

  
Chairman Phil Mendelson

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A PROPOSED RESOLUTION

—  
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
—

10 To provide rules of organization and procedure for the Council of the District of Columbia  
11 during Council Period 21 and to provide a Code of Official Conduct for the Council of  
12 the District of Columbia during Council Period 21.

13 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
14 resolution may be cited as the “Rules of Organization and Procedure for the Council of the  
15 District of Columbia, Council Period 21, Resolution of 2015”.

16 Sec. 2. The document entitled “Rules of Organization and Procedure for the Council of  
17 District of Columbia, Council Period 21,” attached and made a part of this resolution, shall be  
18 the rules of the Council of the District of Columbia.

19 Sec. 3. The document entitled “Council of the District of Columbia, Code of Official  
20 Conduct, Council Period 21,” attached and made a part of this resolution shall be the Code of  
21 Official Conduct of the Council of the District of Columbia.

22 Sec. 4. This resolution shall take effect immediately.

1                   **RULES OF ORGANIZATION AND PROCEDURE FOR THE**  
2                   **COUNCIL OF THE DISTRICT OF COLUMBIA, COUNCIL PERIOD 21**

3   **ARTICLE I—DEFINITIONS.**

4   **101. DEFINITIONS.**

5   For the purposes of these Rules, the term:

6   (1) "Agency" includes any of the organizational units of the District including a  
7   board, commission, department, division, instrumentality, or office, whether  
8   subordinate to or independent of the Mayor; provided, that "agency" does not  
9   include the Council or the District of Columbia courts.

10   (2) "Auditor" means the District of Columbia Auditor as established by section 455  
11   of the Charter (D.C. Official Code § 1-204.55).

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

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

17   (5) "Budget of the Council" means the approved budget for the Council.

18   (6) "Ceremonial resolution" means an expression of appreciation, an honorarium of  
19   limited application, or a declaration of no legal effect that is adopted without  
20   objection.

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

23   (8) "Charter" means Title IV of the Home Rule Act (D.C. Official Code § 1-204.01 *et*  
24   *seq.*).

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

28   (10) "Council" means the Council of the District of Columbia established by section  
29   401 of the Charter (D.C. Official Code § 1-204.01).

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

- 33 (12) "Council Period" means the legislative session of the Council beginning at noon  
34 on January 2nd of each odd-numbered year and ending at noon on January 2nd of  
35 the following odd-numbered year.
- 36 (13) "Council website" means the website with the domain name of dccouncil.us.
- 37 (14) "Emergency declaration resolution" means a resolution declaring the existence  
38 of emergency circumstances within the meaning of section 412(a) of the Charter  
39 (D.C. Official Code § 1-204.12(a)).
- 40 (15) "Engrossing" or "engrossment" means the process by which there is finally  
41 prepared the text of a bill that has passed any reading prior to final reading.
- 42 (16) "Enrolling" or "enrollment" means the process by which there is finally  
43 prepared the text of a measure that has passed final reading.
- 44 (17) "Ethics Board" means the Board of Ethics and Government Accountability  
45 established by section 202 of the Government Ethics Act of 2011, effective April 27,  
46 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02).
- 47 (18) "Fiscal impact statement" means a statement prepared by the Chief Financial  
48 Officer or the Budget Director that includes an estimate of the costs which will be  
49 incurred by the District as a result of the enactment of a measure in the current and  
50 each of the first 4 fiscal years for which the measure is in effect, together with a  
51 statement of the basis for such estimate.
- 52 (19) "Grant budget modification request" means any grant budget modification  
53 request required to be submitted by the Mayor to the Council pursuant to section  
54 446B of the Charter (D.C. Official Code § 1-204.46b).
- 55 (20) "Home Rule Act" means the District of Columbia Home Rule Act, approved  
56 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).
- 57 (21) "Independent agency" means an agency of the District of Columbia government  
58 not subject to the administrative control of the Mayor.
- 59 (22) "Mayor" means the Mayor of the District of Columbia as established by section  
60 421 of the Charter (D.C. Official Code § 1-204.21).
- 61 (23) "Measure" means a bill, resolution, or amendment to a bill or resolution, a  
62 motion pending before the Council or before a committee of the Council, a proposed  
63 reorganization plan, reprogramming request, grant budget modification request,  
64 proposed state plan, contract, or proposed municipal regulation transmitted by law  
65 to the Council for its approval.
- 66 (24) "Meeting" means, except for purposes of sections 371 through 375, the formal  
67 convening of a committee or the Council, other than solely for the purpose of

- 68 receiving testimony, held at a designated time and place for the purpose of  
69 transacting public business, including official action of any kind.
- 70 (25) "Normal business hours" means 9:00 a.m. through 5:30 p.m., Monday through  
71 Friday, except legal holidays.
- 72 (26) "Official action" has the same meaning as in section 742 of the Home Rule Act  
73 (D.C. Official Code § 1-207.42).
- 74 (27) "Person" means an individual, partnership, association, corporation, or any  
75 other organization.
- 76 (28) "Reading" means, within the meaning of section 412 of the Charter (D.C.  
77 Official Code § 1-204.12), an opportunity for the Members to debate and vote on  
78 proposed legislation at a regular or additional legislative meeting of the Council. A  
79 reconsideration of legislation after it has been transmitted to the Mayor is  
80 considered a "reading" where there has been at least 13 days intervening between  
81 the last reading of the legislation and the reconsideration date.
- 82 (29) "Recess of the Council" or "Council Recess" means periods of time during which  
83 regularly scheduled meetings of the Council are not held; i.e., the month of August  
84 through September 15th, the 9-day period beginning on the Friday immediately  
85 preceding Easter, the 17-day period beginning on July 15th of each year, and the  
86 9-day period ending on December 31st of each year.
- 87 (30) "Register" means the District of Columbia Register.
- 88 (31) "Remuneration" means the rate or level of compensation to be paid an employee  
89 for the performance of his or her duties up to and including, but no more than, the  
90 maximum authorized and appropriated by law.
- 91 (32) "Reprogramming Policy Act" means Subchapter IV of Chapter 3 of Title 47 of  
92 the District of Columbia Official Code (D.C. Official Code § 47-361 *et seq.*).
- 93 (33) "Reprogramming request" means any reprogramming request submitted to the  
94 Council pursuant to the Reprogramming Policy Act (D.C. Official Code § 47-363).
- 95 (34) "Resolution" means an expression of a simple determination, decision, or  
96 direction of the Council of a special or temporary character and includes actions of  
97 the Council concerning its internal management and conduct.
- 98 (35) "Sense of the Council Resolution" means a resolution to express a simple  
99 determination, decision, or direction of the Council of a special or temporary  
100 character;
- 101 (36) "Short title" means the term by which an act or resolution may be cited.

102 (37) "State plan approval request" means a request to approve a state plan  
103 submitted by the Mayor to the Council.

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

106 (39) "Transcription" means a *verbatim* recordation, including a tape or video  
107 recording.

108 **ARTICLE II—ORGANIZATION.**

109 **A. OATH OF OFFICE AND OFFICIAL CONDUCT.**

110 **201. OATH OF OFFICE.**

111 (a) On January 2nd of each odd-numbered year, a Councilmember whose term of  
112 office begins at that time shall take and subscribe an oath of office in accordance  
113 with subsection (c) of this section. The oath of office to a Councilmember shall be  
114 administered by a person of the Councilmember's choosing who is legally authorized  
115 to administer oaths. The Secretary shall supply printed copies of the oath, which  
116 shall be subscribed by the Councilmembers and returned to the Secretary and  
117 recorded in the Council records as conclusive proof of the fact that the signer took  
118 the oath in accordance with law.

119 (b) A Councilmember whose term of office does not begin at the beginning of a  
120 Council Period shall take and subscribe the oath of office as soon as practicable  
121 after he or she has been duly certified as having been elected or selected for the  
122 position.

123 (c) The oath of office shall be as follows: "I, (Councilmember's name) do solemnly  
124 swear (or affirm) that I will faithfully execute the laws of the United States of  
125 America and of the District of Columbia, and will, to the best of my ability,  
126 preserve, protect, and defend the Constitution of the United States and the District  
127 of Columbia Home Rule Act, and will faithfully discharge the duties of the office on  
128 which I am about to enter."

129 **202. CODE OF OFFICIAL CONDUCT.**

130 (a) Councilmembers and staff shall maintain a high level of ethical conduct in  
131 connection with the performance of their official duties and shall refrain from  
132 taking, ordering, or participating in any official action that would adversely affect  
133 the confidence of the public in the integrity of the District government.  
134 Councilmembers and staff shall strive to act solely in the public interest and not for  
135 any personal gain or take an official action on a matter as to which they have a  
136 conflict of interest created by a personal, family, client, or business interest,  
137 avoiding both actual and perceived conflicts of interest and preferential treatment.

138 (b) Councilmembers and staff shall take full responsibility for understanding and  
139 complying with the letter and spirit of all laws and regulations governing standards  
140 of conduct for District public officials, including those relating to conduct, conflicts  
141 of interest, gifts, disclosures, campaign finance, political activity, and freedom of  
142 information.

143 (c) Councilmembers and staff shall specifically adhere to the Code of Official  
144 Conduct of the Council of the District of Columbia.

145 (d)(1) The Council shall proactively review the District's overall ethics program,  
146 including structure, training, enforcement, and overall ethics culture, and work to  
147 comply with national standards for the creation of effective compliance and ethics  
148 programs.

149 (2) The Ethics Counselor for the Council, in coordination with the Board of Ethics  
150 and Government Accountability and Office of Campaign Finance, shall conduct  
151 mandatory training on the conflict of interest and ethics laws and regulations  
152 applicable to Councilmembers and staff on at least an annual basis. Ethics training  
153 materials, including summary guidelines to all applicable laws and regulations,  
154 shall be prepared by the Ethics Counselor for the Council and made readily  
155 available on the Council's website.

156 **B. EXECUTIVE OFFICERS OF THE COUNCIL.**

157 **211. CHAIRMAN.**

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

159 **212. CHAIRMAN PRO TEMPORE.**

160 In each Council period, the Chairman shall nominate one Councilmember as  
161 Chairman Pro Tempore who will act in the place of the Chairman when the  
162 Chairman is absent or is recused. The Council shall, by resolution, act on the  
163 nomination.

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

165 Whenever a vacancy occurs in the Office of the Chairman or the Chairman is  
166 serving as Acting Mayor, the Chairman Pro Tempore selected pursuant to section  
167 212 shall convene the Council. The Council shall, by resolution, elect one of its  
168 at-large members as Chairman and another at-large member as Chairman Pro  
169 Tempore until the vacancy in the Office of Chairman is filled or until the return of  
170 the regularly elected Chairman.

171 **C. COMMITTEE MEMBERSHIP.**

172 **221. SELECTION.**

173 At the organizational meeting convened in accordance with section 301 at the  
174 beginning of the Council Period, the Chairman shall nominate the chairperson and  
175 members of each committee of the Council and the Council shall, by resolution, act  
176 on the Chairman's nominations.

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

178 The Chairman shall be an ex officio, voting member of all committees and  
179 subcommittees. The Chairman may be counted for purposes of a quorum, but does  
180 not increase the quorum requirement for the committee or subcommittee.

181 **223. VACANCIES.**

182 Whenever a vacancy occurs in the membership or chair of a committee, the  
183 Chairman shall nominate a Councilmember to fill the vacancy and the Council  
184 shall, by resolution, act on the Chairman's nomination.

185 **224. DISTRIBUTION OF RESPONSIBILITY.**

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

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

191 (a) Any Councilmember may attend the meeting of any committee and may  
192 participate in committee discussions, but only a committee member may make a  
193 motion or cast a vote.

194 (b) Any Councilmember may participate fully in a hearing or roundtable of any  
195 committee.

196 **226. RULES OF COMMITTEES.**

197 (a) Each committee shall adopt written rules, not inconsistent with these Rules or  
198 other applicable law, to govern its procedures. The committee rules shall  
199 incorporate the following requirements:

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

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

- 203 (3) A procedure for holding additional meetings to be called by the chairperson;
- 204 (4) A procedure for holding special meetings, which shall be called at the request of  
205 a majority of the members of the committee;
- 206 (5) Procedures to govern the chair of a committee meeting in the absence of the  
207 chairperson;
- 208 (6) Procedures for keeping a complete record of all committee action, including roll-  
209 call votes;
- 210 (7) If, at the time of approval of a measure by a committee, a member of the  
211 committee gives notice of the intention to submit supplemental, minority, or  
212 additional views, that member shall be entitled to not less than 5 business days  
213 within which to file the views, which shall be included in the report of the  
214 committee on the measure;
- 215 (8) A procedure for amending the committee rules by a vote of a majority of the  
216 committee;
- 217 (9) A requirement that if an oral amendment is moved during a committee meeting,  
218 it shall, upon request by a member, be reduced to writing and read by the  
219 Committee Clerk or other staff of the Committee, and made available for public  
220 inspection as soon as practicable;
- 221 (10) A requirement for the circulation of notice of the date, hour, and place of all  
222 committee meetings to all Councilmembers at least 24 hours before the date of the  
223 meeting, along with a copy of the agenda of the meeting and a draft of any measures  
224 to be considered, unless at least 4 members of the committee agree, in a written  
225 record, to a shorter notice;
- 226 (11) A procedure for providing at least 24 hours' notice of the cancellation of a  
227 meeting;
- 228 (12) A procedure to ensure that meetings of the committee do not conflict with a  
229 previously scheduled meeting of another committee; and
- 230 (13) A procedure for the adoption of a consent agenda.
- 231 (b) The provisions of these Rules shall be considered rules of the committee.
- 232 (c) Where these Rules are silent, a committee may adopt additional rules.  
233 Committee rules adopted under this section shall be consistent with these Rules  
234 and other applicable law, and shall be filed with the Secretary.



235 (d) Each committee shall adopt its rules and appoint committee staff pursuant to  
236 section 272 within 14 business days of the organizational meeting held pursuant to  
237 section 301 and shall file the adopted rules and staff appointments.

238 **227. COMMITTEE-ACTIVITY REPORT.**

239 Each committee shall file a committee-activity report before the end of each Council  
240 period that details the committee's oversight and legislative activities. The format  
241 and content of the committee-activity report shall be determined by the Secretary.

242 **D. STANDING COMMITTEES.**

243 **231. COMMITTEE OF THE WHOLE.**

244 (a) The Committee of the Whole is responsible for the annual budget, and  
245 amendments, additions, or supplements to the budget; coordinating the Council's  
246 relationships with the Congress and the Federal executive branch; monitoring the  
247 progress of Council legislation through Congress; monitoring the status of original  
248 legislative proposals in Congress that may affect the District, the Council, or its  
249 legislation; amendments to the District Charter; Council appointments to Boards  
250 and Commissions; public-space naming; street and alley acquisition and closing;  
251 reapportionment and realignment of the political subdivisions of the District;  
252 Council administration and personnel; the scheduling of all matters for  
253 consideration by the Council in the legislative meeting; legislative matters related  
254 to the District as a political entity, including voting rights and statehood; grants  
255 management; government procurement; responsible for coordinating the Council's  
256 relationships with appropriate regional, state, and national associations and  
257 organizations; labor relations; the Council's relationship with regional authorities  
258 and other regional bodies and organizations not specifically assigned to other  
259 committees; truancy (jointly with the Committee on Education); homelessness  
260 (jointly with the Committee on Health and Human Services; District employees'  
261 retirement; the development of the comprehensive plan and other matters  
262 pertaining to land use; matters related to statehood and self-determination for the  
263 District; revision and codification of Title 49 of the D.C. Official Code; public  
264 education matters exclusively concerning the University of the District of Columbia  
265 or the Community College of the District of Columbia; international business and  
266 affairs; matters related to economic, industrial, and commercial development; the  
267 disposition of property for economic development purposes; matters relating to the  
268 general operations and services of government including general services,  
269 personnel, including employee appeals and general administration of the  
270 government of the District of Columbia; and other matters assigned to it by these  
271 Rules or by the Chairman.

272 (b) The Chairman is the chairperson of the Committee of the Whole, and its  
273 members include all members of the Council. The Committee of the Whole shall  
274 meet on the third Tuesday of each month, except during periods of Council Recess,  
275 in a work session to consider measures which have been reported and timely filed  
276 by committees pursuant to subsection (c) of this Rule, and for the introduction and  
277 referral of legislation. The Chairman shall prepare the agenda for each meeting of  
278 the Committee of the Whole. The Chairman may not withhold a measure duly  
279 reported and timely filed by another committee from the agenda of a regular  
280 Committee of the Whole meeting and the Chairman may not hold a measure in the  
281 Committee of the Whole that has been properly reported by another committee  
282 unless the Committee of the Whole votes to table the measure.

283 (c)(1) Except as provided in section 339, each measure reported by the committees of  
284 the Council identified in sections 232 to 238 shall be referred to the Committee of  
285 the Whole for a review of its legal sufficiency and technical compliance with the  
286 drafting rules of the Council; for ascertaining completion of the record; for a  
287 determination of the sufficiency of the fiscal impact statement; and for scheduling  
288 for the legislative meeting pursuant to section 302.

289 (2) No measure may be reported by a committee for consideration at the Committee  
290 of the Whole unless the measure was accompanied by a fiscal impact statement and  
291 legal sufficiency determination at the time of committee markup.

292 (3) If amendments have been made to a measure by a committee that are  
293 substantial and outside the legislative jurisdiction of the committee, the Chairman  
294 may refer the measure to the relevant committee before the legislation is scheduled  
295 for a legislative meeting.

296 (4) The Secretary shall prepare a log of committee reports that have been filed  
297 timely for review by the Committee of the Whole. The log may be updated to reflect  
298 additional filings as of noon on the third business day before the Committee of the  
299 Whole meeting.

300 (d) Notwithstanding any other provision of the Rules, the Committee of the Whole  
301 may hold a hearing or roundtable, or conduct an investigation, on any matter  
302 relating to District affairs.

