, after warning the person, the Chairman may order the removal of the disorderly person.

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(c) Unless permitted by the Chairman, no member of the public may enter the area designated as the well or the dais of the Council Chamber during an official meeting of the body.

(d)(1) No signs, placards, posters or attention devices of any kind or nature shall be carried or placed within the Council hearing or meeting rooms or Council Chamber. No demonstrations are permitted in the Council Chamber or any area in which a Council proceeding or a public hearing is being conducted. The use of cellular telephones and pagers during meetings or public hearings in the Council Chambers or in any other place where Council committee meetings or public hearings are being conducted is prohibited.

(2) This prohibition shall not apply to armbands, emblems, badges or other articles worn on the personal clothing of individuals; provided, that such armbands, badges or emblems are of such a size and nature as not to interfere with the vision or hearing of other persons at a meeting nor extend from the body as may cause injury to another.

(3) Any person who shall violate the provisions of this subsection, relating to signs, or who shall willfully interrupt or disturb Council proceedings, after warning to desist, may be removed from the premises.

(4) Models, photographs, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person in testimony before the Council shall be permitted.

#### **D. RULES OF DEBATE.**

##### **331. OBTAINING THE FLOOR.**

A member who wishes to speak, give notice, make a motion, submit a report, or for any other purpose, shall address and be recognized by the Chairman before addressing the Council.

##### **332. LIMITATIONS ON DEBATE.**

(a) No member may be recognized more than one time to debate or make a motion relating to a pending matter until all members who wish to speak have been recognized.

(b) A member may speak no more than 5 minutes during the first round of debate on a pending matter, and no more than 3 minutes on a subsequent round.

(c) Debate may be limited by a motion to move the previous question approved by a majority of the members present and voting.

(d) Following approval of a motion to move the previous question, each member shall be entitled to not more than 2 minutes to debate the pending question and the bill or resolution cannot be further amended absent a motion to reconsider the motion to move the previous question.

(e) Debate on a pending matter may be closed and the matter put to an immediate vote by

a motion to close debate approved by 2/3rds of the members present and voting. A motion to close debate shall not be in order unless all members desiring to be heard have had at least one opportunity to speak on the pending matter.

(f) A member may yield all or part of his or her time provided by this section to another member.

(g) A motion to move the previous question or to close debate shall be in order only when a member has been recognized for the purpose of making such a motion.

(h) Motions to move the previous question or to close debate shall not be debatable.

(i) The Chairman may in his or her discretion modify time limitations with respect to specific matters scheduled for debate.

(j) The Chairman may designate a member as a floor manager for the proponents of a measure and a member as a floor manager for the opponents of such measure, giving preference to the committee chair or bill sponsor as the floor manager for the proponents of the measure. Equal time shall be allotted for debate by each side and a floor manager may reallocate his or her time to other members. The Chairman shall reserve a sufficient amount of time to allocate to members who neither support nor oppose the legislation at issue.

### **333. PERSONAL PRIVILEGE.**

Any member, as a matter of personal privilege, may speak for a period of not longer than 10 minutes concerning matters which may affect the Council collectively, its rights, its dignity or the integrity of its proceedings, or the rights, reputation, or conduct of its individual members in their representative capacities only.

### **334. POINTS OF ORDER.**

Points of order are debatable only at the discretion of the Chairman. If the Chairman permits debate, he or she has authority to limit it.

### **335. APPEAL.**

An appeal may be taken from any decision of the Chairman. A member must state his or her reasons for appealing a decision, to which the Chairman may respond. Appeals must be acted upon immediately. An affirmative vote of ½ of the members present and voting is required to sustain the Chairman.

### **336. EXTENSION OF REMARKS.**

(a) A member, with the unanimous consent of the members present at any meeting, may revise and extend his or her remarks made at a meeting. No member may make an extension or

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revision of remarks which would cause another member's comments to be taken out of context. The official transcript of a meeting shall be annotated to indicate the extension or revision of remarks.

(b) Extensions of remarks must be filed with the Secretary within 2 days after the first transcript of the remarks have been received in the member's office. Saturdays, Sundays, and legal holidays shall not be included in computing time under this section.

**337. RECOGNITION OF NON-MEMBERS.**

The Chairman may recognize a member of the public or an employee of the District of Columbia government if the participation of the person would, in the judgment of the Chairman, enhance the understanding of the matter under consideration by the Council. Recognition of a non-Councilmember during a legislative meeting shall be limited to situations in which emergency action by the Council is under consideration.

**338. PRESENTATION OF CEREMONIAL RESOLUTIONS.**

(a) Ceremonial resolutions that have been adopted by the Council may be presented from the well of the Council Chamber during legislative meetings by the member who introduced the resolution, or another member designated by the member introducing the resolution.

(b) During a Council Period, no Councilmember shall be permitted to present more than a total of 8 ceremonial resolutions at legislative meetings, except that one member may yield his or her right to present ceremonial resolutions under this section to another member.

(c) No Councilmember shall be permitted to speak more than 2 minutes on each ceremonial resolution.

(d) No recipient of a ceremonial resolution shall be permitted to present a display or performance during a legislative meeting.

(e) No more than one recipient for each ceremonial resolution shall be permitted to speak during a legislative meeting.

**339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS, REVENUE BONDS, AND REVIEW RESOLUTIONS.**

(a) This section shall apply to a resolution regarding a reprogramming request, revenue bonds, rules, regulations, and other actions that are:

(1) Proposed for promulgation or adoption by an entity other than the Council;

(2) Required by law to be approved, disapproved, or reviewed by the Council prior to taking effect; and

(3) Take effect after a set period of time by operation of law.

(b) A resolution covered by this section may, at the option of the committee chair, be

placed on the non-consent agenda of the next regular legislative meeting following approval by a committee, without referral to the Committee of the Whole, if the committee report on the resolution is circulated by the committee chair to all members and the Secretary to the Council within 24 hours of the committee action and before noon of the day preceding the legislative meeting. If a reported resolution is considered at a legislative meeting under this section without prior consideration at a Committee of the Whole meeting, the legal sufficiency, technical compliance with the drafting rules of the Council, completion of the record of the reported resolution, and the sufficiency of the fiscal impact statement, shall be reviewed at the legislative meeting at which it is considered.

(c) When a resolution covered by this section has been reported by the committee to which it was referred, and is scheduled for review in a work session of the Committee of the Whole as provided in section 231, the Chairman may convene a legislative meeting, to immediately follow the Committee of the Whole work session, solely to consider the resolution. A legislative meeting may be convened under this section by circulating the reported resolution and a notice, stating the date, hour, place and agenda for the meeting, at least 24 hours before the meeting. This section only applies where (1) the period of legislative review will expire before the next regular legislative meeting of the Council, or (2) it is necessary to approve or disapprove the resolution prior to the expiration of the review period.

## **E. MOTIONS.**

### **341. MOTIONS RECOGNIZED DURING DEBATE.**

When a question is under debate, the Chairman may entertain only the following motions, which shall take precedence in the order listed:

- (1) To adjourn;
- (2) To recess;
- (3) To reconsider;
- (4) To lay on the table;
- (5) To move the previous question;
- (6) To close debate;
- (7) To postpone to a day certain;
- (8) To recommit to committee;
- (9) To amend or substitute; or
- (10) To postpone indefinitely.

**342. WITHDRAWAL OR MODIFICATION OF MOTIONS.**

Any motion may be withdrawn or modified by the mover at any time before it has been amended or voted on.

**F. AMENDMENTS.****343. AMENDMENTS TO BE WRITTEN.**

(a) Members shall endeavor to file amendments to pending bills and resolutions in writing in the Office of the Secretary for circulation to members of the Council at least 24 hours preceding the legislative meeting at which they are to be moved.

(b) Prior to a vote on a measure, oral amendments shall be reduced to writing and read by the General Counsel, and made available for public inspection as soon as practicable.

**344. NON-GERMANE AMENDMENTS.**

Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the measure to be amended. A non-germane amendment to a bill requires 2 readings, must include a fiscal impact statement, and be approved by 2/3rds of the members present and voting. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject.

**345. FRIENDLY AMENDMENTS.**

Without objection, the mover of a motion or a measure may accept a friendly amendment which, if accepted, shall be voted on simultaneously with the motion or measure. A friendly amendment to a second degree amendment shall not be considered a third degree amendment.

**346. AMENDMENT IN THE NATURE OF A SUBSTITUTE.**

(a) A notice of an intent to move an amendment in the nature of a substitute at a legislative meeting shall be circulated to all Members and the Secretary of the Council no later than 12 p.m. the business day prior to the scheduled legislative meeting.

(b) Whenever an amendment in the nature of a substitute is moved, it shall reflect all substantive changes from the prior version of the legislation (committee print or engrossment) by using strikeouts on the language which is proposed to be deleted from the prior version and an underscore on all new language being added by the amendment in the nature of a substitute.

(c) The mover of an amendment in the nature of a substitute may have a separate

amendment considered simultaneously with the amendment in the nature of a substitute.

## **G. VOTING.**

### **351. FORM OF VOTE.**

Voting shall be in the form of "YES", "NO", and "PRESENT". A vote of "PRESENT" shall be deemed the equivalent of an abstention or a non-vote.

### **352. VOICE VOTES.**

Except as provided in Rule 353, votes on all questions shall be by voice, with the results determined by the Chairman. A member's vote upon any matter shall be recorded upon request.

### **353. DEMAND FOR ROLL CALL VOTE.**

Any member, in advance of a vote or promptly thereafter, may demand a roll call vote.

### **354. CALLING THE ROLL.**

When a roll call vote is demanded, the Secretary shall call the roll of the members in rotating alphabetical order so that the member whose name is called first is the same member whose name was called second on the next previous vote, and so on through the roll, so that the member whose name is called last is the same member whose name was called first on the next previous vote. At the end of the roll call, the names of those who failed to answer can be called again, or the chair can ask if anyone entered the room after his name was called. Changes of vote are also permitted at this time, before the result is announced. No member may vote "pass" more than once on the same amendment or the bill in its entirety. A second vote of "pass" shall be considered a vote of "present."

### **355. RECORDS OF VOTES.**

(a) When a vote on legislation is by voice vote, the Secretary will record all members present as voting "yes" unless there has been a request to be recorded as having voted "no", a member votes "present," or a member has recused himself or herself from voting.

(b) When a roll call vote is demanded, the Secretary will record the names of those voting "YES", "NO", or "PRESENT". Members will be recorded as absent if they are not in the chambers when a vote is taken. Voting records are official records of the Council.

**356. PROXY VOTING PROHIBITED.**

No proxy shall be permitted either for the purpose of voting or for the purpose of obtaining a quorum.

**357. RECONSIDERATION.**

(a) Any member recorded as having voted with the prevailing side on a question may move to reconsider the question at any time, except as limited by this section. An act may be reconsidered before it has been approved, deemed approved, or vetoed by the Mayor. A resolution may be reconsidered at any time prior to its implementation. A committee may reconsider its vote to report legislation at any time before the Council votes on the measure.

(b) For the purpose of this rule, any member who was present and voting on a question decided by a voice vote will be considered as having voted with the prevailing side on the question, unless the member had asked to be recorded as voting against the prevailing side or "PRESENT".

(c) A motion to reconsider can not be made by a member who was absent during a voice or roll call vote on a question.

(d) A motion to reconsider requires the approval of a majority of the members present and voting.

(e) When a motion to reconsider a vote is defeated, it cannot be repeated.

(f) A motion to reconsider is not required to consider amendments to move, to strike, or to accept amendments accepted or rejected on a previous reading of a bill.

(g) Votes to approve or amend these Rules may not be reconsidered pursuant to this section.

**358. SUMMONS OF MEMBERS.**

(a) Prior to the vote on legislation, the Chairman may hold open the calling for the vote for a period of no longer than two minutes. During that time, all members who are absent from the Council Chamber shall be summoned. At the direction of the Chairman, the Secretary shall call the names of the members.

(b) No member may be summoned more than twice at the same legislative meeting.

**ARTICLE IV – LEGISLATION.****A. INTRODUCTION OF LEGISLATION.****401. WHO MAY INTRODUCE.**

(a)(1) Only members of the Council may introduce legislation for consideration by the Council.

(2) At the time legislation is filed in the Office of the Secretary, the legislation shall be placed on the Council "v" drive.

(b) Any proposed legislation transmitted to the Council by the Mayor or a Charter independent agency submitted in appropriate form and in compliance with these Rules shall be introduced by the Chairman, at the request of the Mayor or a Charter independent agency. Any bill or resolution proposed by the Mayor or a Charter independent agency shall be delivered to the Office of the Secretary the second business day preceding any meeting of the Council as a prerequisite to its introduction or consideration at such meeting. All legislation from the Mayor or a Charter independent agency shall be transmitted to the Council by diskette and hard copy, or any other medium as determined by the Secretary. All confirmation resolutions submitted to the Council by the Mayor shall include a copy of the current resume of the nominee. The Secretary to the Council shall determine whether the proposed legislation is in appropriate form and may return any proposed legislation that is not in appropriate form to the Mayor or the Charter independent agency.

**402. MANNER OF INTRODUCTION.**

(a) Members of the Council may introduce bills and resolutions either by:

(1) Reading the short title of the bill or resolution, except a ceremonial resolution, during the period of a legislative meeting or a work session of the Committee of the Whole designated for introductions and immediately providing the Secretary with the signed original of the bill or resolution; or

(2) Filing the signed original of the bill or resolution in the office of the Secretary during normal business hours.

(b) Unless specifically provided otherwise by law, no matter transmitted for a period of Council review prior to its taking effect shall be deemed transmitted to the Council or the Chairman, and no time period for Council review shall begin to run until the matter has been formally introduced by the Chairman at a legislative meeting or work session of the Committee of the Whole.

(c) Whenever proposed legislation would require the Secretary to transmit its text or anything associated with the text to a person or organization, the sponsor of the legislation shall provide the Secretary with the last known address of the proposed recipient.

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(d) All measures transmitted for introduction by an entity other than the Council shall be addressed to the Chairman and filed in the Office of the Secretary. The Secretary shall circulate the measure in accordance with these rules.

**403. INTRODUCTION OF EMERGENCY LEGISLATION.**

Emergency legislation and resolutions declaring the existence of emergency circumstances may be introduced as provided in section 402 or may be introduced at a meeting called to consider the emergency legislation.

**404. READING INTRODUCTIONS.**

(a) At each legislative meeting of the Council and work session of the Committee of the Whole, during the period designated for introductions, the Secretary shall read the short titles of bills and proposed resolutions which were introduced, pursuant to section 402(a)(2), between the previous reporting period and the Thursday preceding the legislative or Committee of the Whole work session, giving the numbers assigned as provided in section 445, and the committee assignments as provided in section 405.

(b) Bills and proposed resolutions may not be debated or amended when they are read for introduction, but it is in order for a member to take exception to a committee assignment or to recommend or request that the Chairman make an alternative or additional committee assignment.

(c) The formal reading of the Secretary's report as provided in subsection (a) of this section may be waived by unanimous consent.

(d) Notwithstanding other provisions of this section, a member may raise questions regarding committee assignments of legislation included in the Secretary's report without a formal reading of the entire Secretary's report.

(e) No member shall be permitted to introduce more than a total of 3 bills or resolutions at a legislative meeting or Committee of the Whole work session.

(f) No member shall be permitted to speak more than 3 minutes on each bill or resolution that is introduced.

(g) No more than one member shall be permitted to speak on each bill or resolution that is introduced; provided, that a member may yield all or a part of his or her time provided by this subsection to another member.

**405. COMMITTEE ASSIGNMENT.**

(a) When a bill or proposed resolution is introduced prior to a legislative meeting or Committee of the Whole work session, the Chairman shall assign it to the appropriate committee or committees according to the standards of germaneness, unless the Council retains the measure. When a bill or proposed resolution is introduced at a legislative meeting or Committee of the

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Whole work session, the Chairman may provisionally assign the bill to a committee or committees. If the Chairman does not assign the bill or proposed resolution to another committee or committees within 72 hours, the assignment shall be deemed official at the end of the 72-hour period. If the Chairman assigns the bill or proposed resolution to another committee, the new assignment shall not become official until the next regularly scheduled legislative meeting or Committee of the Whole work session. The Chairman may assign a bill or proposed resolution for comments at any time.

(b)(1) The Chairman may assign a bill or resolution to 2 or more committees for sequential consideration of all or part of the measure, and may assign all or parts of the measure to other committees for comments.

(2) Where there is a sequential referral, the Chairman may make the referral and specify a time certain by which, once the measure has been voted upon favorably by one committee, the other committees to which the measure has been referred must report the measure. If a committee fails to file a report within the time period specified, the measure shall be deemed discharged from the committee, and the Secretary shall notify the Chairman that the bill or resolution is ready to be agendized for the next scheduled Committee of the Whole meeting. The Committee of the Whole shall consider the bill or resolution as reported out as well as any parts of a measure that have been automatically discharged.

(c) The Chairman may reassign a bill or resolution from one committee to another committee, except that the reassignment shall not become official until it has been noted at a legislative meeting or Committee of the Whole work session where the reassignment may be appealed in the same manner as any other decision of the Chairman.

(d) The Chairman's decisions on committee assignments may be appealed in the same manner as other decisions of the Chairman.

(e) A committee may not consider a bill or proposed resolution until the assignment is deemed official. An assignment is official once members of the Council have had an opportunity to object to the committee assignment at a legislative meeting or Committee of the Whole work session. This subsection shall not apply to matters referred to the Committee of the Whole, if referral to the Committee of the Whole is required by these Rules.

#### **406. COMMENTS BY EXECUTIVE BRANCH.**

The Executive Branch may comment on any bill or resolution. Unless otherwise required by law, neither the Council nor a committee must wait for Executive Branch comments before considering the measure.

#### **407. WITHDRAWAL OF LEGISLATION.**

(a) Whenever a rule, regulation, or resolution is proposed for promulgation by an entity other than the Council and is required by law to be approved, disapproved, or reviewed by the

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Council prior to its taking effect and would take effect automatically by operation of law, the proposal may be withdrawn formally by the proposer prior to final Council action or, if the Council takes no action, prior to any time limit imposed by law. The withdrawal shall render the original proposal a nullity as if it were never proposed. These proposed rules, regulations, and resolutions may be withdrawn only by written request transmitted to the Chairman.

(b) Whenever a measure is introduced by a member of the Council, it may be withdrawn formally by the introducer at any time before any action has been taken by the Committee to which it has been assigned (i.e., hearing, markup, or vote). The withdrawal shall be in writing and transmitted to the Secretary to the Council for circulation to the members. The withdrawal shall render the original proposal a nullity as if it were never proposed.

(c) Without objection, a committee chairperson may withdraw, one time only, a measure reported by that committee from Council consideration until the next regularly scheduled meeting.