303 (e) The following agencies come within the purview of the Committee of the Whole:

- 304 • Council of the District of Columbia
- 305 • District of Columbia Auditor
- 306 • Board of Zoning Adjustment
- 307 • Commemorative Works Committee
- 308 • Community College of the District of Columbia
- 309 • Community College Transition to Independence Advisory Board

- 310 • Contract Appeals Board
- 311 • Department of Human Resources
- 312 • Deputy Mayor for Planning and Economic Development
- 313 • District of Columbia Retirement Board, including the District of Columbia
- 314 Police Officers and Fire Fighters' Retirement Fund and the Teachers'
- 315 Retirement Fund
- 316 • Executive Office of the Mayor, including the Office of Policy and Legislative
- 317 Affairs, Serve DC, and the Office of Community Affairs
- 318 • Historic Preservation Review Board
- 319 • Interagency Council on Homelessness
- 320 • Labor/Management Partnership Council
- 321 • Law Revision Commission
- 322 • Metropolitan Washington Airports Authority
- 323 • Metropolitan Washington Council of Governments
- 324 • National Capital Planning Commission
- 325 • New Columbia Statehood Commission
- 326 • Office of Budget and Planning
- 327 • Office of Contracting and Procurement
- 328 • Office of Employee Appeals
- 329 • Office of Labor Relations and Collective Bargaining
- 330 • Office of Planning
- 331 • Office of Public-Private Partnerships
- 332 • Office of the Chief Technology Officer
- 333 • Office of the City Administrator
- 334 • Office of the Statehood Delegation
- 335 • Office of Zoning
- 336 • Public Employees Relations Board
- 337 • Secretary of the District of Columbia
- 338 • Tax Revision Commission
- 339 • Tobacco Settlement Financing Corporation
- 340 • University of the District of Columbia
- 341 • Walter Reed Army Medical Center Site Reuse Advisory Committee
- 342 • Zoning Commission of the District of Columbia

343 **232. COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY**  
 344 **AFFAIRS.**

345 (a) The Committee on Business, Consumer, and Regulatory Affairs is responsible  
 346 for matters concerning small and local business development policy; consumer and  
 347 regulatory affairs; matters related to workforce-development issues; employment  
 348 and manpower development; the regulation of alcoholic beverages; public utilities;  
 349 cable television; the conduct of Emancipation Day celebrations within the District of  
 350 Columbia; the regulation of banks and banking activities, securities, and insurance,  
 351 including private health insurance, but not including the Health Benefit Exchange.

352 (b) The following agencies come within the purview of the Committee on Business,  
353 Consumer, and Regulatory Affairs:

- 354 • Alcoholic Beverage Regulation Administration
- 355 • Apprenticeship Council
- 356 • Board of Accountancy
- 357 • Board of Architecture and Interior Designers
- 358 • Board of Barber and Cosmetology
- 359 • Board of Condemnation of Insanitary Buildings
- 360 • Board of Consumer Claims Arbitration for the District of Columbia
- 361 • Board of Funeral Directors
- 362 • Board of Industrial Trades
- 363 • Board of Professional Engineering
- 364 • Board of Real Estate Appraisers
- 365 • Captive Insurance Agency
- 366 • Commission on Fashion Arts and Events
- 367 • Construction Codes Coordinating Board
- 368 • Department of Consumer & Regulatory Affairs
- 369 • Department of Employment Services
- 370 • Department of Insurance, Securities and Banking
- 371 • Department of Small and Local Business Development
- 372 • Disability Compensation Fund
- 373 • District of Columbia Boxing and Wrestling Commission
- 374 • District of Columbia Small and Local Business Opportunity Commission
- 375 • Emancipation Commemoration Commission
- 376 • Financial Literacy Council
- 377 • Occupational Safety and Health Board
- 378 • Office of Cable Television
- 379 • Office of Motion Picture and Television Development
- 380 • Office of People's Counsel
- 381 • Office of Risk Management
- 382 • Office of the Tenant Advocate
- 383 • Public Access Corporation
- 384 • Public Service Commission
- 385 • Real Estate Commission
- 386 • Unemployment Compensation Fund
- 387 • Workforce Investment Council

388 **233. COMMITTEE ON EDUCATION.**

389 (a) The Committee on Education is responsible for all matters related to public  
390 education, including authorizing public charter schools, but not including matters  
391 exclusively within the University of the District of Columbia or the Community

392 College of the District of Columbia; truancy (jointly with the Committee of the  
393 Whole); and public libraries.

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

- 395 • Bullying Prevention Task Force
- 396 • Common Lottery Board
- 397 • Community Schools Advisory Committee
- 398 • District of Columbia Public Charter School Board
- 399 • District of Columbia Public Library system
- 400 • District of Columbia Public Schools
- 401 • Education Licensure Commission
- 402 • Healthy Youth and Schools Commission
- 403 • Office of the Deputy Mayor for Education
- 404 • Office of the State Superintendent of Education (including Advisory Panel on  
405 Special Education, Early Childhood Development Coordinating Council, Non-  
406 Public Tuition, Special Education Transportation)
- 407 • Public Charter School Credit Enhancement Fund Committee
- 408 • State Board of Education

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

410 (a) The Committee on Finance and Revenue is responsible for matters relating to  
411 taxation and revenue for the operation of the government of the District of  
412 Columbia; general obligation bond acts, revenue anticipation notes, and industrial  
413 revenue bonds; tourism and cultural affairs; 2024 Olympics; business-improvement  
414 districts; grants management; and matters relating to the Washington Metropolitan  
415 Area Transit Authority.

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

- 418 • Board of Review of Anti-Deficiency Violations
- 419 • Commission on Arts and Humanities
- 420 • Destination DC
- 421 • District of Columbia Lottery and Charitable Games Control Board
- 422 • Multistate Tax Commission
- 423 • Office of Finance and Treasury
- 424 • Office of Financial Management
- 425 • Office of Financial Operations
- 426 • Office of Partnerships and Grants Services
- 427 • Office of Tax and Revenue
- 428 • Office of the Chief Financial Officer
- 429 • Office of the Inspector General
- 430 • Real Property Tax Appeals Commission for the District of Columbia

- 431 • Sports Authority Subsidy
- 432 • Washington Convention and Sports Authority/Events DC
- 433 • Washington Metropolitan Area Transit Authority

434 **235. COMMITTEE ON HEALTH AND HUMAN SERVICES.**

435 (a) The Committee on Health and Human Services is responsible for matters  
 436 concerning health and environmental health; the regulation of health occupations  
 437 and professions, and health care inspectors; welfare; social services; and disability  
 438 services.

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

- 441 • Advisory Committee on Acupuncture
- 442 • Advisory Committee on Anesthesiologist Assistants
- 443 • Advisory Committee on Child Abuse and Neglect
- 444 • Advisory Committee on Clinical Laboratory Practitioners
- 445 • Advisory Committee on Naturopathic Medicine
- 446 • Advisory Committee on Physician Assistants
- 447 • Advisory Committee on Polysomnography
- 448 • Advisory Committee on Surgical Assistants
- 449 • Board of Allied Health
- 450 • Board of Audiology and Speech-Language Pathology
- 451 • Board of Behavioral Health
- 452 • Board of Chiropractic
- 453 • Board of Dentistry
- 454 • Board of Dietetics and Nutrition
- 455 • Board of Long-Term Care Administration
- 456 • Board of Marriage and Family Therapy
- 457 • Board of Massage Therapy
- 458 • Board of Medicine
- 459 • Board of Nursing
- 460 • Board of Occupational Therapy
- 461 • Board of Optometry
- 462 • Board of Pharmacy
- 463 • Board of Physical Therapy
- 464 • Board of Podiatry
- 465 • Board of Professional Counseling
- 466 • Board of Psychology
- 467 • Board of Respiratory Care
- 468 • Board of Social Work
- 469 • Board of Veterinary Medicine
- 470 • Child and Family Services Agency
- 471 • Children and Youth Investment Trust Corporation

- 472 • Citizen Review Panel on Child Abuse and Neglect
- 473 • Commission on Health Disparities
- 474 • Commission on HIV/AIDS
- 475 • Commission on Persons with Disabilities
- 476 • Committee on Metabolic Disorders
- 477 • Council on Physical Fitness, Health, and Nutrition
- 478 • Department of Behavioral Health
- 479 • Department of Health
- 480 • Department of Health Care Finance
- 481 • Department of Human Services
- 482 • Department on Disability Services
- 483 • Deputy Mayor for Health and Human Services
- 484 • Developmental Disabilities State Planning Council
- 485 • District of Columbia Health Benefit Exchange Authority
- 486 • Health Information Exchange Policy Board
- 487 • Mental Health Planning Council
- 488 • Metropolitan Washington Regional Ryan White Planning Council
- 489 • Not-For-Profit Hospital Corporation
- 490 • Office of Disability Rights
- 491 • State Rehabilitation Council
- 492 • Statewide Health Coordinating Council
- 493 • Statewide Independent Living Council

494 **236. COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT.**

495 (a) The Committee on Housing and Community Development is responsible for  
 496 matters relating to development, maintenance, preservation, and regulation of the  
 497 housing stock, including rental housing; and neighborhood development,  
 498 improvement, stabilization, and urban affairs; matters regarding Advisory  
 499 Neighborhood Commissions; Latino, African, and Asian and Pacific Islander affairs;  
 500 gay, lesbian, bisexual, and transgender affairs; issues related to women; and  
 501 veterans affairs; and the concerns of the aging.

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

- 504 • Advisory Commission on Caribbean Community Affairs
- 505 • Advisory Committee to the Office of GLBT Affairs
- 506 • Advisory Neighborhood Commissions
- 507 • Commission for Women
- 508 • Commission on African Affairs
- 509 • Commission on African American Affairs
- 510 • Commission on Aging
- 511 • Commission on Asian and Pacific Islander Affairs
- 512 • Commission on Latino Community Development

- 513 • Department of Housing and Community Development
- 514 • District of Columbia Housing Authority
- 515 • Housing Finance Agency
- 516 • Housing Production Trust Fund
- 517 • Interfaith Council
- 518 • Office of Asian and Pacific Islanders Affairs
- 519 • Office of Gay, Lesbian, Bisexual, and Transgender Affairs
- 520 • Office of Latino Affairs
- 521 • Office of Veterans Affairs
- 522 • Office on African Affairs
- 523 • Office on Aging
- 524 • Rental Housing Commission

525 **237. COMMITTEE ON THE JUDICIARY.**

526 (a) The Committee on the Judiciary is responsible for matters affecting the judiciary  
 527 and judicial procedure which are within the authority of the Council; matters  
 528 affecting decedents' estates and fiduciary affairs; matters affecting administrative  
 529 law and procedure, include the Freedom of Information Act; matters affecting  
 530 criminal law and procedure; ex-offender affairs; human rights; juvenile justice;  
 531 elections; government ethics; campaign finance; matters arising from or pertaining  
 532 to the police and fire regulations of the District of Columbia; and other matters  
 533 related to police protection, correctional institutions (including youth corrections),  
 534 fire prevention, emergency medical services, homeland security, criminal justice,  
 535 public safety.

536 (b) The following agencies come within the purview of the Committee on the  
 537 Judiciary:

- 538 • Access to Justice Initiative
- 539 • Board of Ethics and Government Accountability
- 540 • Child Support Guidelines Commission
- 541 • Commission on Fathers, Men and Boys
- 542 • Commission on Human Rights
- 543 • Commission on Judicial Disabilities and Tenure
- 544 • Commission on Re-Entry and Returning Citizen Affairs
- 545 • Commission on Selection and Tenure of Administrative Law Judges
- 546 • Corrections Information Council
- 547 • Criminal Justice Coordinating Council
- 548 • Department of Corrections
- 549 • Department of Forensic Sciences
- 550 • Department of Youth Rehabilitation Services
- 551 • Deputy Mayor for Public Safety and Justice
- 552 • District of Columbia Board of Elections



- 553 • District of Columbia Judicial Nomination Commission
- 554 • District of Columbia National Guard
- 555 • District of Columbia Sentencing and Criminal Code Revision Commission
- 556 • Fire and Emergency Medical Services Department
- 557 • Homeland Security and Emergency Management Agency
- 558 • Homeland Security Commission
- 559 • Juvenile Abscondence Review Committee
- 560 • Juvenile Justice Advisory Group
- 561 • Mayor's Office of Legal Counsel
- 562 • Metropolitan Police Department
- 563 • Motor Vehicle Theft Prevention Commission
- 564 • Office of Administrative Hearings (including the Advisory Committee to the
- 565 Office of Administrative Hearings)
- 566 • Office of Campaign Finance
- 567 • Office of Human Rights
- 568 • Office of Justice Grants Administration
- 569 • Office of Police Complaints
- 570 • Office of the Attorney General for the District of Columbia
- 571 • Office of the Chief Medical Examiner
- 572 • Office of Unified Communications
- 573 • Office of Victims Services
- 574 • Office on Returning Citizen Affairs
- 575 • Police Complaints Board
- 576 • Police Officer Standards and Training Board
- 577 • Pretrial Services Agency
- 578 • Public Defender Service
- 579 • Uniform Law Commission

580 **238. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.**

581 (a) The Committee on Transportation and the Environment is responsible for  
 582 matters relating to environmental protection regulation and policies; highways,  
 583 bridges, traffic, vehicles, and other transportation issues; the regulation of taxicabs;  
 584 maintenance of public spaces; public parks and recreation; recycling; waste  
 585 management; and water supply and wastewater treatment; maintenance of public  
 586 buildings, property management, including the declaration of government property  
 587 as no longer required for public purposes.

588 (b) The following agencies come within the purview of the Committee on  
 589 Transportation and the Environment:

- 590 • Department of General Services
- 591 • Department of Motor Vehicles
- 592 • Department of Parks and Recreation
- 593 • Department of Public Works

- 594 • District Department of the Environment
- 595 • District Department of Transportation
- 596 • District of Columbia Bicycle Advisory Council
- 597 • District of Columbia Taxicab Commission
- 598 • Food Policy Council
- 599 • Gas Station Advisory Board
- 600 • Green Buildings Advisory Council
- 601 • Pedestrian Advisory Council
- 602 • Soil and Water Conservation District
- 603 • Streetcar Financing and Governance Task Force
- 604 • Sustainable Energy Utility Advisory Board
- 605 • Washington Aqueduct
- 606 • Water and Sewer Authority

607 **E. CREATION OF SUBCOMMITTEES.**

608 **245. SUBCOMMITTEES.**

609 The Chairman shall nominate the chairperson and members of each subcommittee  
 610 of the Council. The Council shall, by resolution, act on the Chairman's nominations.  
 611 A subcommittee may use subpoenas to obtain testimony or documents only if the  
 612 standing committee of which it is a subcommittee authorizes the issuance of  
 613 subpoenas. Each bill or resolution reported by a subcommittee shall be referred to  
 614 its standing committee for a vote and scheduling for the Committee of the Whole.  
 615 Subcommittees shall comply with the requirements of these Rules.

616 **F. SPECIAL COMMITTEES AND SPECIAL PROJECTS.**

617 **251. CREATION OF SPECIAL COMMITTEES.**

618 The Council may, by resolution, establish a special committee to consider  
 619 investigations, ethics, and other matters. The resolution shall set forth the  
 620 jurisdiction, size, duration, and date for final action of the special committee.

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

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

626 **253. SPECIAL PROJECTS.**

627 The Council may, by resolution, establish a special project related to policy  
 628 development or oversight. The resolution shall set forth the timetable, budget,

629 goals, and deliverables of the special project, and specify whether the project will be  
630 undertaken by a standing or special committee, or another method of organization.

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

632 **261. APPOINTMENT OF OFFICERS.**

633 The appointed officers of the Council are the Secretary, General Counsel, and  
634 Budget Director. The Chairman shall recommend the assignment and removal of  
635 these officers, and the Council shall, by resolution, act on the Chairman's  
636 recommendation.

637 **262. SECRETARY.**

638 The Secretary is the chief administrative officer of the Council and is responsible for  
639 maintaining records of Council actions including the filing of bills and proposed  
640 resolutions, amendments to bills and resolutions, requests for hearings, committee  
641 reports, and other records and reports assigned by these Rules, the Council, or the  
642 Chairman, and for proposing and administering the fiscal year budget of the  
643 Council.

644 **263. GENERAL COUNSEL.**

645 The General Counsel is responsible for advising the Council on matters of  
646 parliamentary procedure, identifying legislative problems, providing members with  
647 alternatives in terms of policy options to solve those problems, representing the  
648 Council in any legal action to which it is a party or in which the Council has a  
649 significant interest, providing legal representation for a Councilmember or  
650 employee for actions taken within the scope of their legislative duties, supervising  
651 the publication of the District of Columbia Official Code, preparing technical-  
652 amendment and enactment bills, providing legislative drafting assistance to all  
653 members, engrossing and enrolling measures, making determinations about the  
654 legal sufficiency of legislation, providing support to the Law Revision Commission,  
655 and making necessary technical and conforming changes in measures during  
656 enrollment. The General Counsel shall serve as Ethics Counselor for the Council.

657 **264. BUDGET DIRECTOR.**

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

663 **H. COUNCIL PERSONNEL AND APPOINTMENTS.**

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

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

668 **272. COMMITTEE STAFF.**

669 (a) Within 14 business days of the organizational meeting held pursuant to section  
670 301, the chairperson of each committee shall appoint and shall present for the  
671 approval of committee members the names and responsibilities of each committee  
672 staff person. Subsequent appointments shall be presented for approval of committee  
673 members at the meeting of the committee following the appointment.

674 (b) The chairperson shall determine the remuneration for the staff of the committee,  
675 subject to appropriations and positions allocated by the Council.

676 (c) The chairperson of each committee may remove staff, and shall notify the  
677 members of the committee of such action within 3 business days.

678 **273. COUNCILMEMBERS' PERSONAL STAFF.**

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

682 **274. SEPARATION PAY AND BUDGET ACCOUNTING.**

683 (a) Notwithstanding sections 271, 272, and 273 of these Rules, when an employee is  
684 separated for non-disciplinary reasons, a Councilmember may not authorize  
685 severance pay in excess of one week of the employee's basic pay for each year of  
686 service in the District government, unless the Council otherwise authorizes by  
687 resolution a larger amount of severance pay, provided that in no event shall the  
688 amount exceed that authorized by law.

689 (b) If it is known that a Councilmember will be in office for a time period that is less  
690 than the remaining fiscal year, the Councilmember's budget shall be adjusted to  
691 account for the time to be served, unless the Council otherwise authorizes by  
692 resolution a different amount.

693 **275. COUNCIL APPOINTMENT TO OTHER BODIES.**

694 Where the law provides for the Council to appoint an individual to another body,  
695 the Chairman shall nominate an individual and the Council shall act by resolution

696 on the nomination. A Council appointee shall report to the Council on a periodic  
697 basis. The Council may instruct by resolution its representative as to the position to  
698 take on a particular matter.

699 **276. APPOINTMENT BY COMMITTEES AND MEMBERS.**

700 (a) Where the law provides for a committee to appoint an individual to another  
701 body, the committee shall, by resolution, act on the appointment.

702 (b) Where the law provides for a Councilmember to appoint a person to a board or  
703 commission, the Councilmember shall make the appointment by filing a  
704 memorandum with the Secretary that states:

705 (1) The legal capacity in which the Councilmember is acting, e.g., as a  
706 Councilmember or as chairperson or a member of a particular committee;

707 (2) The date of appointment;

708 (3) The official name of the board or commission to which the person is being  
709 appointed;

710 (4) The name, complete mailing address, and ward designation of the person  
711 appointed;

712 (5) The law under which the appointment is being made; and

713 (6) The term of the appointment.

714 **277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.**

715 Each member of a District board or commission who is appointed under sections 275  
716 or 276, shall be a resident of the District at the time of appointment, unless the law  
717 or order that established the board or commission specifically authorizes the  
718 appointment of a nonresident as a member of the board or commission or if a  
719 majority of the Council waives the residency requirement.

720 **I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS.**

721 **281. COMPUTING TIME.**

722 (a) Unless a law or rule specifically provides otherwise, when counting a time  
723 period:

724 (1) Stated in days or a longer unit of time:

725 (A) Exclude the day of the event that triggers the period;

726 (B) Count every day, including Saturdays, Sundays, and legal holidays;

- 727 (C) Exclude days of recess; and
- 728 (D) Include the last day of the time period, but if the last day is a Saturday, Sunday,  
729 legal holiday, or day of recess the period continues to run until the end of the next  
730 day that is not a Saturday, Sunday, legal holiday, or day of recess.
- 731 (2) Stated in hours:
- 732 (A) Begin counting immediately on the first business hour after the occurrence of  
733 the event that triggers the period;
- 734 (B) Count each hour, including hours during intermediate Saturdays, Sundays, and  
735 legal holidays;
- 736 (C) Exclude hours during days of recess; and
- 737 (D) If the period would end on a Saturday, Sunday, legal holiday, or day of recess  
738 the period continues to run until the same time on the next day that is not a  
739 Saturday, Sunday, legal holiday, or day of recess.
- 740 (b) For purposes of these Rules, when counting a time period stated in "business  
741 days":
- 742 (1) Exclude the day of the event that triggers the period;
- 743 (2) Exclude intermediate Saturdays, Sundays, legal holidays, and days of recess;  
744 and
- 745 (3) Include the last day of the time period, but if the last day is a Saturday, Sunday,  
746 legal holiday, or day of recess the period continues to run until the end of the next  
747 day that is not a Saturday, Sunday, legal holiday, or day of recess.
- 748 (c) For purposes of these Rules, when counting a time period for a notice  
749 requirement under these Rules, include days of recess.
- 750 **282. FILING WITH THE SECRETARY.**
- 751 (a) Unless a law or rule specifically provides otherwise, when a Councilmember is  
752 required to file a document or provide notice with the Secretary, the Councilmember  
753 shall deliver a hard copy of the document or the notice to the Secretary.
- 754 (b) A Councilmember shall also ensure that an electronic copy (in an original  
755 electronic format, if applicable, and in PDF) of the following documents is filed on  
756 the "v" drive or the intranet portal:
- 757 (1) A measure introduced pursuant to sections 401 and 402;
- 758 (2) A committee print and report;

759 (3) Amendments; and

760 (4) Any other document required to be electronically filed by rule or law or that the  
761 Secretary determines should be filed electronically.

762 (c) Where an electronic copy is required under subsection (b) of this section, the  
763 document shall not be considered as filed until the electronic copy is filed.

764 (d) Notwithstanding subsection (a) of this section, the Secretary may elect to receive  
765 a document electronically or establish a system or method for electronic filing of any  
766 document.

767 **283. CIRCULATION TO MEMBERS AND COMMITTEES.**

768 (a) The Secretary shall distribute, upon introduction or referral, a hard copy of each  
769 measure to each Councilmember. The Secretary shall also distribute to each  
770 Councilmember, upon introduction or filing, a notice of investigation by subpoena,  
771 and Mayoral disapproval of a Council act.

772 (b)(1) Any document that is required to be circulated by a rule or law shall be  
773 distributed electronically to all members and staff.

774 (2) A Councilmember may elect to receive an additional hard copy of any document  
775 that is required to be circulated by a member.

776 **ARTICLE III—PROCEDURES FOR MEETINGS.**

777 **A. LEGISLATIVE MEETINGS.**

778 **301. ORGANIZATIONAL MEETING.**

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

786 **302. REGULAR MEETINGS.**

787 (a) The Council shall hold a regular legislative meeting on the first Tuesday of every  
788 month except during a Council Recess. When the day for a regular legislative  
789 meeting falls on a legal holiday, the meeting shall be held at the same time on the  
790 next day. Regular legislative meetings shall begin at 10:00 a.m.

791 (b) Regular meetings of the Council shall be held in the Council Chamber, Room 500  
792 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

793 (c) The Chairman may designate another time, day, or place for a legislative  
794 meeting at a prior legislative meeting or meeting of the Committee of the Whole by  
795 circulating and filing notice with the Secretary at least 48 hours before the meeting.

796 (d) The Chairman may cancel a future regularly scheduled meeting. The Secretary  
797 shall circulate notice to each Councilmember and the public of a meeting  
798 cancellation.

### 799 **303. ADDITIONAL AND SPECIAL MEETINGS.**

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

801 (b) Any 2 Councilmembers may request that the Chairman call a special legislative  
802 meeting. The request shall be filed with the Secretary. Immediately upon the filing  
803 of the request, the Secretary shall notify the Chairman and other Councilmembers  
804 of the filing of the request. If, within 3 business days after the request is filed, the  
805 Chairman does not call the requested special meeting, a majority of the  
806 Councilmembers may file with the Secretary a written notice that a special  
807 legislative meeting will be held, specifying the date, hour, place, and agenda of the  
808 special legislative meeting, provided that the meeting shall not occur less than 48  
809 hours after the notice. Immediately upon the filing of the notice, the Secretary shall  
810 circulate notice to each Councilmember as provided in subsection (c) of this section.

811 (c) Whenever an additional or special legislative meeting is called, the Secretary  
812 shall circulate notice to each Councilmember not less than 48 hours before the  
813 additional or special meeting. The Secretary shall provide prompt notice of the  
814 meeting to the public. The notice shall state the date, hour, place, and agenda of the  
815 meeting and may state whether items are to be considered on a consent or  
816 non-consent agenda.

817 (d) No matter shall be considered at an additional or special legislative meeting  
818 except those stated in the request and notification. An additional legislative  
819 meeting to consider an emergency and temporary matter may be called upon  
820 shorter notice, if a majority of the members agree in writing to the shorter notice.  
821 The Chairman may add to the agenda of an additional legislative meeting, with the  
822 written agreement of a majority of the Councilmembers, an emergency or temporary  
823 measure or, without objection, a permanent measure.



824 **304. QUORUM.**

825 (a) A majority of the Councilmembers constitutes a quorum for the lawful convening  
826 of a meeting and for the transaction of business, except that a lesser number may  
827 hold hearings.

828 (b) A meeting may not begin until a quorum is ascertained by the Chairman.

829 (c) Once a quorum has been ascertained, the meeting shall proceed, unless a  
830 Councilmember raises the absence of a quorum, whereupon the Chairman shall  
831 direct the calling of the roll and shall announce the result.

832 (d) In the absence of a quorum, the Chairman may order a Call of the House, during  
833 which no debate or motion shall be in order except a motion to adjourn.

834 (e) During a Call of the House, the Council shall stand in recess for no more than 20  
835 minutes to find absent members. After the recess, the roll shall be called again. If a  
836 quorum is present, the meeting shall proceed. If a quorum is not present, the  
837 meeting shall be adjourned or recessed.

838 **305. HEARING THE MAYOR.**

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

841 **306. RECESS.**

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

851 (b)(1) A resolution approving or disapproving a contract in excess of \$1 million or a  
852 multiyear contract may be introduced during any recess period.

853 (2) A proposed contract in excess of \$1 million during a 12-month period or a  
854 multiyear contract for goods or services that is required to be submitted to the  
855 Council pursuant to section 451 of the Charter may be transmitted to the Secretary  
856 during the 30-day period before the end of the summer recess of the Council, a  
857 committee may hold a public hearing and take official action on the proposed  
858 contract in excess of \$1 million or multiyear contract during this period, and a

859 resolution approving or disapproving a contract in excess of \$1 million or a  
860 multiyear contract may be introduced during this period.

861 (3) A proposed federal aid highway contract in excess of \$1 million during a 12-  
862 month period that is required to be submitted to the Council for its review pursuant  
863 to section 451 of the Charter may be transmitted to the Secretary during a recess of  
864 the Council, a committee may hold a public hearing and take official action on the  
865 proposed federal aid highway contract during the recess, and a resolution approving  
866 or disapproving the proposed federal aid highway contract may be introduced  
867 during the recess and during the 10-day period following submission of the proposed  
868 federal aid highway contract to the Council.

869 (c) During any period of recess, the Secretary is authorized to receive measures  
870 returned by the Mayor.

871 **307. COUNCIL REVIEW OF CONTRACTS.**

872 (a) Notwithstanding section 402(b), the time period for Council review of a proposed  
873 contract in excess of \$1 million during a 12-month period or a multiyear contract for  
874 goods or services that is required to be submitted to the Council pursuant to section  
875 451 of the Charter shall begin on the first day (excluding Saturdays, Sundays, and  
876 holidays) following receipt by the Secretary of the proposed contract. The Secretary  
877 shall ensure that a copy of the proposed contract is designated as urgent and  
878 circulated in a folder of a distinctive color to the office of each member of the  
879 Council within 24 hours (excluding Saturdays, Sundays, and holidays), following its  
880 receipt by the Secretary.

881 (b) Notwithstanding any other provision of these Rules, the Mayor may transmit a  
882 resolution declaring the existence of an emergency and accompanying emergency  
883 bill to the Council for approval of a modification to a contract that, once merged  
884 with the underlying contract or a modification, would involve an expenditure in  
885 excess of \$1 million during a 12-month period, if the contract or a modification:

886 (1) Has not been previously submitted to the Council for approval; and

887 (2) Was not otherwise required to have been submitted to the Council for approval.

888 (c) Notwithstanding sections 401 and 402, no proposed contract in excess of \$1  
889 million during a 12-month period or a multiyear contract for goods or services that  
890 is required to be submitted to the Council pursuant to section 451 of the District  
891 Charter may be submitted between July 5, 2015, and July 15, 2015, or between July  
892 5, 2016, and July 15, 2016.

893 (d) Notwithstanding sections 401 and 402, a resolution approving or disapproving a  
894 proposed contract shall be introduced by at least 3 Councilmembers.

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

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

903 **308. ECONOMIC IMPACT ANALYSES.**

904 Beginning January 1, 2016, a permanent bill considered on first reading shall be  
905 accompanied by an economic impact analysis prepared by the Budget Director of the  
906 bill's estimated costs or economic benefits to the District economy. The Budget  
907 Director may, in his or her discretion, decline to prepare an economic impact  
908 analysis, which shall not affect the Council's consideration of the bill. The findings  
909 and conclusions of economic impact analysis, if any, are not binding on the Council,  
910 and the findings and conclusions shall not prevent the Council from considering the  
911 bill. An economic impact analysis shall be circulated by noon on the business day  
912 before the legislative meeting at which the bill is to be considered.

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

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

915 During a regular legislative meeting, the Council shall take up business in the  
916 following order unless a different order has been set for a particular meeting by  
917 action of the Committee of the Whole:

918 (1) Call to order at the time and place set forth pursuant to section 302;

919 (2) Moment of silence;

920 (3) Determination by the Chairman of the presence of a quorum;

921 (4) Presentation of ceremonial resolutions;

922 (5) Secretary's report on the filing of reports by committees, unless the formal  
923 reading of the report is waived without objection;

924 (6) Secretary's report of the introduction of new measures filed with that office,  
925 unless the formal reading of the report is waived, and the introduction by  
926 Councilmembers of new measures by reading the short title without objection;

927 (7) Approval of the consent agenda without objection;

- 928 (8) Reading by short title and votes on proposed ceremonial resolutions;
- 929 (9) Final reading by short title and final vote on bills that have been pending at  
930 least 13 days since they were previously read;
- 931 (10) Reading by short title and vote on reported and discharged bills;
- 932 (11) Reading by short title and vote on proposed resolutions except as provided in  
933 paragraph (8) of this section;
- 934 (12) Reading by short title and vote on resolutions declaring the existence of  
935 emergencies and accompanying emergency measures;
- 936 (13) Reading by short title and vote on temporary legislation;
- 937 (14) Official communications received from the Mayor or an agency; and
- 938 (15) Other business.

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

940 During an additional or special meeting, the Council shall take up business in the  
941 following order:

- 942 (1) Call to order at the time and place set forth in the meeting notice;
- 943 (2) Moment of silence;
- 944 (3) Determination by the Chairman of the presence of a quorum;
- 945 (4) Such items in the order set forth in the meeting notice.

946 **313. PROCEEDING OUT OF ORDER.**

947 The Chairman, without objection, or upon the vote of a majority of the  
948 Councilmembers present and voting, may proceed on any item of business out of  
949 order.

950 **C. RULES OF DECORUM.**

951 **321. DECORUM OF MEMBERS.**

- 952 (a) Councilmembers shall refrain from private discourse or other acts tending to  
953 distract the attention of the Council from the business before it.
- 954 (b) In debate, a Councilmember shall confine remarks to the pending question and  
955 avoid use of personalities.

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

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

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

964 (a)(1) No person may commit any act tending to distract the attention of the Council  
965 from the business before it.

966 (2) No person may engage in loud, threatening, or abusive language, or disruptive  
967 conduct in the John A. Wilson Building with the intent and effect of impeding or  
968 disrupting the orderly conduct of business in the building.

969 (b) The Chairman shall maintain order during a meeting. If the Chairman  
970 determines that the removal of a person other than a Councilmember is necessary  
971 to maintain order, after warning the person, the Chairman may order the removal  
972 of the person.

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

975 (d)(1) No signs, placards, posters, or attention devices of any kind or nature shall be  
976 carried or placed within the Council hearing or meeting rooms or Chamber. No  
977 demonstrations are permitted in the Chamber or any area in which a Council  
978 proceeding or a public hearing is being conducted.

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

984 (3) Any person who violates the provisions of this subsection, relating to signs, or  
985 who willfully interrupts or disturbs Council proceedings, after warning to desist,  
986 may be removed from the premises.

987 (4) Models, photographs, maps, charts, drawings, and other such demonstrative  
988 materials intended for use in a presentation by a specific person in testimony before  
989 the Council shall be permitted without objection.

990 (e) No person, except a Councilmember or staff, shall be allowed in the anterooms of  
991 the Chamber during the course of any hearing or other proceeding of the Council or  
992 any committee of the Council, except upon invitation of the Chairman or the  
993 chairman of the committee holding the public hearing.

994 **D. RULES OF DEBATE.**

995 **331. OBTAINING THE FLOOR.**

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

999 **332. TIME LIMITS FOR DEBATE.**

1000 (a) No Councilmember may be recognized more than once to debate or make a  
1001 motion relating to a pending matter until all Councilmembers who wish to speak  
1002 have been recognized.

1003 (b) A Councilmember may speak no more than 3 minutes during the first round of  
1004 debate on a pending matter, and no more than 2 minutes on a subsequent round.

1005 (c) A Councilmember may yield all or part of his or her time provided by this section  
1006 to another Councilmember.

1007 (d) The Chairman may in his or her discretion modify time limitations with respect  
1008 to specific matters scheduled for debate.

1009 **333. PERSONAL PRIVILEGE.**

1010 Any Councilmember, as a matter of personal privilege, may speak no more than 10  
1011 minutes under new business concerning a matter outside of a legislative meeting  
1012 that may affect the Council collectively, its rights, its dignity or the integrity of its  
1013 proceedings, or the rights, reputation, or conduct of its individual members in their  
1014 representative capacities only.

1015 **334. POINTS OF ORDER.**

1016 A point of order is not debatable unless the Chairman permits debate. If the  
1017 Chairman permits debate on a point of order, the Chairman may limit debate.

1018 **335. APPEAL.**

1019 An appeal may be taken from any decision of the Chairman. A Councilmember shall  
1020 state the basis for appealing a decision, to which the Chairman may respond. An  
1021 appeal is not debatable and shall be acted upon immediately. A majority or tie vote

1022 of the members present and voting on the question (whether the decision of the  
1023 Chairman shall be sustained) sustains the decision.

1024 **336. [RESERVED.]**

1025 **337. RECOGNITION OF NON-MEMBERS.**

1026 The Chairman may recognize a person who is not a Councilmember if the  
1027 participation of the person would, in the judgment of the Chairman, enhance the  
1028 understanding of the matter under consideration by the Council. Recognition of a  
1029 non-Councilmember during a legislative meeting shall be limited to situations in  
1030 which emergency action by the Council is under consideration.

1031 **338. PRESENTATION OF CEREMONIAL RESOLUTIONS.**

1032 (a) A ceremonial resolution that has been adopted by the Council may be presented  
1033 from the well of the Chamber during a legislative meeting by the Councilmember  
1034 who introduced the resolution, or another Councilmember designated by the  
1035 Councilmember who introduced the resolution.