(d) Notwithstanding subsection (a) of this section, if a member of the Council withdraws a resolution approving or disapproving a contract or reprogramming after the date the contract or reprogramming would otherwise have been deemed approved, the measure shall be deemed approved on the date the resolution is withdrawn, unless it has been deemed approved prior to that time by operation of law.

## **B. COUNCIL APPROVAL.**

### **411. CONSENT AGENDA.**

The Chairman shall prepare a consent agenda for each legislative meeting which shall include bills and resolutions that the Chairman believes will be adopted by unanimous vote. The consent agenda shall be approved by the Committee of the Whole at its work session immediately preceding the legislative meeting for which the agenda was prepared. Without objection, any member of the Council may amend the committee print of a bill or resolution without removing the bill or resolution from the consent agenda, if the amendment is delivered to the Secretary at or before the Committee of the Whole meeting and circulated at the Committee of the Whole meeting. Any member may strike a bill or proposed resolution from the consent agenda at the Committee of the Whole meeting or at the legislative meeting prior to the vote on the consent agenda. Bills and resolutions removed from the consent agenda shall be considered as provided in section 311, except that the Chairman may first consider items removed from the consent agenda. Prior to the vote on the consent agenda at a legislative meeting, and without objection from any other member, a member may request that a measure printed on the non-consent agenda be moved to the consent agenda. Legislation remaining on the consent agenda shall be approved by the Committee of the Whole and shall be considered at the legislative meeting as provided in section 311. Approval of the consent agenda during the legislative meeting will include the unanimous approval of all matters included in the consent agenda. If a member asks for his or her vote to be recorded on a particular measure, the measure shall not be included on the consent agenda.

**412. EMERGENCY LEGISLATION.**

(a) Where it is proposed that a bill or resolution be passed immediately due to emergency circumstances, the Council may debate the question of the existence of an emergency and then shall vote on whether emergency circumstances exist. If 2/3rds of the members of the Council find that emergency circumstances exist, the Council shall consider the bill on its merits.

(b) For purposes of this Rule, an "emergency" means a situation that adversely affects the health, safety, welfare, or economic well-being of a person for which legislative relief is deemed appropriate and necessary by the Council, and for which adherence to the ordinary legislative process would result in delay that would adversely affect the person whom the legislation is intended to protect.

(c) Emergency legislation shall take effect, according to its terms, either immediately or at a specific time. Pursuant to section 412(a) of the Charter, emergency legislation shall be effective law for not more than 90 days.

**413. TEMPORARY LEGISLATION.**

If the Council finds the existence of an emergency and approves an emergency bill under section 412, the Council may, at the same legislative meeting, consider a temporary bill on first reading without committee referral. The temporary bill must be substantially similar to the emergency bill and may remain effective for not more than 225 days.

**414. DISCHARGE.**

The Council, by a vote of 2/3rds of the members present and voting, may discharge a committee from further consideration of a measure that has been assigned to the committee. Upon approval of the discharge motion, the Council shall consider the bill or resolution as if it had been reported from the committee without amendment or modification or reassign the measure to another committee.

**415. VETOED LEGISLATION.**

Whenever an act of the Council is disapproved by the Mayor and returned to the Council pursuant to section 404(e) of the Charter, the disapproved act shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved act from a committee or committees. A member may move for the Council to reenact the disapproved act prior to the 30-day Council review period provided in section 404(e) of the Charter.

**C. NOTICE AND PUBLICATION OF INTENDED ACTIONS.****421. NOTICE TO MEMBERS.**

(a) The Secretary shall distribute, upon introduction, a copy of each measure to each member and, upon referral, to each committee to which the measure is assigned. The Secretary shall also distribute to each member, upon introduction or filing, a copy of each notice of public hearing or roundtable, notice of investigation by subpoena, and Mayoral disapproval of a Council act.

(b) Any document that is not required to be distributed under subsection (a) of this section may be distributed electronically, if a member agrees to such notice in writing in advance, and the electronic documents are identical to the documents that are circulated in paper or hard copy, including any attachments, tables, or charts.

(c) Each document required by these Rules to be transmitted to members shall be transmitted to the Council Officers.

**422. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS.**

(a) Except as provided in these Rules, 15 days notice by publication in the District of Columbia Register is required prior to:

- (1) Council adoption of a bill or resolution; and
- (2) The conduct of a legislative or investigative hearing.

(b) No prior notice by publication is required for the adoption of a ceremonial resolution, an emergency bill or resolution, a resolution declaring an emergency, or a resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or pertaining to the internal operation or organization of the Council.

(c) The Council or a committee may recess and reconvene at a future time or place to complete a scheduled hearing without additional notice by publication in the District of Columbia Register; provided, that the committee notifies the Secretary, and the Secretary posts a notice in a prominent place near the entrance of the hearing room or on the Council's official website of the new time or place.

**423. PERSONAL SERVICE OR ACTUAL NOTICE.**

Notice by publication is not required if all persons subject to an intended action are named, and in accordance with law, either are served personally or have actual notice of the Council's intended action.

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**424. ABBREVIATED NOTICE.**

Less than 15 days notice of intended action or for a hearing on a bill or resolution may be given upon good cause found and published with the notice.

**425. METHODS OF NOTICE.**

Where not otherwise required by these Rules or other provisions of law to be done in specific fashion, notice of intended actions, hearings, or meetings may be given by:

- (1) Publication in the District of Columbia Register;
- (2) Publication in one or more newspapers of general circulation;
- (3) Mailing notices to a mailing list of organizations and individuals established and maintained by the Secretary;
- (4) Use of other news media;
- (5) Posting notice in a prominent place in the John A. Wilson Building and other public buildings or posting places;
- (6) Facsimile;
- (7) E-mail;
- (8) Posting on the Council's official website; or
- (9) In any other manner directed by the Council.

**426. NOTICE OF EMERGENCY ACTIONS.**

(a) When an emergency bill or resolution is to be considered, a notice which includes a statement of the reasons for the emergency and the intended effect of the emergency bill or resolution shall be circulated to all members and the Secretary at least by noon on the third day, excluding weekends and holidays, before the legislative meeting at which the emergency action is to be considered, unless the nature of the emergency precludes such notice. If the nature of the emergency precludes the notice, the sponsor of the legislation shall ensure that members have notice at the earliest possible time prior to the meeting at which the emergency legislation is to be considered.

(b) A draft of the emergency bill or resolution shall be circulated to all members and the Secretary by noon on the second business day before the legislative meeting at which the emergency action is to be considered.

(c) Notwithstanding the provisions of subsection (a) of this section, public notice of intended emergency action shall be given prior to adoption of an emergency bill or resolution by at least one method provided in section 425.

**427. NOTICE OF TEMPORARY LEGISLATION.**

(a) Each temporary bill adopted pursuant to section 413, shall be circulated with the accompanying emergency legislation in accordance with section 426. Following approval on first reading, a notice of intent to adopt the temporary bill on second reading shall be published in the District of Columbia Register.

(b) When temporary legislation is to be considered under section 413, the notice of emergency legislation under section 426 shall include notice of the temporary legislation.

**428. NOTICE OF WAIVER OF RULE 231(c).**

(a) The notice of a request for a waiver of Rule 231(c) shall be circulated to all members and to the Secretary to the Council no later than noon on the second business day, before the legislative meeting at which a measure is to be considered.

(b) Prior to approval of a motion to waive Rule 231(c) for a measure, a certification shall be made of its legal sufficiency and technical compliance with the drafting rules of the Council; the completion of the record; and a determination made of the sufficiency of the fiscal impact statement required by section 443(c).

(c) At the time a request to waive Rule 231(c) is circulated to the Chairman, Members, and the Secretary, the committee report shall have been filed in the Office of the Secretary in order for it to be placed on the agenda for the appropriate legislative meeting.

(d) Approval of a motion to waive Rule 231(c) shall require a vote of 2/3rds of the members present and voting.

(e) Rule 231(c) shall not be waived if the legislation includes amendments made by committees that are outside the legislative jurisdiction of the committee.

**429. NOTICE OF CEREMONIAL RESOLUTIONS.**

Each ceremonial resolution shall be circulated to members and the Secretary to the Council by noon of the day prior to the legislative meeting at which it is to be considered. Without objection, ceremonial resolutions scheduled for presentation at a regularly scheduled legislative meeting, may be presented at the Committee of the Whole scheduled for the same day.

**430. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.**

Each act and resolution adopted by the Council shall be filed in the Office of the Mayor for publication in the District of Columbia Register. Except as provided in D.C. Official Code § 2-602, no act or resolution shall become effective until after its publication. Once notice by publication has been given in accordance with this section, no additional notice by publication is necessary for an act completing Congressional review to become effective law as provided in

section 602 of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02).

#### **D. LEGISLATIVE RECORDS.**

##### **441. RESPONSIBILITY FOR RECORDS.**

(a) The Secretary shall maintain accurate and up-to-date Council records, described in sections 446 and 447, and shall make the records available to the public.

(b) Each committee shall make records on legislation assigned to the committee and on other committee activities and shall file the records with the Secretary as required by these Rules. When the records are in the custody of the committee, the committee shall make them available to the public.

(c) Whenever the Secretary receives a request for information about the operation of the office or intra-office budget expenditures of a particular member, the Secretary shall immediately notify the affected member of the request by providing the member with a copy of the request. Before complying with the request the Secretary shall seek the opinion of the General Counsel on the legality and propriety of disclosing the requested information.