1036 (b) During a Council Period, no Councilmember may present more than 8  
1037 ceremonial resolutions, except that a Councilmember may yield his or her right to  
1038 present a ceremonial resolution under this section to another Councilmember.

1039 (c) No Councilmember may speak for more than 2 minutes on each ceremonial  
1040 resolution.

1041 (d) No recipient of a ceremonial resolution may present a display or performance  
1042 during a legislative meeting.

1043 (e) No more than one recipient for each ceremonial resolution shall be permitted to  
1044 speak during a legislative meeting.

1045 (f) By unanimous consent, ceremonial resolutions may be presented at a Committee  
1046 of the Whole meeting immediately before a legislative meeting.

1047 **339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS,  
1048 REVENUE BONDS, AND REVIEW RESOLUTIONS.**

1049 (a) This section shall apply to a resolution regarding a reprogramming request,  
1050 revenue bonds, rules, regulations, confirmation resolutions, and other actions that:

1051 (1) Are proposed for promulgation or adoption by the Mayor or an independent  
1052 agency;

1053 (2) Are required by law to be approved, disapproved, or reviewed by the Council  
1054 before taking effect; and

- 1055 (3) Take effect after a set period of time by operation of law.
- 1056 (b) A resolution covered by this section may, at the option of the committee  
1057 chairperson, be placed on the non-consent agenda of the next regular legislative  
1058 meeting following approval by a committee, without referral to the Committee of  
1059 the Whole.
- 1060 (c) If the committee report for a measure is not filed before noon on the third  
1061 business day before the legislative meeting, a resolution may not be placed on the  
1062 legislative agenda pursuant to this section.
- 1063 (d) If a reported resolution is considered at a legislative meeting under this section,  
1064 the legal sufficiency, technical compliance with the drafting rules of the Council,  
1065 completion of the record of the reported resolution, and the sufficiency of the fiscal  
1066 impact statement, shall be reviewed at the legislative meeting at which it is  
1067 considered.

1068 **E. MOTIONS.**

1069 **341. MOTIONS RECOGNIZED DURING DEBATE.**

1070 When a question is under debate, the Chairman may entertain only the following  
1071 motions, which shall take precedence in the order listed:

- 1072 (1) To adjourn;
- 1073 (2) To recess;
- 1074 (3) To reconsider;
- 1075 (4) To lay on the table;
- 1076 (5) To move the previous question;
- 1077 (6) To close debate;
- 1078 (7) To postpone to a day certain;
- 1079 (8) To recommit to committee;
- 1080 (9) To amend or substitute; or
- 1081 (10) To postpone indefinitely.

1082 **342. WITHDRAWAL OR MODIFICATION OF MOTIONS.**

1083 Any motion may be withdrawn or modified by the mover at any time before it has  
1084 been amended or voted on.



1085 **343. ADJOURN.**

1086 The Chairman shall adjourn a meeting when there is no more business before the  
1087 Council. A Councilmember may move to adjourn at any time. A motion to adjourn is  
1088 not debatable, but the Chairman may inform the Councilmembers of any unfinished  
1089 business requiring attention of the Council.

1090 **344. RECESS.**

1091 (a) The Chairman may, without a vote, recess a regular or legislative meeting of the  
1092 Council to another time, day, or place.

1093 (b)(1) A Councilmember may move to recess a meeting.

1094 (2) A Councilmember may move to amend a pending motion to recess to set a  
1095 different length of the recess.

1096 (3) If a motion to recess does not specify the time, day, or place at which the meeting  
1097 will reconvene, the Chairman may set a time, day, or place, or call the meeting to  
1098 order and summons the members in accordance with section 367.

1099 (4) Neither a motion to recess nor a motion to amend a pending motion to recess is  
1100 debatable.

1101 (c)(1) A Councilmember may move to recess a hearing or roundtable and reconvene  
1102 the hearing or roundtable at a future time, day, or place.

1103 (2) A recess may be taken under this subsection without a vote.

1104 (3) If the Council recesses a hearing or roundtable without specifying the future  
1105 time, day, or place for the hearing or roundtable, the Chairman must circulate  
1106 notice of the new time, day, or place in accordance with section 283.

1107 **345. RECONSIDER.**

1108 (a) A Councilmember recorded as having voted with the prevailing side on a  
1109 question may move to reconsider the question at any time, except as limited by this  
1110 section.

1111 (b)(1) An act may be reconsidered before it has been approved, deemed approved, or  
1112 vetoed by the Mayor.

1113 (2) A resolution may be reconsidered at any time before its implementation.

1114 (3) A committee may reconsider its vote to report a measure at any time before the  
1115 Council votes on the measure.

1116 (4) A motion to reconsider a question considered at a different meeting shall not be  
1117 in order unless the motion to reconsider has been noticed in accordance with section  
1118 429.

1119 (c) For the purpose of this rule, a Councilmember who was present and voting on a  
1120 question decided by a voice vote will be considered as having voted with the  
1121 prevailing side on the question, unless the Councilmember had asked to be recorded  
1122 as voting against the prevailing side or "PRESENT".

1123 (d) A motion to reconsider cannot be made by a Councilmember who was absent  
1124 during a voice or roll-call vote on a question.

1125 (e) A motion to reconsider requires the approval of a majority of the  
1126 Councilmembers present and voting.

1127 (f)(1) If the question to which a motion to reconsider applies is debatable, the motion  
1128 to reconsider is debatable and the debate may go to the question.

1129 (2) If the question to which a motion to reconsider applies is not debatable, the  
1130 motion to reconsider is not debatable.

1131 (g) If a motion to reconsider fails, the motion cannot be repeated.

1132 (h) A motion to reconsider is not required to consider amendments accepted or  
1133 rejected on a previous reading of a measure.

1134 (i) Votes to approve or amend these Rules may not be reconsidered pursuant to this  
1135 section.

1136 **346. LAY ON THE TABLE AND TO POSTPONE.**

1137 (a)(1) A Councilmember may make an unqualified motion to lay a question on the  
1138 table, which is not debatable and, if adopted by a majority of Councilmembers  
1139 present and voting, shall immediately end debate on the question.

1140 (2) If an amendment to a measure is pending before the Council, a Councilmember  
1141 may make a motion to lay the amendment on the table, which is not debatable and,  
1142 if adopted by a majority of Councilmembers present and voting, shall immediately  
1143 end debate on the amendment.

1144 (b) A Councilmember may move to postpone a question to a time certain, which  
1145 shall be adopted by a majority of Councilmembers present and voting. A motion to  
1146 postpone to a time certain is debatable, though it is not in order to debate the  
1147 merits of the underlying question.

1148 (c) A Councilmember may move to postpone indefinitely any question pending  
1149 before the Council. A motion to postpone indefinitely is debatable, and it is in order

1150 to debate the merits of the underlying question. Upon adoption of a motion to  
1151 postpone indefinitely, the question may not be reconsidered unless 2/3rds of  
1152 Councilmembers present and voting agree to reconsider the question.

1153 (d) A committee chairperson may, without objection, carry over a measure reported  
1154 by that committee from Council consideration until the next regular legislative  
1155 meeting. If a measure has been sequentially referred, the committee chairperson of  
1156 the last-reporting committee may carry over a measure under this subsection.

### 1157 **347. MOTIONS TO LIMIT DEBATE.**

1158 (a) Debate may be limited by a motion to close debate or a motion to move the  
1159 previous question. Neither a motion to close debate nor a motion to move the  
1160 previous question is debatable.

1161 (b) A Councilmember may move to close debate, which shall require approval of  
1162 2/3rds of the Councilmembers present and voting. If a motion to close debate  
1163 carries, no further debate is in order, except that (1) each Councilmember who has  
1164 not spoken on the pending question may speak for no more than 2 minutes and (2)  
1165 the Chairman may recognize the maker of the pending motion.

1166 (c) A Councilmember may make a motion to move the previous question, which  
1167 shall require approval of 2/3rds of the Councilmembers present and voting. If a  
1168 motion to move the previous question carries, no further debate is in order on the  
1169 pending question, and no further amendments to the main motion are in order  
1170 absent a motion to reconsider the motion to move the previous question.

### 1171 **348. RECOMMIT**

1172 A member may move to recommit a measure pending before the Council to a  
1173 standing committee. If a majority of Councilmembers present and voting approve a  
1174 motion to recommit, the Chairman shall refer to the measure to a standing  
1175 committee or committees in accordance with section 405(b). A motion to recommit is  
1176 debatable, though debate shall be limited to the desirability of committing the  
1177 measure to the committee. Debate on the merits of the measure is not in order while  
1178 a motion to recommit is pending.

### 1179 **F. AMENDMENTS.**

#### 1180 **351. AMENDMENTS TO BE WRITTEN.**

1181 (a)(1) Except as provided in paragraph (2) of this subsection, Councilmembers shall  
1182 endeavor to file with the Secretary amendments to pending measures by noon on  
1183 the business day before the legislative meeting at which they are to be moved.

1184 (2) For any permanent bills on final reading, Councilmembers shall file with the  
1185 Secretary amendments to the bill by 5 pm on the business day before the legislative  
1186 meeting at which they are to be moved.

1187 (b) If a Councilmember has filed an amendment with the Secretary before the  
1188 legislative meeting in accordance with subsection (a) of this section, the Secretary  
1189 shall provide a copy for each Councilmember before the legislative meeting begins.  
1190 When the measure is to be considered, the Chairman shall recognize the  
1191 Councilmember for a motion to amend.

1192 (c)(1) If a Councilmember has not filed an amendment with the Secretary in  
1193 accordance with subsection (a) of this section, the Councilmember shall circulate  
1194 one copy for each Councilmember and 7 additional copies at the legislative meeting.

1195 (2) A Councilmember shall file an amendment in accordance with subsections (a)  
1196 and (b) of section 282 within 24 hours of the legislative meeting at which the  
1197 amendment was offered if the amendment was not previously filed in accordance  
1198 with subsection (a) of this section.

1199 (d) Before a vote on a measure, oral amendments shall be reduced to writing and  
1200 read by the General Counsel, and made available for public inspection as soon as  
1201 practicable.

1202 (e) No amendment may be approved by the Council without a fiscal impact  
1203 statement presented to the Council, at the time of its consideration, provided that  
1204 the Chairman may waive these requirements if the Chairman concurs with the  
1205 Budget Director that there is no adverse fiscal impact.

1206 (f) No amendment to a measure on final reading, including an emergency measure,  
1207 may be approved by the Council without a legal sufficiency determination presented  
1208 to the Council, at the time of its consideration, provided that the Chairman may  
1209 waive these requirements if the Chairman concurs with the General Counsel that  
1210 the amendment is legally sufficient.

### 1211 **352. NON-GERMANE AMENDMENTS.**

1212 Every amendment proposed to an emergency or temporary measure must be  
1213 germane to the subject matter of the measure to be amended. A non-germane  
1214 amendment to a bill requires 2 readings and must be approved by 2/3rds of the  
1215 members present and voting. To be germane, the amendment is required only to  
1216 relate to the same subject. It may entirely change the effect of or be in conflict with  
1217 the spirit of the original motion or measure and still be germane to the subject.

1218 **353. FRIENDLY AMENDMENTS.**

1219 Without objection, the mover of a motion or a measure may accept a friendly  
1220 amendment, which, if accepted, shall be voted on simultaneously with the motion or  
1221 measure. A friendly amendment to a second-degree amendment is not considered a  
1222 third-degree amendment.

1223 **354. AMENDMENT IN THE NATURE OF A SUBSTITUTE.**

1224 (a) A notice of intent to move an amendment in the nature of a substitute to a  
1225 measure at a legislative meeting shall be filed with the Secretary and circulated by  
1226 noon on the business day before the legislative meeting. The notice shall be  
1227 accompanied by the proposed amendment in the nature of a substitute.

1228 (b) Whenever an amendment in the nature of a substitute is moved, it shall reflect  
1229 all substantive changes from the prior version of the legislation (committee print or  
1230 engrossment) by using strikeovers on the language which is proposed to be deleted  
1231 from the prior version and an underscore on all new language being added by the  
1232 amendment in the nature of a substitute.

1233 (c) The mover of an amendment in the nature of a substitute may have a separate  
1234 amendment considered simultaneously with the amendment in the nature of a  
1235 substitute.

1236 **G. OTHER MOTIONS.**

1237 **355. DISCHARGE.**

1238 The Council may, by a vote of 2/3rds of the members present and voting, discharge a  
1239 committee from further consideration of a measure that has been referred to the  
1240 committee. Upon approval of the discharge motion, the Council shall consider the  
1241 measure as if it had been reported from the committee without amendment or  
1242 modification or re-refer the measure to another committee.

1243 **356. TAKE FROM THE TABLE.**

1244 (a) When no question is pending before the Council, a Councilmember may move to  
1245 take from the table any measure previously tabled during the legislative meeting.

1246 (b) When a measure is pending before the Council, a Councilmember may move to  
1247 take from the table any amendment to the measure which was previously tabled.

1248 (c) Provided that a Councilmember provided notice required in section 429(2), the  
1249 Councilmember may move to take from the table any measure previously tabled.

1250 (d) A motion to take from the table is not debatable and shall be adopted by a  
1251 majority vote of Councilmembers present and voting.

1252 (e)(1) Upon adoption of a motion to take a question from the table, the question  
1253 shall be before the Council in the same status as it was when the Council tabled the  
1254 question.

1255 (2) If the motion to take a question from the table does not occur during the  
1256 legislative meeting at which the question was tabled, each Councilmember shall be  
1257 entitled to debate the question as if the last motion adhering to the question was  
1258 just made.

1259 **H. VOTING.**

1260 **361. FORM OF VOTE.**

1261 Voting shall be in the form of "YES", "NO", and "PRESENT". A vote of "PRESENT"  
1262 shall be deemed the equivalent of an abstention or a non-vote.

1263 **362. VOICE VOTES.**

1264 Except as provided in section 363, votes on all questions shall be by voice, with the  
1265 results determined by the Chairman. A Councilmember's vote upon any matter  
1266 shall be recorded upon request.

1267 **363. DEMAND FOR ROLL-CALL VOTE.**

1268 Any member, in advance of a vote or immediately thereafter, may demand a roll-  
1269 call vote.

1270 **364. CALLING THE ROLL.**

1271 When a roll-call vote is demanded, the Secretary shall call the roll of the  
1272 Councilmembers in rotating alphabetical order so that the Councilmember whose  
1273 name is called first is the same member whose name was called second on the next  
1274 previous vote, and so on through the roll, so that the Councilmember whose name is  
1275 called last is the same Councilmember whose name was called first on the next  
1276 previous vote. At the end of the roll call, the names of those who failed to answer  
1277 can be called again, or the Chairman can ask if anyone entered the room after the  
1278 Councilmember's name was called. Changes of vote are also permitted at this time,  
1279 before the result is announced. No Councilmember may vote "pass" more than once  
1280 on the same amendment or the bill in its entirety. A second vote of "pass" shall be  
1281 considered a vote of "present."

1282 **365. RECORDS OF VOTES.**

1283 (a) When a vote on legislation is by voice vote, the Secretary will record all members  
1284 present as voting "yes" unless there has been a request to be recorded as having

1285 voted "no", a member votes "present", or a member has recused himself or herself  
1286 from voting.

1287 (b) When a roll-call vote is demanded, the Secretary will record the names of those  
1288 voting "YES", "NO", or "PRESENT". Members will be recorded as absent if they are  
1289 not in the Chamber when a vote is taken. Voting records are official records of the  
1290 Council.

1291 (c) After the Chairman has announced the result of a vote, a Councilmember may  
1292 not change his or her vote.

1293 **366. PROXY VOTING PROHIBITED.**

1294 No proxy shall be permitted either for the purpose of voting or for the purpose of  
1295 obtaining a quorum.

1296 **367. SUMMONS OF MEMBERS.**

1297 (a) Before putting a question to vote, the Chairman may hold open the vote for no  
1298 more than 2 minutes for the purpose of summoning members who are absent.  
1299 During that time, the Secretary shall summon the members who are absent from  
1300 the Chamber. At the Chairman's direction, the Secretary shall call the names of the  
1301 absent members.

1302 (b) No Councilmember may be summoned more than once at the same legislative  
1303 meeting.

1304 **I. OPEN MEETINGS.**

1305 **371. OPEN MEETINGS, GENERALLY.**

1306 (a) Except as provided in section 375, a meeting of the Council shall be open to the  
1307 public.

1308 (b) For purposes of this part, a "meeting of the Council" means a gathering of a  
1309 quorum of the Council for purposes of discussing Council business, whether  
1310 informal or formal. A meeting of the Council does not include chance meetings,  
1311 social gatherings, or press conferences. For purposes of these rules, a meeting of the  
1312 Council does not apply to a gathering of a quorum for a committee.

1313 **372. MEETINGS OF COUNCIL DEEMED OPEN.**

1314 A meeting of the Council is deemed open if the:

1315 (1) Public is permitted to be physically present;

1316 (2) News media is permitted to be physically present; or

1317 (3) Meeting is televised.

1318 **373. NOTICE OF MEETINGS.**

1319 (a) Before a meeting of the Council is held, whether open or closed, at least one  
1320 Councilmember attending the meeting shall notify the Secretary at least 48 hours  
1321 before the meeting, unless emergency circumstances require less notice.

1322 (b) Notice provided pursuant to this section shall be posted by the Secretary in plain  
1323 view, the relevant Council office, or on the website of the Council.

1324 (c) A notice for a meeting of the Council provided pursuant to this section shall  
1325 include the:

1326 (1) Date;

1327 (2) Time;

1328 (3) Location; and

1329 (4) Planned agenda, if applicable, for the meeting.

1330 (d) If a meeting of the Council, or any portion of the meeting, is expected to be  
1331 closed, the notice shall include, if feasible, a statement of the intent to close the  
1332 meeting, including the reasons for the closure.

1333 **374. RECORD OF MEETINGS.**

1334 (a) Except as provided in subsection (e) of this section, all meetings, whether open or  
1335 closed, shall be recorded electronically. In accordance with section 447, the  
1336 electronic recording shall be produced and maintained by the Secretary provided  
1337 that if a recording is not possible detailed minutes of the meetings shall be kept by  
1338 the Secretary.