##### **442. FORM FOR INTRODUCTIONS.**

(a) Every bill and proposed resolution shall be introduced in typewritten form, signed by the member introducing it, include a long title that identifies the subject matter of the measure, and be in substantial compliance with the form required for final adoption. The Secretary to the Council shall make the determination as to whether the bill or proposed resolution complies with this subsection.

(b) Co-introduction of a bill or a proposed resolution shall be evidenced by the signature of the co-introducer on the face of the measure. Co-sponsorship shall be permitted up to the close of business the day following the legislative meeting or Committee of the Whole work session at which the measure was officially referred or by indication on the record at the legislative meeting.

##### **443. REPORTS ON LEGISLATION.**

(a) Each bill or resolution shall be accompanied by a draft report when it is considered by a committee, unless the committee votes to waive this requirement for a particular bill or resolution. In the event of a waiver, the committee shall vote on the draft report at a regularly scheduled, additional, or special meeting of the committee before filing the report and the reported bill or resolution with the Secretary.

(b) Each adopted report on a bill or resolution shall be in writing, signed by the

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committee's chairperson, accompanied by the final bill or resolution, and contain the following information regarding the reported legislation:

- (1) A statement of its purpose and effect;
- (2) A chronology of action, including the date of introduction, the date that the notice of hearing was published in the *D.C. Register*, date and description of any action taken at a committee meeting;
- (3) A detailed section-by-section analysis of its provisions;
- (4) The committee reasoning;
- (5) A fiscal impact statement as provided in subsection (c) of this section;
- (6) An analysis of the impact on existing provisions of law that it would modify or affect;
- (7) Dissenting, separate, and individual views of committee members, if members demanded the opportunity to state their views;
- (8) Any additional information that the committee directs to be included;
- (9) A record of the results of a voice vote or, if a roll call, the votes to adopt the legislation and the motion to adopt the report;
- (10) Any recorded votes on amendments to the bill;
- (11) A list of all introducers and co-sponsors;
- (12) The date that the notice of intended action was published in the *D.C. Register*;
- (13) A committee print that states the bill or proposed resolution number of the measure; in the top left-hand corner of the measure the name of the committee, the date of the committee markup, and the words "committee print";
- (14) The date of the committee markup shall be the date of the report ;
- (15) The committee's response to each relevant issue and concern raised in a recommendation adopted by a resolution of an affected Advisory Neighborhood Commissions, if any; and
- (16) A list of witnesses who testified at the hearing, or who submitted a statement for the record prior to the deadline established by the committee.

(c) Except for emergency declaration, ceremonial, confirmation, and sense of the Council resolutions, no bill, resolution, or amendment to a bill or resolution may be enacted or approved by the Council without a Council fiscal impact statement and worksheet, if applicable, which has been reviewed and approved by the Council Budget Director or the Chief Financial Officer in the measure, committee report, presented to the Council, at the time of its consideration. The Council fiscal impact statement shall include the estimate of the costs which will be incurred by the District as a result of the enactment of the measure in the current and each of the first 4 fiscal years for which the act or resolution is in effect, together with a statement of the basis for such estimate. The statements shall include the following:

- (1) A general statement of the effects the measure will have on the operating and capital budgets for the current and next 4 fiscal years;

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(2) A quantitative estimate of the expenditures needed to implement the measure;

(3) An identification of the revenues and funds currently available, or likely to be available from existing revenue sources to implement the measure, if it is to be implemented within the current fiscal year;

(4) A statement on the extent to which current appropriations are available to finance implementation of the measure, if it is to be implemented within the current fiscal year; and

(5) An identification of the specific funding source to be recommended in the forthcoming fiscal years to implement the measure, if the cost of implementation is estimated to exceed \$100,000 in that fiscal year.

(d) The Budget Director shall file quarterly reports with the Office of the Secretary, no later than 15 days at the end of each quarter, of the bills adopted by the Council which reference that the bills are subject to inclusion in the financial plan and budget or subject to appropriations. The Secretary shall circulate the reports to the Members within 24 hours of receipt.

(e) Each report prepared by the Committee of the Whole on a Council appointment to another body and each report prepared by another committee on a confirmation shall include a current resume of the nominee.

(f) (1) A committee chairperson shall file a reported bill or resolution with the Secretary within 20 days, excluding Saturdays, Sundays, legal holidays, and recesses of the Council, of committee action on the bill or resolution unless the committee votes to reconsider the bill or resolution.

(2) If a committee chairperson has failed to file a reported measure within the period of time specified in paragraph (1) of this subsection, the committee, by a majority vote of the members of the committee, may vote to have the measure as reported filed immediately with the Office of the Secretary, to be agendized at the next scheduled Committee of the Whole meeting.

(g) The Secretary to the Council shall make a determination as to whether the reported bill or proposed resolution and the report on the bill or proposed resolution comply with this section.

#### 444. ADDENDUM TO COMMITTEE REPORTS.

On final passage of a bill, a majority of the members of the Council or the Chairperson of a committee may request that a committee submit an addendum to a committee report that explains the Council reasoning for any amendments where amendments, including amendments in the nature of a substitute, have been passed by the full Council. A committee shall vote on an addendum to a committee report before it may be filed in the Office of the Secretary.

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**445. IDENTIFICATION OF COUNCIL DOCUMENTS.**

(a) Legislative documents shall be identified by a name that describes the type of document and a two part document number.

(b) Legislative documents shall be identified by the following names:

- (1) A bill, whether permanent, temporary, or emergency, shall be known as a "Bill";
- (2) A resolution, before its adoption, shall be known as a "Proposed Resolution";
- (3) An enacted bill signed by the Mayor, a bill vetoed by the Mayor and approved by members of the Council, or an approved initiative certified by the Board of Elections and Ethics shall be known as a "District of Columbia Act";
- (4) An adopted resolution shall be known as a "Resolution";
- (5) A ceremonial resolution, whether proposed or adopted, shall be known as a "Ceremonial Resolution";
- (6) An act that has taken effect following the 30-day Congressional review period shall be known as a "District of Columbia Law";
- (7) A proposed reorganization plan shall be known as a "Reorganization Plan";
- (8) A request for a reprogramming shall be known as a "Reprogramming Request";
- (9) A proposed state plan shall be known as a "Proposed State Plan";
- (10) A request for a grant application approval shall be known as a "Grant Application Request"; and
- (11) A request for a non-offsetting budget modification shall be known as a "Non-offsetting Budget Modification Request".

(c) The Secretary shall assign two-part numbers to Council documents identified in subsection (b) of this section in the order of introduction, filing, adoption, or approval. The first part of the number consists of the current Council Period, and the second part consists of a consecutive serial number beginning with the number "1" in each Council Period.

(d) A report on a measure or a topic shall be titled as a "Report on \_\_\_\_\_" (with the name to be filled in as appropriate under subsection(b) of this section). Titled reports shall be further identified by (1) a number corresponding to the number, if any, assigned to a measure; or (2) if the report is not on a measure, a sequential number preceded by the year filed.

**446. LEGISLATIVE FILES.**

The Secretary shall maintain an official file on each bill and proposed resolution, which shall include the original of the following:

- (1) The introduced version of the bill or proposed resolution;
- (2) Any recordings, transcripts, or items submitted for the record of hearings on the legislation;

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- (3) The committee report on the legislation;
- (4) Files transmitted from the committee regarding committee consideration of the bill or resolution;
- (5) Any amendments to the bill or proposed resolution presented in legislative meetings;
- (6) The engrossed and enrolled versions of the legislation;
- (7) Records of the publication and notice given of Council consideration of the legislation; and
- (8) Records of official transmittal of the legislation to the Mayor, to Congress, or other agencies or entities as required by law or the legislation.

**447. OTHER OFFICIAL RECORDS.**

The Secretary shall maintain other official Council records, including, but not limited to the following:

- (1) Transcripts and recordings of all legislative meetings;
- (2) Tape recordings and minutes of all committee meetings;
- (3) Tape recordings and documents submitted for the record of all legislative hearings;
- (4) Tape recordings and documents submitted for the record of investigative hearings, recordings and transcripts of depositions and other testimony taken in connection with investigations, and reports of investigations; and
- (5) Any other document or record required by law or these Rules to be filed with the Council or with the Secretary.

**448. RECORDS OF LEGISLATIVE MEETINGS.**

An audio tape recording of each legislative meeting shall be produced and maintained by the Office of the Secretary. In addition, the Office of the Secretary shall submit a final agenda with official actions of each legislative meeting for publication in the *D.C. Register*. A written transcript or a transcription of each legislative meeting shall be made available upon request. The Council may establish a fee to cover the cost of production of any recording or transcript.

**449. PUBLIC ACCESS TO RECORDS.**

Unless public access is restricted pursuant to section 504, copies of official Council records shall be available for public inspection during normal business hours and shall be available for reproduction and distribution to the public upon request. The Secretary shall establish a schedule of charges for reproduction of documents and recordings, which shall not exceed the total cost of the reproduction. The Secretary may waive charges in cases of financial

hardship.

#### **450. EFFECT OF END OF COUNCIL PERIOD.**

(a) A bill or resolution that has not been finally adopted by the Council before the end of the Council Period in which it was introduced lapses without prejudice to its reintroduction in a subsequent Council Period. If temporary legislation has been passed on first reading pursuant to section 413 at the last legislative meeting in a Council Period, it may be considered on final reading during the next Council Period. A matter that has been transmitted by the Mayor or an independent agency for a designated period of Council review, that is pending at the end of a Council period, shall be in the same status it was at the end of the prior Council period and the legislation assigned a new number. If notice required by these Rules has been given in the prior Council period, no additional notice shall be required prior to action on the matter.

(b) Legislation that has been finally adopted by the Council during one Council Period shall not lapse simply because any of the following occurs in a subsequent Council Period: it is approved or vetoed by the Mayor, approved by operation of law, reenacted after a veto, submitted to referendum, or transmitted to Congress.

(c) Records of measures that lapsed at the end of a Council Period may be incorporated by reference in the records of substantially similar bills or resolutions considered in a later Council Period, including the record of any hearing or roundtable that was held in a prior Council Period.

#### **451. TRANSMISSION OF ACTS.**

The Chairman shall transmit adopted acts to the Mayor and enacted acts to the United States Senate and the United States House of Representatives as required by the Charter.

#### **452. COMMITTEE RECORDS.**

Whenever there is a change in the chairperson of a committee, the incumbent committee chairperson shall ensure that official committee files and records are maintained and transmitted to the incoming committee chair.

#### **453. FOIA PROCEDURES.**

(a) For purposes of the Freedom of Information Act, D.C. Official Code § 2-531 *et seq.*, the Secretary to the Council shall be the Council's FOIA Officer.

(b) To ensure accurate and timely compliance with the law, whenever a request is received under the Freedom of Information Act, D.C. Official Code § 2-531 *et seq.*, it shall be forwarded to the Secretary to the Council within one business day of receipt. Once a determination is made, in consultation with the General Counsel, that the request is proper, all

information necessary to respond to the request shall be forwarded to the Secretary to the Council.

**ARTICLE V -- HEARING PROCEDURES.****A. PROCEDURES FOR HEARINGS.****501. AUTHORITY TO CALL HEARINGS.**

(a)(1) The Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District. A Council hearing may be called by the Chairman of the Council.

(2) A hearing shall be held on all permanent bills prior to final adoption by the Council. A hearing or roundtable is not required where a hearing on the same or a similar bill was held in a prior Council Period.

(b) A committee of the Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules.

(c) Unless a hearing is required by law or regulation, a committee may hold a roundtable on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules. A roundtable shall comply with the hearing requirements set forth in this Article. A committee shall not be required to meet the notice requirements of section 422(a)(2) to hold a roundtable, but shall comply with the notice requirements of section 421.

**502. QUORUM.**

One member of the Council, for the Council, or one member of a committee, for the committee, shall constitute a quorum for the purpose of holding a hearing.

**503. PARTICIPATION BY MEMBERS.**

(a) Each member may participate in hearings of the Council or of a committee, without regard to whether the member is a member of the committee conducting the hearing.

(b) Each member has a maximum of 10 minutes to question each witness until after each member has had an opportunity to question the witness.

**504. OPEN TO PUBLIC.**

(a) All hearings shall be open to the public unless, upon good cause shown, a majority of the Council or a committee approves the convening of a hearing in an executive meeting.

(b) Except as provided in subsection (c) of this section, all testimony taken and evidence received in an executive meeting shall be confidential and shall not be released to the public.

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(c) Upon good cause shown and after notice as provided in this subsection, a majority of the Council or Committee members may approve the release of testimony or evidence received in an executive meeting. Ten days prior to the release of testimony or evidence under this subsection, the Council or committee must notify, in writing, the affected witness that the Council or committee intends to release the testimony or evidence. Prior to the expiration of the 10-day period, the affected witness may request, in writing directed to the presiding Council or committee member, and the Council or committee may consider withholding the testimony or evidence described in the notice.

(d) If a committee, in the publication of notice of a public hearing, sets a deadline before which a member of the public must contact the committee to be permitted to be a witness at the public hearing, then at the time that the public hearing is held, each member of the public who complied with the committee's requirements shall be given an opportunity to testify.

**505. EXTENSION OF REMARKS.**

(a) A member, with the unanimous consent of the members of the Council or Committee holding a hearing who are present at the hearing, may revise and extend his or her remarks made at the hearing. No member may make an extension or revision of remarks that would cause another member's comments to be taken out of context. The official transcript of a hearing shall be annotated to indicate the extension or revision of remarks.

(b) The extension of remarks must be filed with the Secretary within 2 days after the first transcript of the remarks have been received in the member's office. Saturdays, Sundays, and legal holidays shall not be included in computing time under this section.

**506. RECESS.**

A hearing may be recessed at any time by the member presiding over the hearing.

**B. RECEIVING TESTIMONY.****511. QUESTIONING WITNESSES.**

Witnesses may be questioned by members of the Council or committee and, with the consent of the Chairman or presiding member, by authorized Council or committee staff, or counsel advising the Council or committee.

**512. DECORUM OF WITNESSES.**

(a) A witness may address a member only through the presiding member.

(b) A witness shall confine his or her remarks to the question under discussion and shall

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avoid making negative personal comments.

(c) The presiding member shall maintain order in the hearing and, after issuing a warning, may order the removal of a disorderly member of the public as provided in section 322.

### **C. RIGHTS OF WITNESSES.**

#### **521. RIGHT TO COUNSEL.**

Any witness who appears before the Council or a committee has the right to be represented by counsel.

#### **522. RIGHT TO MAKE OPENING STATEMENT.**

Any witness testifying at a hearing of the Council or a committee may submit an opening statement, which shall be placed in the record of the hearing. The presiding member may permit the witness to read his or her statement at the hearing.

**ARTICLE VI -- INVESTIGATIONS AND SUBPOENAS.****A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.****601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION.**

(a) In order to use subpoenas to obtain testimony or documents, the Council shall adopt a resolution authorizing an investigation by the Council or a special committee.

(b) In order to use subpoenas to obtain testimony or documents, a committee must adopt a resolution of the committee authorizing an investigation subject to the limits of section 501. This resolution must be filed in the Office of the Secretary.

(c) A resolution authorizing an investigation under this section shall delineate the purpose of the investigation and the subject matter to be investigated to afford witnesses adequate notice of the scope of the inquiry.

**602. NOTICE OF INVESTIGATION.**

Pursuant to section 422, the Secretary shall publish a notice of each investigation authorized under section 601 in the District of Columbia Register, which notice shall include a copy or description of the resolution authorizing the investigation and the date the resolution was filed in the Office of the Secretary.

**603. REPORT OF INVESTIGATION.**

(a) Within 90 days of the conclusion of an investigation under this article, a committee shall submit to the Council the results of the investigation, unless the Council, by majority vote of the members present and voting, extends the time limit.

(b) The committee, by a majority of the members present and voting, may vote not to release all or part of its report. The Council, by a majority of members present and voting, may direct a committee to release its report under terms that the Council sets.

**604. TESTIMONY UNDER OATH.**

A witness may be affirmed or sworn to give truthful testimony.

**605. ISSUING THE OATH.**

Any person authorized by law may issue an oath or affirmation to a witness.

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**606. DEPOSITIONS.**

The Council or committee may authorize a member, committee staff, or counsel advising the committee to take the testimony of witnesses by oral or written depositions.

**B. SUBPOENAS.****611. ISSUANCE OF SUBPOENAS.**

The Council, any standing committee of the Council, and, if authorized by the Resolution establishing it, any special committee, may subpoena the attendance and testimony of witnesses and the production of documents and other tangible items at meetings, hearings, and depositions in connection with an investigation. Subpoenas shall be issued in the form set forth in Appendix A, and, except as provided in section 613(b), shall be served not less than 5 business days prior to the return date.

**612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA.**

Prior to issuing a subpoena, a standing or authorized special committee shall submit a report to the Secretary to the Council outlining the nature and scope of the investigation and the type of information sought through the use of the subpoena.

**613. SERVICE OF SUBPOENAS.**

(a) Except as provided in subsection (b) of this section, subpoenas shall be served personally on the witness or his or her designated agent in one of the following ways, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the committee or the Council from among the staff appointed by the Secretary who are not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the committee or the Council for this purpose.

(b) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (a)(1) or (2) of this section may serve a subpoena by registered or certified mail not less than 8 business days prior to the return date.

**614. ENFORCEMENT OF SUBPOENAS.**

A committee may refer to the Council any case of contumacy by a person subpoenaed to appear before the committee. The Council, by resolution, may refer any case of contumacy by any person subpoenaed by the Council or a committee to the Superior Court of the District of

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Columbia as provided in section 413 of the Charter (D.C. Official Code § 1-204.13).

**C. RIGHTS OF WITNESSES.****621. RIGHT TO ASSERT PRIVILEGES.**

(a) A witness has the right to refuse to answer a question that might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the presiding member shall inquire into the witness' reasons for claiming the privilege. If the presiding member determines that the claim of privilege is not warranted, he or she shall direct the witness to answer the question. A witness' continued claim of privilege in the face of an order by the presiding member to answer a specific question constitutes contumacy by the witness.

**622. NOTIFICATION OF RIGHTS.**

Where a witness under subpoena is not represented by counsel, the presiding member shall advise the witness of his or her privilege against self incrimination.

**623. RIGHT TO TRANSCRIPT.**

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

**624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.**

Any person who is the subject of an investigation authorized under section 601 may submit written questions for the cross-examination of other witnesses at public hearings called by the Council or a committee. With the consent of the members present and voting, the questions may be put to the witness by a member, by an authorized staff member, or by counsel advising the Council or a committee.

**625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS.**

Any person, who is named or specifically identified in connection with an investigation and who believes that the testimony or other evidence or comment by a member of the Council or a committee or its staff does not comport with the truth, may file a sworn statement of facts relevant to the testimony or other evidence or comment complained of.