1339 (b) Copies of the records shall be provided to the public or any requester at his or  
1340 her expense.

1341 (c) A copy of the minutes shall be made available to the public or requester no more  
1342 than 3 business days after the meeting.

1343 (d) A copy of the full record including any recording or transcript shall be made  
1344 available no later than 7 business days after the meeting.

1345 (e) This section shall not apply to administrative meetings, breakfast meetings,  
1346 open discussions, or other gathering of the Council where no official action is  
1347 expected to take place; provided, however, that no official action may be taken at  
1348 such meetings.



1349 **375. EXCEPTIONS TO OPEN MEETINGS.**

1350 A meeting of the Council may be closed for the following reasons:

1351 (1) A law or court order requires that a particular matter or proceeding not be  
1352 public;

1353 (2) To discuss, establish, or instruct the public body's staff or negotiating agents  
1354 concerning the position to be taken in negotiating the price and other material  
1355 terms of a contract, including an employment contract, if an open meeting would  
1356 adversely affect the bargaining position or negotiating strategy of the public body;

1357 (3) To discuss, establish, or instruct the public body's staff or negotiating agents  
1358 concerning the position to be taken in negotiating incentives relating to the location  
1359 or expansion of industries or other businesses or business activities in the District;

1360 (4)(A) To consult with an attorney to obtain legal advice and to preserve the  
1361 attorney-client privilege between an attorney and a public body, or to approve  
1362 settlement agreements; provided, that, upon request, the public body may decide to  
1363 waive the privilege.

1364 (B) Nothing herein shall be construed to permit a public body to close a meeting  
1365 that would otherwise be open merely because the attorney for the public body is a  
1366 participant;

1367 (5) Planning, discussing, or conducting specific collective-bargaining negotiations;

1368 (6) Preparation, administration, or grading of scholastic, licensing, or qualifying  
1369 examinations;

1370 (7) To prevent premature disclosure of an honorary degree, scholarship, prize, or  
1371 similar award;

1372 (8) To discuss and take action regarding specific methods and procedures to protect  
1373 the public from existing or potential terrorist activity or substantial dangers to  
1374 public health and safety, and to receive briefings by staff members, legal counsel,  
1375 law enforcement officials, or emergency service officials concerning these methods  
1376 and procedures; provided, that disclosure would endanger the public and a record of  
1377 the closed session is made public if and when the public would not be endangered by  
1378 that disclosure;

1379 (9) To discuss disciplinary matters;

1380 (10) To discuss the appointment, employment, assignment, promotion, performance  
1381 evaluation, compensation, discipline, demotion, removal, or resignation of  
1382 government appointees, employees, or officials, including Councilmembers and  
1383 staff;

1384 (11) To discuss trade secrets and commercial or financial information obtained from  
1385 outside the government, to the extent that disclosure would result in substantial  
1386 harm to the competitive position of the person from whom the information was  
1387 obtained;

1388 (12) To train and develop members of a public body, including the Council and staff;

1389 (13) To deliberate upon a decision in an adjudication action or proceeding by a  
1390 public body exercising quasi-judicial functions; and

1391 (14) To plan, discuss, or hear reports concerning ongoing or planned investigations  
1392 of alleged criminal or civil misconduct or violations of law or regulations, if  
1393 disclosure to the public would harm the investigation.

1394 **ARTICLE IV—LEGISLATION.**

1395 **A. INTRODUCTION OF LEGISLATION.**

1396 **401. WHO MAY INTRODUCE.**

1397 (a)(1) Only a Councilmember may introduce legislation for consideration by the  
1398 Council.

1399 (2) At the time a measure is filed with the Secretary, in accordance with section  
1400 282, the measure shall be placed on the Council "v" drive or intranet portal.

1401 (b)(1) Proposed legislation transmitted to the Council by the Mayor or an  
1402 independent agency submitted in appropriate form and in compliance with these  
1403 Rules shall be introduced by the Chairman, at the request of the Mayor or an  
1404 independent agency.

1405 (2) Unless proposed legislation by the Mayor or an independent agency filed with  
1406 the Secretary by the second business day before a meeting of the Council, the  
1407 proposed legislation may not be introduced or considered at the meeting.

1408 (3) Proposed legislation from the Mayor or an independent agency shall be  
1409 transmitted to the Council by hard copy, email, or any other medium as determined  
1410 by the Secretary. All confirmation resolutions submitted to the Council by the  
1411 Mayor shall include a copy of the current resume of the nominee. The Secretary  
1412 shall place a copy of the proposed legislation on the Council "v" drive or intranet  
1413 portal.

1414 (4) Legislation transmitted under this subsection shall be filed with the Secretary  
1415 during normal business hours, as defined by section 101(25).

1416 (5) The Secretary shall determine whether the proposed legislation is in appropriate  
1417 form and may return any proposed legislation that is not in appropriate form to the  
1418 Mayor or the independent agency.

1419 **402. MANNER OF INTRODUCTION.**

1420 (a) A Councilmember may introduce a measure either by:

1421 (1) Reading the short title of the measure, except a ceremonial resolution, during  
1422 the period of a legislative meeting or a work session of the Committee of the Whole  
1423 designated for introductions and immediately providing the Secretary with the  
1424 signed original of the bill or resolution; or

1425 (2) Filing the signed original of the measure with the Secretary during normal  
1426 business hours.

1427 (b) Unless a law specifically provides otherwise, no matter transmitted for a period  
1428 of Council review before taking effect shall be deemed transmitted to the Council or  
1429 the Chairman, and no time period for Council review shall begin to run until the  
1430 matter has been formally introduced by the Chairman pursuant to subsection (a)(1)  
1431 of this section.

1432 (c) Whenever a measure would require the Secretary to transmit its text or  
1433 anything associated with the text to a person, the Councilmember who introduced  
1434 the measure shall provide the Secretary with the last-known address of the  
1435 recipient.

1436 (d) Proposed legislation transmitted for introduction by the Mayor or an  
1437 independent agency shall be addressed to the Chairman and filed with the  
1438 Secretary. The Secretary shall circulate the measure in accordance with these rules.

1439 **403. INTRODUCTION OF EMERGENCY LEGISLATION.**

1440 Emergency legislation, emergency declaration resolutions, and temporary  
1441 legislation may be introduced as provided in sections 401 and 402, or may be  
1442 introduced at a meeting called to consider the emergency legislation and temporary  
1443 legislation.

1444 **404. READING INTRODUCTIONS.**

1445 (a) At each legislative meeting and work session of the Committee of the Whole,  
1446 during the period designated for introductions, the Secretary shall read the short  
1447 titles of measures that were introduced pursuant to section 402(a)(2) between the  
1448 previous reporting period and the 10 am of the business day before the legislative  
1449 meeting or Committee of the Whole work session, and provide the numbers

- 1450 assigned as provided in section 805 and the committee referrals as provided in  
1451 section 405.
- 1452 (b) Measures may not be debated or amended when they are read for introduction.
- 1453 (c) The formal reading of the Secretary's report as provided in subsection (a) of this  
1454 section may be waived by unanimous consent.
- 1455 (d) A Councilmember may raise questions regarding a committee referral included  
1456 in the Secretary's report without a formal reading of the entire Secretary's report.
- 1457 (e) A Councilmember may introduce no more than 3 measures at a legislative  
1458 meeting or Committee of the Whole work session.
- 1459 (f) A Councilmember may speak for no more than 3 minutes on each measure  
1460 introduced.
- 1461 (g) Only one Councilmember may speak on each introduced measure; provided, that  
1462 a Councilmember may yield all or a part of the Councilmember's time provided by  
1463 this section to another Councilmember.

1464 **405. COMMITTEE REFERRAL.**

- 1465 (a)(1) When a measure is introduced before a legislative meeting or Committee of  
1466 the Whole work session, the Chairman may refer it to the appropriate committee or  
1467 committees, taking into account standards of germaneness, unless the Council  
1468 retains the measure. The referral is official unless the Chairman provisionally  
1469 refers the bill to a committee or committees.
- 1470 (2) If the Chairman provisionally refers the bill to a committee or committees, the  
1471 referral shall be deemed official after 3 business days. If the Chairman refers the  
1472 measure to another committee within the 3-business-day period or any time  
1473 thereafter, the referral shall not become official until the next regular legislative  
1474 meeting or Committee of the Whole work session. The Chairman may refer a bill or  
1475 proposed resolution for comments at any time.
- 1476 (b) When a bill is introduced by filing it with the Secretary, rather than introducing  
1477 it at a meeting pursuant to subsection (a) of this section, the Chairman shall refer it  
1478 to the appropriate committee or committees. Such referral is not official until it is  
1479 read at a meeting pursuant to section 404.
- 1480 (c)(1) The Chairman may refer a measure to 2 or more committees for sequential  
1481 consideration of all or part of the measure, and may refer all or part of the measure  
1482 to one or more committees for comments.
- 1483 (2) Where there is a sequential referral, the Chairman may make the referral and  
1484 specify a time period within which one or more of the committees must report the

1485 measure. If a committee fails to file a report within the specified time period, the  
1486 measure shall be deemed discharged from the committee, and the Secretary shall  
1487 provide notice that the measure is ready for subsequent action by another  
1488 committee or to be agendaized for Council consideration.

1489 (c) The Chairman may re-refer a bill or resolution from one committee to another  
1490 committee and the new referral shall become official at the next legislative meeting  
1491 or Committee of the Whole work session.

1492 (d) A committee may not consider a measure unless the Chairman has made an  
1493 official referral.

1494 **406. COMMENTS BY EXECUTIVE.**

1495 The Executive may comment on any measure. Unless otherwise required by law,  
1496 neither the Council nor a committee must wait for Executive comments before  
1497 considering a measure.

1498 **407. WITHDRAWAL OF LEGISLATION.**

1499 (a) Whenever a rule, regulation, or resolution is proposed for promulgation by an  
1500 entity other than the Council and is required by law to be approved, disapproved, or  
1501 reviewed by the Council before its taking effect and would take effect automatically  
1502 by operation of law, the proposal may be withdrawn formally by the proposer before  
1503 final Council action or, if the Council takes no action, before any time limit imposed  
1504 by law. The withdrawal shall render the original proposal a nullity as if it were  
1505 never proposed. These proposed rules, regulations, and resolutions may be  
1506 withdrawn only by written request transmitted to the Chairman.

1507 (b) A Councilmember may withdraw any measure before any action has been taken  
1508 by the committee to which the measure has been referred (i.e., hearing, markup, or  
1509 vote). A withdrawal shall be filed with the Secretary. A withdrawal shall render the  
1510 original measure a nullity, as if it were never introduced. If a measure has been  
1511 introduced by more than one Councilmember, all co-introducers must consent to  
1512 withdrawal under this subsection.

1513 (c) Notwithstanding subsection (a) of this section, if a Councilmember withdraws a  
1514 resolution approving or disapproving a contract or reprogramming after the date  
1515 the contract or reprogramming would otherwise have been deemed approved, the  
1516 measure shall be deemed approved on the date the resolution is withdrawn, unless  
1517 it has been deemed approved before that time by operation of law.

1518 **B. COUNCIL APPROVAL.**

1519 **411. CONSENT AGENDA.**

1520 (a)(1) The Chairman shall prepare a consent agenda for each legislative meeting  
1521 that shall include measures that the Chairman believes will be adopted by  
1522 unanimous vote. The consent agenda shall be approved by the Committee of the  
1523 Whole at a work session before the legislative meeting for which the agenda was  
1524 prepared. Without objection, a Councilmember may amend the committee print of a  
1525 measure without removing the bill or resolution from the consent agenda, if the  
1526 amendment is filed with the Secretary at or before the Committee of the Whole  
1527 meeting and circulated to the Councilmembers at the Committee of the Whole  
1528 meeting.

1529 (2) A Councilmember may remove a measure from the consent agenda at the  
1530 Committee of the Whole meeting or at the legislative meeting before the vote on the  
1531 consent agenda.

1532 (3) Measures removed from the consent agenda shall be considered as provided in  
1533 section 311, except that the Chairman may first consider items removed from the  
1534 consent agenda.

1535 (4) Before the vote on the consent agenda at a legislative meeting, and without  
1536 objection from any other Councilmember, a Councilmember may request that a  
1537 measure on the non-consent agenda be moved to the consent agenda.

1538 (5) Approval of the consent agenda during a legislative meeting will include the  
1539 unanimous approval of all matters included in the consent agenda. If a  
1540 Councilmember asks for his or her vote to be recorded on a particular measure, the  
1541 measure shall be removed from the consent agenda.

1542 (b) A resolution declaring the existence of an emergency and accompanying  
1543 emergency bill submitted by the Mayor or an independent agency pursuant to  
1544 section 307(b) shall be included in the consent agenda prepared by the Chairman  
1545 for the first regularly scheduled legislative meeting that occurs more than 5  
1546 business days after the resolution declaring the existence of an emergency and  
1547 accompanying emergency bill have been filed with the Secretary.

1548 **412. EMERGENCY LEGISLATION.**

1549 (a)(1) When a Councilmember proposes a measure to be passed immediately due to  
1550 emergency circumstances, the Council may debate the question of the existence of  
1551 an emergency and then shall vote on whether emergency circumstances exist.

1552 (2) A Councilmember may debate the merits of a measure to determine whether  
1553 emergency circumstances exist.

1554 (3) If 2/3rds of the Councilmembers find that emergency circumstances exist, the  
1555 Council shall consider the measure on its merits.

1556 (b) For purposes of this section, an "emergency" means a situation that adversely  
1557 affects the health, safety, welfare, or economic well-being of a person for which  
1558 legislative relief is deemed appropriate and necessary by the Council, and for which  
1559 adherence to the ordinary legislative process would result in delay that would  
1560 adversely affect the person whom the legislation is intended to protect.

1561 (c) Emergency legislation shall take effect, according to its terms, either  
1562 immediately or at a specific time. Pursuant to section 412(a) of the Charter (D.C.  
1563 Official Code § 1-204.12), emergency legislation shall be effective law for no more  
1564 than 90 days.

1565 (d) No emergency measure may be approved by the Council without a legal  
1566 sufficiency determination presented to the Council, at the time of its consideration,  
1567 provided that the Chairman may waive these requirements if the Chairman concurs  
1568 with the General Counsel that the amendment is legally sufficient.

1569 (e) The Chairman may rule out of order an emergency measure that is subject to  
1570 inclusion in an approved budget and financial plan.

1571 **413. TEMPORARY LEGISLATION.**

1572 If the Council approves an emergency bill under section 412, the Council may, at  
1573 the same legislative meeting, consider a temporary bill on first reading without  
1574 committee referral. The temporary bill must be substantially similar to the  
1575 emergency bill and may remain effective for no more than 225 days.

1576 **414. TECHNICAL-AMENDMENT LEGISLATION.**

1577 (a) On an occasional basis, the General Counsel shall prepare a technical  
1578 amendment bill for introduction by the Chairman.

1579 (b) Notwithstanding section 501(a), no hearing is required before final adoption of a  
1580 technical-amendment bill prepared in accordance with this section.

1581 (c) A technical-amendment bill shall contain only amendments to existing law and  
1582 no amendment included in the technical-amendment bill may make substantive  
1583 changes to the existing law. Any amendment to the technical-amendment bill must  
1584 be certified as technical by the General Counsel.

1585 (d) An amendment to a technical-amendment bill that has not been certified as  
1586 technical by the General Counsel shall be out of order for Council consideration.

1587 **415. ENACTMENT LEGISLATION.**

1588 (a) On an occasional basis, the General Counsel shall prepare an enactment bill for  
1589 introduction by the Chairman.

1590 (b) Notwithstanding section 501(a), no hearing is required before final adoption of  
1591 an enactment bill prepared in accordance with this section.

1592 (c) An enactment bill shall present, for each title of the District of Columbia Official  
1593 Code proposed to be enacted into positive law, a compilation, restatement, and  
1594 revision of the general and permanent laws of the District of Columbia that  
1595 conforms to the understood policy, intent, and purpose of the Council or Congress in  
1596 the original enactments, with such amendments and corrections as to remove  
1597 ambiguity, contradictions, and other imperfections, both of substance and of form.

1598 (d) An amendment to an enactment bill that has not been proposed by the General  
1599 Counsel as an amendment consistent with subsection (c) of this section shall be out  
1600 of order for Council consideration.

1601 **416. VETOED LEGISLATION.**

1602 (a) Whenever the Mayor disapproves and returns an act pursuant to section 404(e)  
1603 of the Charter (D.C. Official Code § 1-204.04(e)), the disapproved act shall be the  
1604 property of the full Council. The Chairman may solicit comments or  
1605 recommendations on the disapproved act from a committee or committees. A  
1606 Councilmember may move for the Council to reenact the disapproved act before the  
1607 end of the 30-day review period provided in section 404(e) of the Charter. If 2/3rds  
1608 of the Councilmembers present and voting vote to reenact the act, the act shall  
1609 become law subject to the provisions of section 602(c) of the Home Rule Act (D.C.  
1610 Official Code § 1-206.02(c)).

1611 (b) Whenever the Mayor disapproves and returns any item or provision of a budget  
1612 act pursuant to section 404(f) of the Charter (D.C. Official Code § 1-204.04(f)), the  
1613 disapproved act shall be the property of the full Council. The Chairman may solicit  
1614 comments or recommendations on the disapproved item or provision from a  
1615 committee or committees. A Councilmember may move for the Council to reenact  
1616 any disapproved item or provision of the budget act before the end of the 30-day  
1617 review period provided in section 404(f) of the Charter. If 2/3rds of the  
1618 Councilmembers present and voting vote to reenact any item or provision of the  
1619 budget act, the item or provision so reenacted shall be transmitted by the Chairman  
1620 to the President of the United States.



1621 **417. TRANSMISSION OF ACTS.**

1622 The Chairman shall transmit adopted acts to the Mayor and enacted acts to the  
1623 United States Senate and the United States House of Representatives as required  
1624 by the Charter.

1625 **418. EFFECT OF END OF COUNCIL PERIOD.**

1626 (a)(1) A measure that has not been finally adopted by the Council before the end of  
1627 the Council Period in which the measure was introduced lapses without prejudice to  
1628 the measure's reintroduction in a subsequent Council Period.