**ARTICLE VII -- BUDGET PROCEDURES.****A. BUDGET REVIEW PROCEDURES.****701. ROLE OF THE COMMITTEE OF THE WHOLE.**

The Mayor's annual budget request for the District government and any supplement or amendments to the budget submitted to the Council pursuant to section 442(a) of the Charter (D.C. Official Code § 1-204.42(a)) shall be assigned to the Committee of the Whole.

**702. BUDGET REVIEW SCHEDULE.**

The Council Budget Director, at the direction of the Chairman, shall prepare a budget review schedule that includes a hearing schedule, establishes dates for closing hearing records, a template for the required format of and submitting and filing of committee budget reports, and schedule other Council budget activities as necessary or appropriate. The budget review schedule shall be presented to the Committee of the Whole for approval.

**703. ROLE OF COUNCIL COMMITTEES.**

(a) Each standing committee shall be responsible, in accordance with the budget review schedule, for reviewing the budget requests for agencies within its purview, including, but not limited to:

(1) Holding public hearings on the proposed budget requests of agencies under the committee's purview and receiving testimony on those budget requests from agency representatives, Advisory Neighborhood Commissions, other organizations, and private citizens;

(2) Recommending funding and personnel levels for each agency under the committee's purview;

(3) Recommending appropriations language changes;

(4) Identifying, for agencies under the committee's purview, any additional budget needs not included in the committee's recommendation under paragraph (2) of this subsection, for which funding is sought;

(5) Identifying legislative actions required to implement committee budget recommendations; and

(6) Identifying issues for further analysis by the Mayor pursuant to section 442(a)(6) of the Charter (D.C. Official Code § 1-204.42(a)(6)).

(b) Each committee shall file, in accordance with the budget review schedule, the original committee markup and report with the Committee of the Whole. No committee shall file markups or reports that result in a net increase in the total amount of the budget request for all agencies under its purview, unless that markup or report also identifies additional revenue sources,

## ENROLLED ORIGINAL

additional budget reductions, or both, within the committee jurisdiction, sufficient to provide funding for the increase, unless another committee has directed funds to the committee for a specific purpose.

**704. COMMITTEE OF THE WHOLE CONSIDERATION OF BUDGET REQUEST.**

(a) The Council Budget Director, at the direction of the Chairman, upon receipt of committee reports and markups, shall prepare a summary of committee recommendations for presentation to the Committee of the Whole. This summary shall also include a comparison of the budget levels recommended by committees with any revenue level recommended by the Council Budget Director, at the direction of the Chairman, and the Chairman.

(b) The Council Budget Director, at the direction of the Chairman, shall refer any additional budget reductions recommended by a committee pursuant to section 703(b) to the committee having purview over the agency affected by the additional budget reduction for review and comment.

(c) The Committee of the Whole shall meet to consider committee reports, recommendations, and comments, and the Chairman's recommendations, if any, and shall proceed to mark up the Mayor's budget request. No amendment shall have the effect of putting the budget out of balance. The Council Budget Director, at the direction of the Chairman, shall prepare a draft report and act reflecting the Committee of the Whole action.

**705. COUNCIL CONSIDERATION OF THE BUDGET REQUEST.**

Following the markup and report on the full budget request by the Committee of the Whole, the reported budget request shall be presented for a single reading at the next legislative meeting or additional meeting called by the Chairman for that purpose.

**706. CONSIDERATION OF GROSS PLANNING BUDGET RESOLUTIONS.**

Gross planning budget resolutions, submitted by the Mayor pursuant to section 7 of the Funds Control Act (D.C. Official Code § 47-306), shall be referred to the Committee of the Whole for consideration according to these Rules.

**707. CONSIDERATION OF CONTROL BUDGET ACTS.**

Control budget acts, submitted by the Mayor pursuant to section 8 of the Funds Control Act (D.C. Official Code § 47-307), shall be referred to the Committee of the Whole for consideration according to these Rules.

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**B. REPROGRAMMING POLICY ACT PROCEDURES.****711. EFFECT OF RECESS ON PROCEDURES.**

Reprogramming requests and non-offsetting budget modification requests may not be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of the requests will continue to run during a recess of the Council.

**712. COMMITTEE REFERRAL OF REQUESTS.**

The Chairman may refer reprogramming requests and non-offsetting budget modification requests to the Committee of the Whole. The Chairman may also refer reprogramming requests for comments to the standing committee having oversight responsibility for the program or agency affected.

**713. CIRCULATION OF REQUESTS.**

The Secretary shall distribute copies of reprogramming requests to all members, pursuant to Rule 421, within one working day of the Chairman's filing of the request with the Secretary.

**714. PUBLICATION OF NOTICE.**

Upon receipt of a reprogramming request or a non-offsetting budget modification request, the Secretary shall publish a "notice of reprogramming request" or a "notice of non-offsetting budget modification request", as the case may be, in the District of Columbia Register, which, at a minimum, shall include the following:

- (1) A description of the action requested and the date the request was received by the Council; and
- (2) A statement that the request will be deemed approved 14 days from the date it was received by the Council unless a notice of disapproval has been filed prior to that time by a member of the Council, and that if a notice of disapproval is filed, the request will be deemed approved 30 days from the date the request was received unless, prior to that time, the Council adopts a resolution to disapprove the request.

**715. WITHDRAWAL OF REPROGRAMMING REQUESTS.**

The Mayor may withdraw a reprogramming request or non-offsetting budget modification request at any time prior to the Council's taking final action on the request, or prior to its taking effect without Council action.

## ENROLLED ORIGINAL

**716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.**

(a) To initiate disapproval of a reprogramming request or a non-offsetting budget modification request, a member of the Council shall file a written notice of disapproval with the Secretary to the Council or give oral notice of disapproval at a legislative meeting of the Council within 14 days after the Council receives the request. The Secretary shall circulate copies of the written notice of disapproval to all members.

(b) If this notice is given, the Council may consider and take final action, as provided in this section, to disapprove the request within 30 calendar days after the Council receives the request.

**717. AUTOMATIC APPROVAL OF REQUESTS.**

If the notice of disapproval provided in section 716 is not given within 14 days after the Council receives the request, the reprogramming request shall be deemed approved. If the notice is given as provided in section 716(a) and the Council does not take final action to disapprove the request as provided in this section, the reprogramming request shall be deemed approved.

**718. TRANSMITTAL TO MAYOR.**

The Chairman of the Council shall transmit, by letter to the Mayor, notification of the Council's disapproval or failure to disapprove a reprogramming request.

**C. FUNDS CONTROL ACT PROCEDURES.****721. APPLICABILITY OF PROCEDURES.**

(a) This part applies to the Council's consideration of grant applications, state plan approval requests, and budget structure resolutions.

(b) Except as provided in subsection (c) of this section, borrowing request resolutions shall be considered in accordance with Council Rules applicable to resolutions.

(c) Committee reports on borrowing requests shall comply, where appropriate, with the requirements for reports on measures set forth in section 443 and may include, but not be limited to:

(1) The amount to be borrowed;

(2) The purposes for which the funds are to be used, by control and responsibility center; and

(3) An identification of the type and amount of revenue anticipated from each source to be used to repay the amount to be borrowed, the anticipated dates of receipt of the funds, and a schedule of repayment of the funds.

## ENROLLED ORIGINAL

**722. EFFECT OF RECESS ON FUNDS CONTROL ACT PROCEDURES.**

No grant application, state plan approval request, or budget structure resolution may be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of these matters shall continue to run during a recess of the Council.

**723. COMMITTEE REFERRAL OF REQUESTS.**

Grant applications, state approval requests, and budget structure resolutions shall be referred to the Committee of the Whole with comments from the standing committee having oversight responsibility for the agency or program affected. Budget structure resolutions shall be referred to the Committee of the Whole.

**724. CIRCULATION OF REQUESTS.**

Grant applications, state plan approval requests, and budget structure resolutions shall be circulated to all members of the Council within one working day after their receipt.

**725. REQUIREMENTS FOR DISAPPROVAL.**

(a) To initiate disapproval of a grant application, state plan approval request, or budget structure resolution, a member of the Council shall file a written notice of disapproval with the Secretary to the Council within 14 days after the Council receives the request.

(b) If this notice is given, the Council may consider and take final action, as provided in this section, to disapprove the request within 30 days after the Council receives the request.

**726. AUTOMATIC APPROVAL OF REQUESTS.**

If the notice provided in section 725(a) is not given within 14 days after the Council receives the request, the grant application, state plan approval request, or budget structure resolution shall be deemed approved. If the notice is given and the Council does not take final action to disapprove the request as provided in this section, the request shall be deemed approved.

**727. TRANSMITTAL TO MAYOR.**

The Chairman of the Council shall transmit, by letter to the Mayor, notification of the Council's disapproval or failure to disapprove grant applications, state plan approval requests, and budget structure resolutions.