1629 (2) If temporary legislation has been passed on first reading pursuant to section 413  
1630 at the last legislative meeting in a Council Period, it may be considered on final  
1631 reading during the next Council Period.

1632 (3) Except as provided in paragraph (4) of this subsection, a matter transmitted by  
1633 the Mayor or an independent agency for a designated period of Council review that  
1634 is pending at the end of a Council period shall be in the same status that the matter  
1635 was at the end of the prior Council period and the legislation assigned a new  
1636 number. If notice required by these Rules has been given in the prior Council  
1637 period, no additional notice shall be required before action on the matter.

1638 (4) Except for confirmation resolutions that are pending as of January 2, 2015,  
1639 confirmation resolutions shall lapse without prejudice to the resolution's  
1640 reintroduction in a subsequent Council Period.

1641 (b) Legislation that has been finally adopted by the Council during a Council Period  
1642 shall not lapse simply because any of the following occurs:

1643 (1) Approval or veto by the Mayor;

1644 (2) Approval by operation of law;

1645 (3) Reenactment after a veto;

1646 (4) Submission to referendum; or

1647 (5) Transmittal to Congress.

1648 (c) Records of measures that lapsed at the end of a Council Period may be  
1649 incorporated by reference in the records of substantially similar measures  
1650 considered in a later Council Period, including the record of any hearing or  
1651 roundtable that was held in a prior Council Period.

1652 **C. NOTICE AND PUBLICATION OF INTENDED ACTIONS.**

1653 **421. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS AND**  
1654 **HEARINGS.**

1655 (a)(1) Except as provided in these Rules, 15 days' notice by publication in the  
1656 Register is required before Council adoption of a measure.

1657 (2) Abbreviated notice under this subsection may be given upon good cause found  
1658 and published in the Register with the notice.

1659 (b) Except as provided in these Rules, 15 days' notice by publication in the Register  
1660 or abbreviated notice published in Register is required before the conduct of a  
1661 hearing.

1662 (c) Abbreviated notice under subsection (b) of this section may be given:

1663 (1) For a hearing on a permanent bill for the purpose of rescheduling the hearing  
1664 where the hearing was previously noticed in the Register.

1665 (2) For a hearing on a resolution, where a hearing is required, upon good cause  
1666 found and published in the Register with the notice, and where the abbreviated  
1667 notice provides at least 3 business days' notice; or

1668 (3) For an oversight or investigative hearing, where such notice is posted on the  
1669 Council website.

1670 (e) No prior notice by publication is required for the adoption of a ceremonial  
1671 resolution, an emergency bill or resolution, an emergency-declaration resolution, or  
1672 a resolution adopting Council Rules, appointing Council officers and committee  
1673 chairpersons and members, or pertaining to the internal operation or organization  
1674 of the Council.

1675 **422. PERSONAL SERVICE OR ACTUAL NOTICE.**

1676 Notice by publication is not required if all persons subject to an intended action are  
1677 named, and in accordance with law, either are served personally or have actual  
1678 notice of the Council's intended action.

1679 **423. METHODS OF NOTICE.**

1680 (a) Where not otherwise required by these Rules or other provisions of law to be  
1681 done in specific fashion, notice may be given by:

1682 (1) Publication in the Register;

1683 (2) Publication in one or more newspapers of general circulation;

- 1684 (3) Mailing notices to a mailing list of organizations and individuals established and  
1685 maintained by the Secretary;
- 1686 (4) Use of other news media;
- 1687 (5) Posting notice in a prominent place in the John A. Wilson Building and other  
1688 public buildings or posting places;
- 1689 (6) Facsimile;
- 1690 (7) E-mail;
- 1691 (8) Posting on the Council's official website; or
- 1692 (9) In any other manner directed by the Council.
- 1693 (b) Where notice to the public is required under these Rules, by law, otherwise, the  
1694 Secretary shall post the notices on the Council website.

1695 **424. NOTICE OF EMERGENCY ACTIONS.**

- 1696 (a) When an emergency measure is to be considered, a notice that includes a  
1697 statement of the reasons for the emergency and the intended effect of the  
1698 emergency measure shall be filed, and a draft of the emergency measure and  
1699 emergency-declaration resolution shall be circulated, by noon on the third business  
1700 day before the legislative meeting at which the emergency measure is to be  
1701 considered, unless the nature of the emergency precludes such notice. If the nature  
1702 of the emergency precludes the notice, the sponsor of the legislation shall circulate  
1703 and file the measure with the Secretary and take steps to ensure that  
1704 Councilmembers have notice at the earliest possible time before the meeting at  
1705 which the emergency measure is to be considered.
- 1706 (b) Notwithstanding the provisions of subsection (a) of this section, public notice of  
1707 intended emergency action shall be given before adoption of an emergency bill or  
1708 resolution by at least one method provided in section 423.

1709 **425. NOTICE OF TEMPORARY LEGISLATION.**

- 1710 (a) Each temporary bill adopted pursuant to section 413, shall be circulated and  
1711 filed with the accompanying emergency measure in accordance with section 424.  
1712 Following approval on first reading, the Secretary shall publish a notice of intent to  
1713 adopt the temporary bill on second reading in the Register.
- 1714 (b) When temporary legislation is to be considered under section 413, the notice of  
1715 emergency action under section 424 shall include notice of the temporary  
1716 legislation.

1717 **426. NOTICE OF WAIVER OF SECTION 231(C).**

1718 (a) A notice of a request to waive section 231(c) shall be filed and circulated no later  
1719 than noon on the third business day before the legislative meeting at which a  
1720 measure is to be considered. The notice shall include a rationale for the request.

1721 (b) If the committee report for a measure is not filed before noon on the third  
1722 business day before the legislative meeting, a motion to waive 231(c) may not be  
1723 placed on the legislative agenda.

1724 (c) Before approval of a motion to waive section 231(c), a certification shall be made  
1725 of a measure's legal sufficiency and technical compliance with the drafting rules of  
1726 the Council; the economic analysis; the completion of the record; and a  
1727 determination made of the sufficiency of the fiscal impact statement.

1728 (d) Approval of a motion to waive section 231(c) shall require a vote of 2/3rds of the  
1729 members present and voting.

1730 (e) A motion to waive section 231(c) is not in order if the legislation includes  
1731 amendments made by one or more committees that are beyond the jurisdiction of  
1732 the committee or committees.

1733 **427. NOTICE OF CEREMONIAL RESOLUTIONS.**

1734 Each ceremonial resolution shall be filed by noon on the business day before the  
1735 legislative meeting at which it is to be considered. Without objection, ceremonial  
1736 resolutions scheduled for presentation at a legislative meeting, may be presented at  
1737 a Committee of the Whole meeting scheduled for the same day.

1738 **428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.**

1739 Each measure adopted by the Council shall be published in the Register. Except as  
1740 provided in section 204 of the District of Columbia Codification Act of 1975, effective  
1741 October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-602), no measure shall  
1742 become effective until after its publication. Once notice by publication has been  
1743 given in accordance with this section, no additional publication is necessary for an  
1744 act completing Congressional review to become effective law as provided in section  
1745 602 of the Home Rule Act (D.C. Official Code § 1-206.02).

1746 **429. NOTICE OF NEW BUSINESS.**

1747 Except as provided in these Rules, a Councilmember shall file a notice of intent by  
1748 noon on the third business day before a legislative meeting, to make any of the  
1749 following motions:

1750 (1) A motion to reconsider a measure that was considered at a prior legislative  
1751 meeting;

1752 (2) A motion to take from the table a measure that was laid on the table at a prior  
1753 legislative meeting;

1754 (3) A motion to discharge;

1755 (4) A point of personal privilege; or

1756 (5) Any other motion that brings new business before the Council.

1757 **430. NOTICE OF COMMITTEE MEETINGS.**

1758 (a) A committee shall file and circulate notice, at least 24 hours before a meeting, of  
1759 the date, hour, and place of a committee meeting, along with a copy of the agenda  
1760 and a draft of any measures to be considered at the meeting.

1761 (b) If at least 4 members of the committee agree, in a written record, to a shorter  
1762 notice, the committee may consider matters not included on the agenda.

1763 (c) A committee shall file and circulate notice, at least 24 hours before a meeting, of  
1764 the cancellation of a committee meeting.

1765 **ARTICLE V—HEARING PROCEDURES.**

1766 **A. PROCEDURES FOR HEARINGS.**

1767 **501. AUTHORITY TO CALL HEARINGS.**

1768 (a)(1) The Council shall hold a hearing when required by law and may hold a  
1769 hearing on any matter relating to the affairs of the District. A Council hearing may  
1770 be called by the Chairman.

1771 (2) A hearing shall be held on all permanent bills before final adoption by the  
1772 Council. A hearing or roundtable is not required where a hearing on the same or a  
1773 similar bill was held in the same or immediately preceding Council Period.

1774 (b) A committee of the Council shall hold a hearing when required by law and may  
1775 hold a hearing on any matter relating to the affairs of the District that is properly  
1776 within the committee's jurisdiction as provided in these Rules.

1777 (c) Unless a hearing is required by law or regulation, a committee may hold a  
1778 roundtable on any matter relating to the affairs of the District that is properly  
1779 within the committee's jurisdiction as provided in these Rules. A roundtable shall  
1780 comply with the hearing requirements set forth in this Article. A committee is not  
1781 required to meet the notice requirements of section 421 to hold a roundtable.

1782 (d) A notice of a hearing or a roundtable shall be filed with the Secretary.

1783 **502. QUORUM.**

1784 One Councilmember, for the Council, or one member of a committee, for the  
1785 committee, shall constitute a quorum for the purpose of holding a hearing or a  
1786 roundtable.

1787 **503. PARTICIPATION BY MEMBERS.**

1788 (a) Each Councilmember may participate in hearings of the Council or of a  
1789 committee, without regard to whether the Councilmember is a member of the  
1790 committee conducting the hearing.

1791 (b) Each Councilmember may question witnesses for no more than 10 minutes until  
1792 after each Councilmember has had an opportunity to question the witnesses.

1793 **504. OPEN TO PUBLIC.**

1794 (a) All hearings and roundtables shall be open to the public unless, upon good cause  
1795 shown, a majority of the Council or a committee approves the convening of a  
1796 hearing in an executive meeting, and as provided in sections 371-375.

1797 (b) Except as provided in subsection (c) of this section, testimony taken and evidence  
1798 received in a closed hearing or roundtable shall be confidential and may not be  
1799 released to the public.

1800 (c)(1) Upon good cause shown and after notice as provided in this subsection, a  
1801 majority of the Council or committee members may approve the release of testimony  
1802 or evidence received in a closed hearing or roundtable.

1803 (2) Ten days before the release of testimony or evidence under this subsection, the  
1804 Council or committee must notify, in writing, the affected witness that the Council  
1805 or committee intends to release the testimony or evidence.

1806 (3) Before the expiration of the 10-day period, the affected witness may request, in  
1807 writing directed to the presiding Council or committee member, and the Council or  
1808 committee may consider withholding the testimony or evidence described in the  
1809 notice.

1810 (d)(1) If a committee, in the publication of notice of a hearing or roundtable, sets a  
1811 deadline before which a person must contact the committee to be permitted to be a  
1812 witness at the public hearing, then at the time that the public hearing is held, each  
1813 person who complied with the committee's requirements shall be given an  
1814 opportunity to testify.

1815 (2) A person who fails to comply with the requirements of this subsection may not  
1816 testify unless the presiding member allows the person to testify.

1817 **B. RECEIVING TESTIMONY.**

1818 **511. QUESTIONING WITNESSES.**

1819 Witnesses may be questioned by Councilmembers and, with the consent of the  
1820 presiding member, by authorized staff or counsel.

1821 **512. DECORUM OF WITNESSES.**

1822 (a) A witness may address a Councilmember only through the presiding member.

1823 (b) A witness shall confine his or her remarks to the question under discussion and  
1824 shall avoid making negative personal comments.

1825 (c) The presiding member shall maintain order in the hearing or roundtable and,  
1826 after issuing a warning, may order the removal of a disorderly person as provided in  
1827 section 322.

1828 **C. RIGHTS OF WITNESSES.**

1829 **521. RIGHT TO COUNSEL.**

1830 Any witness who appears before the Council or a committee has the right to be  
1831 represented by counsel.

1832 **522. RIGHT TO MAKE OPENING STATEMENT.**

1833 Any witness testifying at a hearing or roundtable may submit an opening  
1834 statement, which shall be placed in the record of the hearing or roundtable. The  
1835 presiding member may permit the witness to read his or her statement at the  
1836 hearing or roundtable.

1837 **D. RECORD OF HEARINGS.**

1838 **531. HEARING RECORDS, REQUIRED.**

1839 (a) Within 10 business days after the close of the record for a hearing or roundtable,  
1840 a committee chairperson shall file with the Secretary a hearing record, which shall  
1841 be a complete record of the hearing or roundtable. The hearing record shall contain  
1842 the following:

1843 (1) A copy of the published notice;

1844 (2) A copy of the witness list;

- 1845 (3) Copies of written testimony;
- 1846 (4) Statements or other materials submitted for the record;
- 1847 (5) Important correspondence with the Mayor, if applicable; and
- 1848 (6) Other information that the committee chairperson considers necessary.
- 1849 (b) If new materials are provided to the committee after the close of the record, the
- 1850 committee chairperson may supplement the hearing record.

1851 **532. CLOSE OF RECORD.**

1852 Unless otherwise provided, the record for a hearing or roundtable shall close 10

1853 business days after the hearing or roundtable.

1854 **ARTICLE VI—INVESTIGATIONS AND SUBPOENAS.**

1855 **A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.**

1856 **601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN**

1857 **INVESTIGATION.**

1858 (a) In order to use subpoenas to obtain testimony or documents, the Council shall

1859 adopt a resolution authorizing an investigation by the Council or a special

1860 committee.

1861 (b) In order to use subpoenas to obtain testimony or documents, a committee must

1862 adopt a resolution of the committee authorizing an investigation subject to the

1863 limits of section 501. This resolution must be filed in the Office of the Secretary.

1864 (c) A resolution authorizing an investigation under this section shall delineate the

1865 purpose of the investigation and the subject matter to be investigated to afford

1866 witnesses adequate notice of the scope of the inquiry.

1867 **602. NOTICE OF INVESTIGATION.**

1868 Pursuant to section 421, the Secretary shall publish a notice of each investigation

1869 authorized under section 601 in the Register, which notice shall include a copy or

1870 description of the resolution authorizing the investigation and the date the

1871 resolution was filed in the Office of the Secretary.

1872 **603. REPORT OF INVESTIGATION.**

1873 (a) Within 90 days of the conclusion of an investigation under this article, a

1874 committee shall submit to the Council the results of the investigation, unless the

1875 Council, by majority vote of the members present and voting, extends the time limit.



1876 (b) The committee, by a majority of the members present and voting, may vote not  
1877 to release all or part of its report. The Council, by a majority of members present  
1878 and voting, may direct a committee to release its report under terms that the  
1879 Council sets.

1880 **604. TESTIMONY UNDER OATH.**

1881 A witness may be affirmed or sworn to give truthful testimony.

1882 **605. ISSUING THE OATH.**

1883 Any person authorized by law may issue an oath or affirmation to a witness.

1884 **606. DEPOSITIONS.**

1885 The Council or committee may authorize a Councilmember, staff, or counsel to take  
1886 the testimony of witnesses by oral or written depositions.

1887 **B. SUBPOENAS.**

1888 **611. ISSUANCE OF SUBPOENAS.**

1889 The Council, any standing committee of the Council, and, if authorized by the  
1890 resolution establishing it, any special committee, may subpoena the attendance and  
1891 testimony of witnesses and the production of documents and other tangible items at  
1892 meetings, hearings, and depositions in connection with an investigation. Subpoenas  
1893 shall be issued in the form set forth in Appendix A, and, except as provided in  
1894 section 613(b), shall be served not less than 5 business days before the return date.

1895 **612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA.**

1896 Before issuing a subpoena, the Council, a standing committee, or authorized special  
1897 committee shall submit a report to the Secretary outlining the nature and scope of  
1898 the investigation and the type of information sought through the use of the  
1899 subpoena.

1900 **613. SERVICE OF SUBPOENAS.**

1901 (a) Except as provided in subsection (b) of this section, a subpoena shall be served  
1902 personally on the witness or the witness's designated agent in one of the following  
1903 ways, which may be attempted concurrently or successively:

1904 (1) By a person at least 18 years of age, designated by the committee or the Council  
1905 from among the staff appointed by the Secretary who is not directly involved in the  
1906 investigation; or

- 1907 (2) By a person, at least 18 years of age, engaged by the committee or the Council  
1908 for this purpose.
- 1909 (b) If, after a reasonable attempt, personal service on a witness or witness's  
1910 designated agent cannot be obtained, service may be effectuated by registered or  
1911 certified mail not less than 8 business days before the return date.
- 1912 **614. ENFORCEMENT OF SUBPOENAS.**
- 1913 A committee may refer to the Council any case of contumacy by a person  
1914 subpoenaed to appear before the committee. The Council may refer by resolution  
1915 any case of contumacy by any person subpoenaed by the Council or a committee to  
1916 the Superior Court of the District of Columbia as provided in section 413 of the  
1917 Charter (D.C. Official Code § 1-204.13).
- 1918 **C. RIGHTS OF WITNESSES.**
- 1919 **621. RIGHT TO ASSERT PRIVILEGES.**
- 1920 (a) A witness has the right to refuse to answer a question that might tend to  
1921 incriminate him or her by claiming his or her Fifth Amendment privilege against  
1922 self-incrimination, other Constitutional privileges, or statutory or common law  
1923 privileges recognized in the Superior Court of the District of Columbia.
- 1924 (b) If a witness asserts a privilege, the presiding member shall inquire into the  
1925 witness's reasons for claiming the privilege. If the presiding member determines  
1926 that the claim of privilege is not warranted, the presiding member shall direct the  
1927 witness to answer the question. A witness's continued claim of privilege in the face  
1928 of an order by the presiding member to answer a specific question constitutes  
1929 contumacy by the witness.
- 1930 **622. NOTIFICATION OF RIGHTS.**
- 1931 Where a witness under subpoena is not represented by counsel, the presiding  
1932 member shall advise the witness of his or her privilege against self-incrimination.
- 1933 **623. RIGHT TO TRANSCRIPT.**
- 1934 A witness under subpoena is entitled to receive, at the cost of producing it, a written  
1935 transcript or a transcription of his or her testimony in connection with an  
1936 investigation.
- 1937 **624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.**
- 1938 Any person who is the subject of an investigation authorized under section 601 may  
1939 submit written questions for the cross-examination of other witnesses at a public

1940 investigative hearing called by the Council or a committee. With the consent of the  
1941 Councilmembers present and voting, the questions may be put to the witness by a  
1942 Councilmember, by staff, or by counsel.

1943 **625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS.**

1944 Any person, who is named or specifically identified in connection with an  
1945 investigation and who believes that the testimony or other evidence or comment by  
1946 a member of the Council or a committee or its staff does not comport with the truth,  
1947 may file a sworn statement of facts relevant to the testimony or other evidence or  
1948 comment complained of.

1949 **D. CENSURE, REPRIMAND, AND EXPULSION PROCEDURES.**

1950 **651. AD HOC COMMITTEES.**

1951 (a) An ad hoc committee shall be established for the purposes of considering  
1952 evidence of a violation of the Code of Conduct, policy, or law and making  
1953 recommendations for further action. An ad hoc committee shall be established by  
1954 request of any 5 members of the Council, or if a member is censured by the Ethics  
1955 Board.

1956 (b) The ad hoc committee shall be composed of 5 members appointed by the  
1957 Chairman or, if the Chairman is the subject of the request or Ethics Board sanction,  
1958 by the Chairman Pro Tempore. The committee shall not include the member who is  
1959 the subject of the request. The committee's proceedings may be conducted in  
1960 executive session in accordance with section 504, except that its recommendation  
1961 for further action shall be made public

1962 (c) No penalty pursuant to sections 655 and 656, shall be imposed unless first  
1963 recommended by an ad hoc committee of the Council.

1964 **652. AD HOC COMMITTEE INITIATED BY AN ETHICS BOARD CENSURE.**

1965 (a) An ad hoc committee shall be established by the Council within 72 hours of a  
1966 censure of one of its members by the Ethics Board, or as soon as practicable. An ad  
1967 hoc committee shall consider the findings of the Ethics Board, conduct an  
1968 investigation if warranted, and report its findings and penalty recommendations, if  
1969 any, to the Council within 45 days of being convened. The penalty recommendations  
1970 may include:

1971 (1) Reprimand;

1972 (2) Censure; or

1973 (3) Expulsion.

1974 (b) The Council shall meet to consider the recommendation within 7 days of  
1975 receiving the recommendations from the committee.

1976 **653. AD HOC COMMITTEE BY REQUEST.**

1977 (a) A request for censure or expulsion of a member of the Council may be submitted  
1978 to the Secretary by any 5 members of the Council. The request shall contain the  
1979 specific charges on which the proposed sanction is based.

1980 (b) The Secretary shall deliver a copy of the request for an ad hoc committee and the  
1981 charges to each member of the Council at least 48 hours prior to the first meeting of  
1982 the committee at which the request will be first considered.

1983 (c) The committee's proceedings may be conducted in executive session in  
1984 accordance with section 504. The committee shall permit testimony from both the  
1985 member making the request and the member subject to the request and shall  
1986 determine whether:

1987 (1) Further investigation of the charges is required to determine if a hearing is  
1988 warranted;

1989 (2) The matter is to be set for a hearing; or

1990 (3) No further action should be taken with respect to the request.

1991 (d) If the committee determines no further action should be taken with respect to  
1992 the request, the committee shall report that to the Council at its earliest  
1993 opportunity. If the committee determines that further investigation is required, the  
1994 committee shall conduct an investigation and report a summary of its proceedings  
1995 and its findings, along with penalty recommendations, if any, to the Council at its  
1996 earliest opportunity. The penalty recommendations, if any, may include:

1997 (1) Reprimand;

1998 (2) Censure; or

1999 (3) Expulsion.

2000 (e) If the committee does not report its recommendation and findings to the Council  
2001 within 90 calendar days of the receipt of the request to convene the committee, the  
2002 matter shall be sent to the Council for its consideration.

2003 (f) Upon receipt of the report of the committee, or at the expiration of the time for  
2004 the committee to report to the Council, the Chairman shall place the matter on the  
2005 Council's agenda to determine whether or not a hearing is warranted. If the  
2006 Chairman decides to set the matter for a hearing, it shall be scheduled for no sooner  
2007 than one week after the determination to hear the matter. Written notice of the

2008 hearing shall be delivered in person to the member of the Council who is the subject  
2009 to the request or to the member's Council office at least 48 hours in advance of the  
2010 scheduled hearing.

2011 (g)(1) The hearing shall be conducted by the Chairman or, if the Chairman is the  
2012 subject of the hearing, by the Chairman Pro Tempore. At the hearing, the member  
2013 of the Council who is the subject of the request shall be given the opportunity to  
2014 make an opening and a closing statement, to call witnesses on his or her behalf, and  
2015 to question his or her accusers. The member who is the subject of the request may  
2016 be represented by a persons of the member's choice whether or not the person is an  
2017 attorney at law and may have that representatives speak or question witnesses on  
2018 the member's behalf.

2019 (2) The questioning or cross-examining of witnesses may be reasonably limited by  
2020 the presiding member.

2021 (3) Testimony shall be taken only from witnesses having direct knowledge of facts or  
2022 circumstances relevant to the specific charges under consideration.

2023 (4) The rules of evidence and judicial procedure applicable in courts of law shall not  
2024 be applicable to this hearing, and the procedures shall be generally informal.

2025 (h) Notwithstanding any other provision of this rule, the Chairman, pursuant to an  
2026 authorizing resolution, may appoint any person or a standing or special committee  
2027 to perform any investigation required by the rule.

2028 **654. REPRIMAND.**

2029 (a) A reprimand is a formal statement of the Council officially disapproving the  
2030 conduct of one of its members. A reprimand shall be directed to a particular member  
2031 of the Council based on a particular action or set of actions that is determined to be  
2032 in violation of the Council's Rules, law, or policy, but is considered to be not  
2033 sufficiently serious to require censure. A reprimand is distinguished from censure in  
2034 that it is not punishment or discipline and, therefore, does not require an  
2035 investigation or hearing.

2036 (b) The Council may adopt a resolution of reprimand in the same manner as  
2037 provided for the adoption of any resolution; provided, that the Councilmember who  
2038 is the subject of the resolution is permitted to speak in his or her defense prior to  
2039 action on the motion for adoption of the resolution. The fact that the  
2040 Councilmember who is the subject of a reprimand does not choose to respond to the  
2041 resolution or does not attend the meeting at which the resolution is to be adopted  
2042 shall not prevent the Council from adopting the resolution; provided, that the  
2043 Councilmember had actual notice of the inclusion of the resolution on the agenda  
2044 and had a reasonable opportunity to attend the meeting.

2045 **655. CENSURE.**

2046 (a) Censure is a formal statement of the Council officially disciplining one of its  
2047 members. It is a punitive action, which serves as a penalty imposed for wrongdoing,  
2048 but it carries no fine or suspension of the rights of the member as an elected official.  
2049 Censure should be used for cases in which the Council determines that the violation  
2050 of law or policy is a serious offense. To protect the overriding principle of freedom of  
2051 speech, the Council shall not impose censure on any member for the exercise of his  
2052 or her First Amendment right, no matter how distasteful the expression of that  
2053 right was to the Council and the District. Nothing in this rule shall be construed to  
2054 prohibit the Council, as a body, from condemning and expressing its strong  
2055 disapprobation.

2056 (b)(1) The Council may, by a 2/3rd vote of Councilmembers present and voting,  
2057 adopt a resolution of censure if it finds, based on substantial evidence, that a  
2058 Councilmember took an action that amounts to a gross failure to meet the highest  
2059 standards of personal and professional conduct.

2060 (2) Substantial evidence is proof that a reasonable person would accept as adequate  
2061 to support a conclusion or decision in favor of censure.

2062 **656. EXPULSION.**

2063 (a) Expulsion is the most severe punitive action, serving as a penalty imposed for  
2064 egregious wrongdoing. Expulsion results in the removal of the member. Expulsion  
2065 should be used for cases in which the Council determines that the violation of law is  
2066 of the most serious nature, including those violations that substantially threaten  
2067 the public trust. To protect the exercise of official councilmember duties and the  
2068 overriding principle of freedom of speech, the Council shall not impose expulsion on  
2069 any member for the exercise of his or her First Amendment right, no matter how  
2070 distasteful the expression of that right was to the Council and the District, or in the  
2071 official exercise of his or her office.

2072 (b)(1) The Council may, by a 5/6 vote of Councilmembers, adopt a resolution of  
2073 expulsion if it finds, based on substantial evidence, that a Councilmember took an  
2074 action that amounts to a gross failure to meet the highest standards of personal and  
2075 professional conduct.

2076 (2) Substantial evidence is proof that a reasonable person would accept as adequate  
2077 to support a conclusion or decision in favor of expulsion.

2078 **ARTICLE VII—BUDGET PROCEDURES.**

2079 **A. BUDGET REVIEW PROCEDURES.**

2080 **701. ROLE OF THE COMMITTEE OF THE WHOLE.**

2081 The Mayor's annual budget request for the District government and any  
2082 supplement or amendments to the budget submitted to the Council pursuant to  
2083 section 442 of the Charter (D.C. Official Code § 1-204.42) shall be referred to the  
2084 Committee of the Whole.

2085 **702. BUDGET-REVIEW SCHEDULE.**

2086 The Budget Director, at the direction of the Chairman, shall prepare a budget-  
2087 review schedule that includes a hearing schedule, establishes dates for closing  
2088 hearing records, a template for the required format of and submitting and filing of  
2089 committee budget reports, and schedule other budget activities as necessary or  
2090 appropriate. The budget-review schedule shall be presented to the Committee of the  
2091 Whole for approval. The Budget Director, at the direction of the Chairman, may  
2092 change the schedule as necessary or appropriate and shall circulate the updated  
2093 budget-review schedule and publish it on the Council website.

2094 **703. ROLE OF COUNCIL COMMITTEES.**

2095 (a) Each standing committee shall be responsible, in accordance with the budget-  
2096 review schedule, for reviewing the budget requests for agencies within its purview,  
2097 including:

2098 (1) Holding public hearings on the proposed budget requests of agencies and  
2099 receiving testimony on those budget requests from agency representatives, Advisory  
2100 Neighborhood Commissions, other organizations, and private citizens;

2101 (2) Recommending funding and personnel levels for each agency;

2102 (3) Recommending appropriations language changes;

2103 (4) Identifying additional budget needs not included in the committee's  
2104 recommendation under paragraph (2) of this subsection, for which funding is  
2105 sought;

2106 (5) Identifying legislative actions required to implement the committee's budget  
2107 recommendations; and

2108 (6) Identifying issues for further analysis by the Mayor pursuant to section 442(a)(6)  
2109 of the Charter (D.C. Official Code § 1-204.42(a)(6)).

2110 (b) Each committee shall submit, in accordance with the budget-review schedule,  
2111 the original committee markup and report with the Committee of the Whole. No  
2112 committee may submit a markup or report that results in a net increase in the total  
2113 amount of the budget request for all agencies under its purview, unless that  
2114 markup or report also identifies additional revenue sources, additional budget  
2115 reductions, or both, within the committee jurisdiction, sufficient to provide funding  
2116 for the increase, unless another committee has directed funds to the committee for a  
2117 specific purpose.

2118 **704. COMMITTEE OF THE WHOLE CONSIDERATION OF BUDGET**  
2119 **REQUEST.**

2120 (a) The Budget Director, at the direction of the Chairman, upon receipt of committee  
2121 reports and markups, shall prepare a summary of committee recommendations for  
2122 presentation to the Committee of the Whole. This summary shall also include a  
2123 comparison of the budget levels recommended by committees with any revenue level  
2124 recommended by the Budget Director, at the direction of the Chairman, and the  
2125 Chairman.

2126 (b) The Council Budget Director, at the direction of the Chairman, shall refer any  
2127 additional budget reductions recommended by a committee pursuant to section  
2128 703(b) to the committee having purview over the agency affected by the additional  
2129 budget reduction for review and comment.

2130 (c) The Committee of the Whole shall meet to consider committee reports,  
2131 recommendations, and comments, and the Chairman's recommendations, if any,  
2132 and shall proceed to mark up the Mayor's budget request. No amendment shall  
2133 have the effect of putting the budget out of balance. The Budget Director, at the  
2134 direction of the Chairman, shall prepare a draft report and act reflecting the  
2135 Committee of the Whole action.

2136 **705. COUNCIL CONSIDERATION OF THE BUDGET REQUEST.**

2137 Following the markup and report on the full budget request by the Committee of  
2138 the Whole, the reported budget request shall be presented for a single reading at  
2139 the next legislative meeting or additional meeting called by the Chairman for that  
2140 purpose.

2141 **B. REPROGRAMMING POLICY ACT PROCEDURES.**

2142 **711. EFFECT OF RECESS ON PROCEDURES.**

2143 Reprogramming requests and grant budget budget modification requests may not  
2144 be submitted to the Council during a recess of the Council. No time period provided



2145 in this part for the consideration of the requests will continue to run during a recess  
2146 of the Council.

2147 **712. COMMITTEE REFERRAL OF REQUESTS.**

2148 The Chairman may refer reprogramming requests and grant budget modification  
2149 requests to the Committee of the Whole. The Chairman may also refer  
2150 reprogramming requests for comments to the standing committee having oversight  
2151 responsibility for the program or agency affected.

2152 **713. CIRCULATION OF REQUESTS.**

2153 The Secretary shall circulate copies of reprogramming requests within one business  
2154 day of the filing of the request with the Secretary.

2155 **714. PUBLICATION OF NOTICE.**

2156 Upon receipt of a reprogramming request or a grant budget modification request,  
2157 the Secretary shall publish a "notice of reprogramming request" or a "notice of grant  
2158 budget modification request", as the case may be, in the Register that, at a  
2159 minimum, includes:

2160 (1) A description of the action requested;

2161 (2) The date the request was received by the Council; and

2162 (3) A statement that the request will be deemed approved 14 days from the date it  
2163 was received by the Council unless a notice of disapproval has been filed before that  
2164 time by a member of the Council, and that if a notice of disapproval is filed, the  
2165 request will be deemed approved 30 days from the date the request was received  
2166 unless, before that time, the Council adopts a resolution to disapprove the request.

2167 **715. WITHDRAWAL OF REPROGRAMMING REQUESTS.**

2168 The Mayor may withdraw a reprogramming request or grant budget modification  
2169 request at any time before the Council's taking final action on the request, or before  
2170 its taking effect without Council action.

2171 **716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.**

2172 (a) To initiate disapproval of a reprogramming request or a grant budget  
2173 modification request, a Councilmember shall file a written notice of disapproval  
2174 with the Secretary within 14 days after the Council receives the request. The  
2175 Secretary shall circulate copies of the written notice of disapproval.

2176 (b) If this notice is given, the Council may consider and take final action, as  
2177 provided in this section, to disapprove the request within 30 calendar days after the  
2178 Council receives the request.

2179 **717. AUTOMATIC APPROVAL OF REQUESTS.**

2180 If the notice of disapproval provided in section 716 is not given within 14 days after  
2181 the Council receives the request, the reprogramming request shall be deemed  
2182 approved. If the notice is given as provided in section 716(a) and the Council does  
2183 not take final action to disapprove the request as provided in this section, the  
2184 reprogramming request shall be deemed approved.

2185 **718. TRANSMITTAL TO MAYOR.**

2186 The Chairman shall transmit, by letter to the Mayor, notification of the Council's  
2187 disapproval or failure to disapprove a reprogramming request.

2188 **C. FUNDS CONTROL ACT PROCEDURES.**

2189 **[RESERVED].**

2190 **D. SPECIFIED FUNDING ALLOCATION PROCEDURES.**

2191 **730. REQUIRED INFORMATION PRIOR TO APPROVAL.**

2192 (a) To receive an earmarked grant through the budget process or a supplemental  
2193 budget, each named grantee shall submit 2 copies of the following, postmarked or  
2194 hand delivered to the Budget Director no later than 7 days following the date of the  
2195 scheduled vote of the Council on the Budget Request Act;

2196 (1) The organization's Articles of Incorporation;

2197 (2) Internal Revenue Service certification that the organization is tax-exempt under  
2198 section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954  
2199 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

2200 (3)(A) The organization's most recent financial audit, not more than 2 years old; or

2201 (B) A recent financial statement, not more than 1 year old, prepared by a certified  
2202 accountant that shows that the organization is in good financial standing and which  
2203 delineates its:

2204 (i) Existing assets and liabilities;

2205 (ii) Pending lawsuits, if any; and

2206 (iii) Pending and final judgments, if any;

- 2207 (4) Internal Revenue Service Form 990 covering the organization's most recently  
2208 completed fiscal year;
- 2209 (5) A notarized statement from the grantee certifying that:
- 2210 (A) The organization is current on District and federal taxes;
- 2211 (B) The Council of the District of Columbia is authorized to verify the organization's  
2212 tax status with the District of Columbia Office of Tax and Revenue and the Office of  
2213 Tax and Revenue is authorized to release this information to the Council, the  
2214 Mayor, and the D.C. Auditor;
- 2215 (C) The organization focuses primarily on services to District of Columbia; and
- 2216 (D) The District government shall have access to its financial, administrative, and  
2217 operational records, including specific consent for the District of Columbia Auditor  
2218 to access its books, accounts, records, findings, and documents related to the grant;  
2219 and
- 2220 (6) A comprehensive program statement that includes a detailed:
- 2221 (A) Scope of work; and
- 2222 (B) Budget that describes how the grant funds shall be spent.
- 2223 (b) Nothing in this title shall be construed as waiving the requirements to submit  
2224 information required of all grantees by the grantor agencies or organizations.
- 2225 (c)(1) If an organization cannot meet the submission requirements established in  
2226 subsection (b) of this section, the organization shall be required to submit:
- 2227 (A) A notarized statement designating a nonprofit organization, which does meet  
2228 the criteria, to serve as its fiscal agent or fiscal sponsor postmarked or hand  
2229 delivered to the Council's Office of the Budget Director no later than the time  
2230 prescribed in subsection (a) of this section; and
- 2231 (B) The information required by subsection (a)(5) of this section.
- 2232 (2) The fiscal agent or fiscal sponsor shall be required to submit the following,  
2233 postmarked or hand delivered to the Council's Office of the Budget Director no later  
2234 than the time prescribed in subsection (a) of this section.
- 2235 (A) A notarized statement agreeing to serve as fiscal agent or fiscal sponsor; and
- 2236 (B) The information required by subsection (a) of this section.
- 2237 (d) All earmarked grants shall be listed in the Budget Support Act to include the  
2238 grantee name, grant amount, and purpose of the grant. Prior to the second reading

2239 of the Budget Support Act, the Council's Budget Director shall certify, which  
2240 grantees have met the requirements of subsection (a) of this section. Any grantee  
2241 that has not met the requirements, shall be removed from the Budget Support Act  
2242 on second reading, and shall not receive funding through an earmarked grant.