**D. SPECIFIED FUNDING ALLOCATION PROCEDURES.****730. REQUIRED INFORMATION PRIOR TO APPROVAL.**

(a) To receive an earmarked grant through the budget process or a supplemental budget, each named grantee shall submit 2 copies of the following, postmarked or hand delivered to the Council's Office of the Budget Director no later than 7 calendar days following the date of the scheduled vote of the Council on the Budget Request Act;

(1) The organization's Articles of Incorporation;

(2) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

(3)(A) The organization's most recent financial audit, not more than 2 years old; or

(B) A recent financial statement, not more than 1 year old, prepared by a certified accountant that shows that the organization is in good financial standing and which delineates its:

(i) Existing assets and liabilities;

(ii) Pending lawsuits, if any; and

(iii) Pending and final judgments, if any;

(4) Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year;

(5) A notarized statement from the grantee certifying that:

(A) The organization is current on District and federal taxes;

(B) The Council of the District of Columbia is authorized to verify the organization's tax status with the District of Columbia Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the Council, the Mayor, and the D.C. Auditor;

(C) The organization focuses primarily on services to District of Columbia;

and

(D) The District government shall have access to its financial, administrative, and operational records, including specific consent for the District of Columbia Auditor to access its books, accounts, records, findings, and documents related to the grant; and

(6) A comprehensive program statement that includes a detailed:

(A) Scope of work; and

(B) Budget that describes how the grant funds shall be spent.

(b) Nothing in this title shall be construed as waiving the requirements to submit information required of all grantees by the grantor agencies or organizations.

(c)(1) If an organization cannot meet the submission requirements established in subsection (b) of this section, the organization shall be required to submit:

(A) A notarized statement designating a nonprofit organization, which does

meet the criteria, to serve as its fiscal agent or fiscal sponsor postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section; and

(B) The information required by subsection (a)(5) of this section.

(2) The fiscal agent or fiscal sponsor shall be required to submit the following, postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section.

(A) A notarized statement agreeing to serve as fiscal agent or fiscal sponsor; and

(B) The information required by subsection (a) of this section.

(d) All earmarked grants shall be listed in the Budget Support Act to include the grantee name, grant amount, and purpose of the grant. Prior to the second reading of the Budget Support Act, the Council's Budget Director shall certify, which grantees have met the requirements of subsection (a) of this section. Any grantee that has not met the requirements, shall be removed from the Budget Support Act on second reading, and shall not receive funding through an earmarked grant.

### **731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.**

(a) Beginning with the Fiscal Year 2011 budget, an organization shall not receive a specified funding allocation if the organization has received an award in the prior fiscal year.

(b) An organization that receives a specified funding allocation for a capital project shall be limited to only one capital award, annually.

### **732. LIMITS ON AWARD AMOUNTS.**

Specified funding allocations shall be limited to \$250,000 for non-capital projects and \$1 million for all capital projects.

### **733. AUDIT REQUIREMENTS.**

(a) Grantees shall be notified that the District of Columbia Auditor will randomly audit grant recipients.

(b) The District of Columbia Auditor's report shall be issued no later than March 1st of the fiscal year immediately following the year for which the grant was awarded.

**ARTICLE VIII -- OFFICIAL MAIL AND LEGAL CORRESPONDENCE.****A. OFFICIAL MAIL.****801. DEFINITIONS.**

For the purposes of this article, the term:

(1) "Mass mailing" means the transmission through the mails of more than 100 substantially identical newsletters, news releases or similar types of material during any 30-day period, but shall not include a response to a communication initiated by a constituent.

(2) "Newsletter" or "news release" means the usual and customary correspondence that deals with such matters as the impact of laws and decisions on the government and its citizens, reports on public and official action taken by a Councilmember, and discussions of proposed or pending legislation or governmental action.

(3) "Official mail" means correspondence suitable to be mailed at public expense that pertains directly or indirectly to the legislative process or to a Council legislative function, including any matter related to a past or current Council, the performance of official duties by a Councilmember in connection with a Council function, or other related matters of public concern or public service.

**802. CONTENT OF OFFICIAL MAIL.**

To be mailed at public expense, a Councilmember's newsletter or report on constituent service activities must come within the definition of "official mail" set forth in section 801 and must conform to the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Official Code § 2-701 *et seq.*). (Official Correspondence Regulations").

**803. PERMITTED CATEGORIES OF OFFICIAL MAIL.**

Except as otherwise provided in this article or by law or rule, a Councilmember may not mail, as official mail, any matter, article, material, or document for any reason other than the following:

(1) A request for the matter, article, material, or document has been received by the Councilmember;

(2) The document is required by law to be mailed;

(3) The material or matter requests information pertinent to the conduct of the official business of the Council;

(4) The material contains information relating to the activities of the Council or the availability of a Council publication or other document;

(5) The enclosures are forms, blanks, cards, or other documents necessary or

beneficial to the administration of the Council;

(6) The materials are copies of federal, state or local laws, rules, regulations, orders, instructions, or interpretations thereof; or

(7) The materials are to be mailed to federal, state, or other public authorities.

#### **804. MARKING REQUIREMENTS FOR ENVELOPES.**

An envelope that is used to enclose official mail shall bear upon its facing, in addition to the name and address of the Council, the words "official business."

#### **805. PROHIBITIONS AND FORMAT OF NEWSLETTERS.**

(a) A Councilmember may not mail, as official mail, a mass mailing within the 90-day period that immediately precedes a primary, special, or general election in which the Councilmember is a candidate for office.

(b) To be mailed at public expense as official mail, a Councilmember's newsletter or report on constituent service activities may not contain any of the following:

(1) An autobiographical article, except that incidental references to personal matters or to autobiographical information shall not cause the newsletter or report to be non-frankable;

(2) A political cartoon that depicts a recognizable political personality or party;

(3) An announcement of a filing for reelection;

(4) An announcement of a political or partisan meeting;

(5) A reference to a past or future political campaign;

(6) An personal reference that is included for publicity, advertising, or political purposes;

(7) A report on family life, except that information concerning someone in a Councilmember's family who has been appointed or designated to serve in an official governmental capacity shall be permitted;

(8) A direct or indirect solicitation of funds;

(9) An expression of holiday greetings from the Councilmember or the Councilmember's family;

(10) An item that is purely personal to the Councilmember and unrelated to the official duties, activities, and business of the Councilmember;

(11) An article about a community event that is unrelated to official government business; and

(12) A report on non-official activities of the Councilmember that has the effect of lending the franking privilege to others, no matter how worthwhile or charitable the endeavors of those to whom the franking privilege would be loaned.

**806. AUTHORIZED USES OF OFFICIAL MAIL.**

Section 805 shall not be interpreted to prohibit a Councilmember or the Councilmember's staff from mailing, as official mail, any of the following:

- (1) The whole or part of a record, speech, debate, or report of the Council or a committee of the Council;
- (2) The tabulation of a Councilmember's vote or explanation of the vote;
- (3) An expression of condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;
- (4) Information concerning the Councilmember's schedule of meeting constituents;
- (5) Information concerning the meeting schedule and agenda for committees and subcommittees upon which the Councilmember serves;
- (6) Information concerning financial disclosure information, whether or not required by law;
- (7) Matter that consists of federal, state, or local laws, regulations or publications paid for by public funds;
- (8) A questionnaire that relates to matters on public policy or administration; and
- (9) Matter that contains a picture of the Councilmember or biographical or autobiographical data whenever the matter is mailed in response to a specific request.

**807. PHOTOGRAPHS AND SKETCHES CONTAINED IN NEWSLETTERS.**

Each photograph or sketch contained in a newsletter or report on constituent service activities shall relate to the official legislative duties of the Councilmember and shall not, because of excessive use and size, have the effect of advertising or publicizing the Councilmember. In addition, to be mailed at public expense as official mail, a newsletter or report on constituent service activities may not contain any of the following:

- (1) More than 1 photograph or likeness of the Councilmember appearing alone;
- (2) A photographic likeness of the Councilmember appearing alone that covers more than 6% of a single page or that exceeds 6 square inches on 8 ½" x 11" paper;
- (3) More than 2 photographs per page that include the Councilmember with other persons;
- (4) Two photographs on a single page that include the Councilmember and exceed 20% of the page;
- (5) A photograph of a Councilmember with a label such as "Democrat", "Republican", "Statehood Party", or any other label that purports to advertise the Councilmember rather than to illustrate the accompanying text; and
- (6) A photograph that does not relate to, illustrate, or explain the accompanying text.

**808. SIZE AND PRINT TYPES FOR NAMES.**

(a) A Councilmember's name in the masthead of a newsletter shall not appear in print type larger than ½" in height.

(b) A Councilmember's name in the text of a newsletter shall not appear in type style or size larger than the other matter, nor in print size larger than 1/4" in height.

**809. USE OF OFFICIAL MAIL BY OFFICIALS-ELECT.**

In addition to Councilmembers, the Chairman-elect and members-elect of the Council may mail materials as official mail.

**810. GENERAL COUNSEL REVIEW.**

The General Counsel shall be available to Councilmembers and their staffs to review materials intended to be mailed as official mail to ensure that the materials comply with the laws and rules governing official mail. Upon written request of a Councilmember, the General Counsel shall provide a written opinion concerning whether the materials, submitted by the Councilmember and intended to be mailed as official mail, comply with the laws and rules governing official mail.

**811. APPLICATION.**

Article VIII of these Rules shall only apply to mailings that involve public expense.

**B. LEGAL CORRESPONDENCE.****851. SERVICE OF PROCESS.**

(a) For the purpose of receiving legal correspondence (including summonses, complaints, and subpoenas), the Secretary and the General Counsel may accept service of process for the Council or any Member.

(b) To ensure timely responses to legal pleadings, and to timely assert the Council's legislative privilege for actions taken within the scope of a Member's legislative duties pursuant to D.C. Official Code § 1-301.42, legal correspondence shall be transmitted to the Office of the General Counsel within one business day of receipt.

(c) A Member may not accept service of process of a legal document on behalf of the Council or for another Member.

(d) The Office of the General Counsel shall provide legal representation on behalf of, or make a request of the Office of Attorney General for legal representation for, every Member and

Council staff person for actions taken within the scope of their legislative duties.

**ARTICLE IX -- AUDITOR.****901. SELECTION.**

The Chairman shall nominate the Auditor and the Council shall act on the nomination by resolution.

**902. TERM AND COMPENSATION.**

The Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Council.

**903. VACANCY.**

A vacancy in the Office of the Auditor shall be filled in the manner prescribed for full-term appointments to that office and any person appointed to fill the vacancy shall serve until the end of the predecessor's term.

**904. STAFF.**

The Auditor shall appoint, remove, and set the relative remuneration (pursuant to the budget of the Office of the Auditor) of the Auditor's subordinate staff.

**905. REPORTS AVAILABLE TO THE PUBLIC.**

The Council shall make audit reports submitted to the Council by the Auditor, and any other material it deems pertinent to the report, available for public inspection.

**ARTICLE X -- CONSTRUCTION, SUSPENSION, AND AMENDMENT OF RULES.****1001. PARLIAMENTARY AUTHORITY.**

Matters not covered by these Rules will be governed by Robert's Rules of Order, Newly Revised. It is the duty of the Chairman to interpret the Rules. Matters not covered by Robert's Rules of Order, Newly Revised, shall be determined by the Chairman subject to the right of a member to appeal the ruling of the Chairman.

**1002. GENDER RULE OF CONSTRUCTION.**

Unless the context indicates otherwise, words importing one gender include the other gender.

**1003. SUSPENSION OF RULES.**

Except for rules regarding notice, quorum, or amendment of these Rules and any requirement of the Charter or other law, any Rule governing procedures of the Council may be suspended during the consideration of a specified matter by motion to suspend the Rules approved by 2/3rds of the members present and voting.

**1004. AMENDMENT OF RULES.**

- (a) These Rules may be amended by a vote of a majority of the Council.
- (b) An amendment must be proposed in writing, signed by the proposer, circulated to all members and the Secretary to the Council, and posted in prominent places in the John A. Wilson Building at least 15 days prior to consideration of the amendment.
- (c) Seven members may vote to waive or shorten the 15-day notice period.

**1005. EFFECTIVE PERIOD.**

These Rules shall be effective until superseded by Rules of Organization and Procedure adopted in a succeeding Council Period as provided in section 301.

APPENDIX.

SUBPOENA

TO: \_\_\_\_\_  
\_\_\_\_\_  
(Address)

PURSUANT TO D.C. Official Code §1-204.13, YOU ARE COMMANDED TO APPEAR before the (Council/Committee on) \_\_\_\_\_, of the Council of the District of Columbia, at \_\_\_\_\_ (a.m./p.m.) on the day of \_\_\_\_\_, 20\_\_, to testify before the Council/Committee concerning: \_\_\_\_\_ and bring with you : \_\_\_\_\_.

ISSUED BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
Chairman/Member of the Secretary to the Council  
Council of the District of Columbia (Seal of the District)

IMPORTANT: If you fail to appear at the time and place stated or to bring with you the documents or items requested, the Council may refer the matter to the Superior Court of the District of Columbia for an order compelling your attendance or the production of the documents or items requested. Failure to obey such an order may be punished as contempt of Court. DO NOT FAIL TO APPEAR OR PRODUCE THE REQUESTED ITEMS AT THE REQUIRED TIME.

RETURN:

I, \_\_\_\_\_ certify that I served a copy of this subpoena on the named party at \_\_\_\_\_ (address), on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_, (a.m./p.m.) by the following means:

PROCESS SERVER: \_\_\_\_\_  
(Address) Washington, D.C.

DISTRICT OF COLUMBIA: SS

SUBSCRIBED AND AFFIRMED TO ME BEFORE THIS \_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
NOTARY PUBLIC, D.C.

MY COMMISSION EXPIRES:

You may obtain a copy of the Rules of Organization and Procedure for the Council of the District of Columbia and the Resolution authorizing this investigation from the Council's Legislative Services Division, John A. Wilson Building, Room 10, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

## ENROLLED ORIGINAL

## A RESOLUTION

18-2

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To appoint the Chairperson Pro Tempore and chairpersons and members of each standing committee of the Council of the District of Columbia during Council Period 18.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 18 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2009".

Sec. 2. Pursuant to section 212 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, effective January 2, 2009 (Res. 18-1; 56 DCR \_\_\_) ("Rules"), the Council of the District of Columbia ("Council") appoints Jack Evans as Chairperson Pro Tempore.

Sec. 3. Pursuant to section 221 of the Rules, the Council appoints the following committee chairpersons and members:

(1) The chairperson of the Committee on Aging and Community Affairs, established by section 232 of the Rules, shall be Yvette Alexander, and its members shall be Jim Graham, Mary Cheh, Harry Thomas, Jr., and Michael Brown.

(2) The chairperson of the Committee on Economic Development, established by section 233 of the Rules, shall be Kwame Brown, and its members shall be Jack Evans, Marion Barry, Yvette Alexander, and Muriel Bowser.

(3) The chairperson of the Committee on Finance and Revenue, established by section 234 of the Rules, shall be Jack Evans, and its members shall be David Catania, Marion Barry, Kwame Brown, and Michael Brown.

(4) The chairperson of the Committee on Government Operations and the Environment, established by section 235 of the Rules, shall be Mary Cheh, and its members shall be David Catania, Kwame Brown, Harry Thomas, Jr., and Tommy Wells.

(5) The chairperson of the Committee on Health, established by section 236 of the Rules, shall be David Catania, and its members shall be Tommy Wells, Marion Barry, Mary Cheh, and Yvette Alexander.

## ENROLLED ORIGINAL

(6) The chairperson of the Committee on Housing and Workforce Development established by section 237 of the Rules, shall be Marion Barry, and its members shall be Phil Mendelson, Jim Graham, Harry Thomas, Jr., and Michael Brown.

(7) The chairperson of the Committee on Human Services, established by section 238 of the Rules, shall be Tommy Wells, and its members shall be Muriel Bowser, Phil Mendelson, Marion Barry, and Michael Brown.

(8) The chairperson of the Committee on Libraries, Parks and Recreation, established by section 239 of the Rules, shall be Harry Thomas, Jr., and its members shall be David Catania, Phil Mendelson, Yvette Alexander, and Kwame Brown.

(9) The chairperson of the Committee on Public Safety and the Judiciary, established by section 240 of the Rules, shall be Phil Mendelson, and its members shall be Jack Evans, Mary Cheh, Muriel Bowser, and Yvette Alexander.

(10) The chairperson of the Committee on Public Services and Consumer Affairs, established by section 241 of the Rules, shall be Muriel Bowser, and its members shall be Mary Cheh, Jim Graham, Harry Thomas, Jr., and Michael Brown.

(11) The chairperson of the Committee on Public Works and Transportation, established by section 242 of the Rules, shall be Jim Graham, and its members shall be Kwame Brown, Muriel Bowser, Phil Mendelson, and Tommy Wells.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To reappoint Cynthia Brock-Smith as the Secretary to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Secretary to the Council of the District of Columbia Cynthia Brock-Smith Reappointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia reappoints:

Cynthia Brock-Smith  
2939 Fort Baker Drive, S.E.  
Washington, D.C. 20020  
(Ward 7)

as Secretary to the Council of the District of Columbia, beginning January 2, 2009.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To reappoint Brian K. Flowers as the General Counsel to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "General Counsel to the Council of the District of Columbia Brian K. Flowers Reappointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia reappoints:

Brian K. Flowers  
1345 Irving Street, N.E.  
Washington, D.C. 20017  
(Ward 5)

as General Counsel to the Council of the District of Columbia, beginning January 2, 2009.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-5

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To reappoint Eric Goulet as the Budget Director to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Budget Director to the Council of the District of Columbia Eric Goulet Reappointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia reappoints:

Eric Goulet  
3801 Connecticut Avenue, N.W., # 308  
Washington D.C. 20008  
(Ward 3)

as Budget Director to the Council of the District of Columbia, beginning January 2, 2009.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To reappoint Ms. Susan M. Banta as the Policy Director to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Policy Director to the Council of the District of Columbia Susan M. Banta Reappointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Susan M. Banta  
2500 Springland Lane, N.W.  
Washington, D.C. 20008  
(Ward 3)

as Policy Director to the Council of the District of Columbia, beginning January 2, 2009.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-7

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To reappoint Jim Graham, Councilmember of the District of Columbia, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Directors of the Washington Metropolitan Area Transit Authority Jim Graham Reappointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia reappoints:

Jim Graham  
2853 Ontario Road, N.W.  
Washington, D.C. 20009  
(Ward 1)

a member of the Council of the District of Columbia, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with section 5(a) of the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01).

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee, the Mayor of the District of Columbia, and the Washington Metropolitan Area Transit Authority.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A RESOLUTION

18-8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2009

To appoint Michael Brown, Councilmember of the District of Columbia, as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Directors of the Washington Metropolitan Area Transit Authority Michael Brown Alternate Member Appointment Resolution of 2009".

Sec. 2. The Council of the District of Columbia appoints:

Michael Brown  
2612 Northampton Street, N.W.  
Washington, D.C. 20015  
(Ward 4)

a member of the Council of the District of Columbia, as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with section 5(a) of the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01).

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee, the Mayor of the District of Columbia, and the Washington Metropolitan Area Transit Authority.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.