2243 **731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.**

2244 (a) Beginning with the Fiscal Year 2011 budget, an organization may not receive a  
2245 specified funding allocation if the organization has received an award in the prior  
2246 fiscal year.

2247 (b) An organization that receives a specified funding allocation for a capital project  
2248 shall be limited to only one capital award, annually.

2249 **732. LIMITS ON AWARD AMOUNTS.**

2250 Specified funding allocations shall be limited to \$250,000 for non-capital projects  
2251 and \$1 million for all capital projects.

2252 **733. AUDIT REQUIREMENTS.**

2253 (a) Grantees shall be notified that the District of Columbia Auditor will randomly  
2254 audit grant recipients.

2255 (b) The District of Columbia Auditor's report shall be issued no later than March 1st  
2256 of the fiscal year immediately following the year for which the grant was awarded.

2257 **734. DISCLOSURE REQUIREMENTS.**

2258 Councilmembers and staff and the officers and directors of a proposed grantee shall  
2259 be required to disclose the existence of any personal, familial, or financial  
2260 relationship between a Councilmember or staff and any officer or director of the  
2261 grantee.

2262 **E. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND**  
2263 **FINANCIAL PLAN.**

2264 **735. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET**  
2265 **AND FINANCIAL PLAN.**

2266 The Budget Director shall circulate quarterly reports in accordance with section  
2267 283(b)(3) no later than 15 days at the end of each quarter, of the bills adopted by the  
2268 Council which reference that the bills are subject to inclusion in the financial plan  
2269 and budget or subject to appropriations.

2270 **ARTICLE VIII—COUNCIL RECORDS**

2271 **A. COUNCIL RECORDS.**

2272 **801. RESPONSIBILITY FOR RECORDS.**

2273 (a) The Secretary shall maintain accurate and up-to-date Council records, described  
2274 in sections 806 and 807, and shall make the records available to the public.

2275 (b) Each committee shall make records on legislation assigned to the committee and  
2276 on other committee activities and shall file the records with the Secretary. When  
2277 records are in the custody of the committee, the committee shall make them  
2278 available to the public.

2279 **802. FORM FOR INTRODUCTIONS.**

2280 (a) Each measure shall be introduced in typewritten form, signed by the  
2281 Councilmember introducing it, include a long title that identifies the subject matter  
2282 of the measure, and be in substantial compliance with the form required for final  
2283 adoption. The Secretary shall make the determination as to whether the measure  
2284 complies with this subsection.

2285 (b) Co-introduction of a measure shall be evidenced by the signature of the  
2286 co-introducer on the face of the measure. Co-sponsorship shall be permitted up to  
2287 the close of business the day following the legislative meeting or Committee of the  
2288 Whole work session at which the measure was officially referred or by indication on  
2289 the record at the legislative meeting.

2290 (c) A Councilmember may withdraw as a co-introducer or a co-sponsor by filing a  
2291 notice of withdrawal with the Secretary within one business day of the legislative  
2292 meeting or Committee of the Whole work session at which the measure was  
2293 officially referred.

2294 **803. REPORTS ON LEGISLATION.**

2295 (a) Each measure that is adopted by a committee shall be accompanied by a report.

2296 (b) The report shall be adopted by the committee at the same meeting at which the  
2297 measure is approved.

2298 (c) Each adopted report on a measure shall be in writing, signed by the committee's  
2299 chairperson, accompanied by the final measure, and dated as of the day of the  
2300 markup.

2301 (d) Each adopted report shall contain the following information, in the order listed,  
2302 regarding the reported legislation:

- 2303 (1) A section stating the measure's background, need, purpose, and effect. This  
2304 section shall also include the committee's reasoning, analysis of relevant issues,  
2305 legislative intent, and, if applicable, guidance on statutory construction;
- 2306 (2) A chronology of action, including the date:
- 2307 (A) Of introduction;
- 2308 (B) That the notice of intent to act on the measure was published in the Register;
- 2309 (C) That each notice of hearing or roundtable was published in the Register;
- 2310 (D) Of each hearing or roundtable on the measure; and
- 2311 (E) Of the committee meeting at which the measure and report was adopted;
- 2312 (3) The position of the Executive, if any, on the measure;
- 2313 (4) The committee's response to each relevant issue and concern raised in a  
2314 recommendation adopted by a resolution of an affected Advisory Neighborhood  
2315 Commission, if any, that has been provided to the committee before the close of the  
2316 record;
- 2317 (5) A list of witnesses who testified at the hearing, or who submitted a statement for  
2318 the record before close of the record, and a brief summary of each witness's position;
- 2319 (6) An explanation of the impact on existing provisions of law that the measure  
2320 would modify or affect;
- 2321 (7) A summary of the fiscal impact;
- 2322 (8) A detailed section-by-section analysis of the measure's provisions;
- 2323 (9) Any additional information that the committee decides to include; and
- 2324 (10) A summary of the committee's mark-up of the measure, including:
- 2325 (A) Dissenting, separate, and individual views of committee members, if members  
2326 demanded the opportunity to state their views;
- 2327 (B) A record of the results of a voice vote or, if a roll-call vote, the votes to adopt the  
2328 legislation and the motion to adopt the report; and
- 2329 (C) Any recorded votes on amendments to the measure or other motions.
- 2330 (e) Attached to each report, in the following order, shall be:

- 2331 (1) The measure, as introduced, along with the Mayor's transmittal letter, if  
2332 applicable (but not necessarily any other attachments to the introduction), and the  
2333 Secretary's memorandum of referral;
- 2334 (2) Any written statements or materials that the committee decides to attach;
- 2335 (3) The fiscal impact statement prepared by the Chief Financial Officer or the  
2336 Budget Director;
- 2337 (4) A legal sufficiency determination by the General Counsel;
- 2338 (5) If reporting a bill repealing or amending existing law, a comparative print  
2339 showing, by italic, underscore, strikethrough, or other typographical device, the  
2340 changes proposed; and
- 2341 (6) A committee print that states the number of the measure; in the top left-hand  
2342 corner of the measure the name of the committee, the date of the committee  
2343 markup, and the words "committee print".
- 2344 (f) Each report prepared by the Committee of the Whole on a Council appointment  
2345 to another body and each report prepared by another committee on a confirmation  
2346 shall include a current resume of the nominee.
- 2347 (g) Except for confirmation and sense of the Council resolutions, no bill or resolution  
2348 may be approved by a committee without a fiscal impact statement on the measure  
2349 that is reviewed and approved by the Budget Director or the Chief Financial Officer,  
2350 and is included in the committee report at the time of its consideration.
- 2351 (h) No measure may be approved by a committee without a written legal sufficiency  
2352 determination prepared by the General Counsel and attached to the committee  
2353 report at the time of its consideration.
- 2354 (i)(1) A committee chairperson shall file a reported bill or resolution with the  
2355 Secretary within 20 business days of committee action on the bill or resolution  
2356 unless the committee votes to reconsider the bill or resolution.
- 2357 (2) If a committee chairperson has failed to file a reported measure within the  
2358 period of time specified in paragraph (1) of this subsection, the committee, by a  
2359 majority vote of the members of the committee, may vote to have the measure as  
2360 reported filed immediately with the Secretary, to be agendized at the next  
2361 scheduled Committee of the Whole meeting.
- 2362 (j) This section shall not apply to a budget support act or budget request act.
- 2363 (k) The Secretary shall determine whether the report complies with this section.

2364 **804. ADDENDUM TO A COMMITTEE REPORT.**

2365 On final passage of a bill, a majority of the Councilmembers or a committee  
2366 chairman may request that a committee submit an addendum to a committee report  
2367 that explains the Council reasoning for any amendments where amendments,  
2368 including amendments in the nature of a substitute, have been passed by the full  
2369 Council. A committee shall vote on an addendum to a committee report before it  
2370 may be filed with the Secretary.

2371 **805. IDENTIFICATION OF COUNCIL DOCUMENTS.**

2372 (a) Legislative documents shall be identified by a name that describes the type of  
2373 document and a two part document number.

2374 (b) Legislative documents shall be identified by the following names:

2375 (1) A bill, whether permanent, temporary, or emergency, shall be known as a "Bill";

2376 (2) A resolution, before its adoption, shall be known as a "Proposed Resolution";

2377 (3) An enacted bill signed by the Mayor, a bill vetoed by the Mayor and approved by  
2378 members of the Council, or an approved initiative certified by the Board of Elections  
2379 shall be known as a "District of Columbia Act";

2380 (4) An adopted resolution shall be known as a "Resolution";

2381 (5) A ceremonial resolution, whether proposed or adopted, shall be known as a  
2382 "Ceremonial Resolution";

2383 (6) An act that has taken effect following a congressional review period shall be  
2384 known as a "District of Columbia Law";

2385 (7) A proposed reorganization plan shall be known as a "Reorganization Plan";

2386 (8) A request for a reprogramming shall be known as a "Reprogramming Request";

2387 (9) A proposed state plan shall be known as a "Proposed State Plan";

2388 (10) A request for a grant budget modification shall be known as a "Grant Budget  
2389 Modification"; and

2390 (c) The Secretary shall assign two-part numbers to Council documents identified in  
2391 subsection (b) of this section in the order of introduction, filing, adoption, or  
2392 approval. The first part of the number consists of the current Council Period, and  
2393 the second part consists of a consecutive serial number beginning with the number  
2394 "1" in each Council Period.



2395 (d) A report on a measure or a topic shall be titled as a "Report on \_\_\_\_\_"  
2396 (with the name to be filled in as appropriate under subsection (b) of this section).  
2397 Titled reports shall be further identified by (1) a number corresponding to the  
2398 number, if any, assigned to a measure; or (2) if the report is not on a measure, a  
2399 sequential number preceded by the year filed.

2400 **806. LEGISLATIVE FILES.**

2401 (a) The Secretary shall maintain an official file on each bill and proposed resolution,  
2402 which shall include the original of the following:

2403 (1) The introduced version of the bill or proposed resolution;

2404 (2) Any recordings, transcripts, or items submitted for the record of hearings on the  
2405 legislation;

2406 (3) The committee report on the legislation;

2407 (4) Files transmitted from the committee regarding committee consideration of the  
2408 bill or resolution;

2409 (5) Any amendments to the bill or proposed resolution presented in legislative  
2410 meetings;

2411 (6) The engrossed and enrolled versions of the legislation;

2412 (7) Records of the publication and notice given of Council consideration of the  
2413 legislation; and

2414 (8) Records of official transmittal of the legislation to the Mayor, to Congress, or  
2415 other agencies or entities as required by law or the legislation.

2416 (b) The posting of draft measures and associated notices on the Council's website  
2417 shall not be considered official documents unless expressly incorporated in the  
2418 official file by the Secretary pursuant to subsection (a) of this section.

2419 **807. OTHER OFFICIAL RECORDS.**

2420 The Secretary shall maintain other official Council records, including, but not  
2421 limited to the following:

2422 (1) Transcripts and recordings of all legislative meetings;

2423 (2) Tape recordings and minutes of all committee meetings;

2424 (3) Tape recordings and documents submitted for the record of all legislative  
2425 hearings;

2426 (4) Tape recordings and documents submitted for the record of investigative  
2427 hearings, recordings and transcripts of depositions and other testimony taken in  
2428 connection with investigations, and reports of investigations; and

2429 (5) Any other document or record required by law or these Rules to be filed with the  
2430 Council or with the Secretary.

2431 **808. RECORDS OF LEGISLATIVE MEETINGS.**

2432 A recording of each legislative meeting shall be produced and maintained by the  
2433 Secretary. A written transcript or a transcription of each legislative meeting shall  
2434 be made available upon request. The Council may establish a fee to cover the cost of  
2435 production of any recording or transcript.

2436 **809. COMMITTEE RECORDS.**

2437 Whenever there is a change in the chairperson of a committee, the incumbent  
2438 committee chairperson shall ensure that official committee files and records are  
2439 maintained and transmitted to the incoming committee chairperson.

2440 **B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS.**

2441 **811. FOIA PROCEDURES.**

2442 (a) For purposes of the Freedom of Information Act (D.C. Official Code § 2-531 *et*  
2443 *seq.*), the Secretary, or the Secretary's designee, shall be the Council's FOIA Officer.

2444 (b) To ensure accurate and timely compliance with the law, whenever a request is  
2445 received under the Freedom of Information Act (D.C. Official Code § 2-531 *et seq.*), it  
2446 shall be forwarded to the Secretary within one business day of receipt. The FOIA  
2447 Officer shall endeavor to provide documents under FOIA to requesters as soon as  
2448 possible, and within the 15-day requirement established by D.C. Official Code §  
2449 2-532.

2450 (c) Within one business day after receiving a FOIA request, the FOIA Officer shall  
2451 inform the Councilmember or Council office that is the subject of the request. The  
2452 FOIA Officer shall instruct the subject to put a preservation hold on, to search for,  
2453 and to provide copies for any documents, emails, or other records responsive to the  
2454 request.

2455 (d)(1) Upon receipt of a written request for access to a record, the FOIA Officer shall  
2456 make a good-faith effort to determine if the record requested is a public record and  
2457 whether the Council possesses the identified record.

2458 (2) If a requester specifically identifies an email that is a public record that is not in  
2459 the possession of the Council, and where the requester has made a reasonable

2460 showing that the record is in the possession of a Council employee, including the  
2461 Chairman and each Councilmember, the FOIA Officer shall request that the  
2462 employee search for and produce the record believed to be in the employee's  
2463 possession. An employee receiving a request under this paragraph shall make  
2464 reasonable efforts to search for and produce the record to the FOIA Officer within  
2465 the time and in the form prescribed by the FOIA Officer.

2466 (e) Before releasing any documents, emails or materials, the FOIA Officer shall give  
2467 the subject 48 hours to review the documents, emails, and materials, and to assert  
2468 any legally cognizable privileges or statutory exemptions from disclosure for a  
2469 specific document, email, or material.

2470 (f) The General Counsel shall make the final determination on whether particular  
2471 records are privileged or otherwise subject to disclosure.

2472 (g) A Council employee, including the Chairman and each Councilmember, shall use  
2473 the employee's government-provided email account to transact public business,  
2474 including official action of any kind, unless the employee takes steps to ensure that  
2475 any emails transmitted or received on an account other than the account provided  
2476 by the government are otherwise incorporated into the Council's records.

#### 2477 **812. SERVICE OF PROCESS.**

2478 (a) For the purpose of receiving legal correspondence (including summonses,  
2479 complaints, and subpoenas), only the Secretary and the General Counsel, or their  
2480 designees, may accept service of process for the Council or any Councilmember in an  
2481 official capacity.

2482 (b) To ensure timely responses to legal pleadings, and to timely assert the Council's  
2483 legislative privilege for actions taken within the scope of a Member's legislative  
2484 duties, legal correspondence shall be transmitted to the Office of the General  
2485 Counsel within one business day of receipt.

2486 (c) A Member may not accept service of process of a legal document on behalf of the  
2487 Council or for another Member.

2488 (d) The General Counsel shall provide legal representation on behalf of, or make a  
2489 request of the Office of Attorney General for legal representation for, every Member  
2490 and Council staff person for actions taken within the scope of their legislative  
2491 duties.

2492 **ARTICLE IX—AUDITOR.**

2493 **901. SELECTION.**

2494 The Chairman shall nominate the Auditor and the Council shall, by resolution, act  
2495 on the nomination.

2496 **902. TERM AND COMPENSATION.**

2497 The Auditor shall serve for a term of 6 years and shall be paid at a rate of  
2498 compensation as may be established from time to time by the Council.

2499 **903. VACANCY.**

2500 A vacancy in the Office of the Auditor shall be filled in the manner prescribed for  
2501 full-term appointments to that office and any person appointed to fill the vacancy  
2502 shall serve until the end of the predecessor's term.

2503 **904. STAFF.**

2504 The Auditor shall appoint, remove, and set the relative remuneration (pursuant to  
2505 the budget of the Office of the Auditor) of the Auditor's subordinate staff.

2506 **905. REPORTS AVAILABLE TO THE PUBLIC.**

2507 The Council shall make audit reports submitted to the Council by the Auditor, and  
2508 any other material it deems pertinent to the report, available for public inspection.

2509 **ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF**  
2510 **RULES.**

2511 **1001. PARLIAMENTARY AUTHORITY.**

2512 Matters not covered by these Rules will be governed by Mason's Manual of  
2513 Legislative Procedure. It is the duty of the Chairman to interpret the Rules.  
2514 Matters not covered by Mason's Manual of Legislative Procedure shall be  
2515 determined by the Chairman subject to the right of a member to appeal the  
2516 Chairman's ruling.

2517 **1002. GENDER RULE OF CONSTRUCTION.**

2518 Unless the context indicates otherwise, words importing one gender include the  
2519 other gender.

2520 **1003. SUSPENSION OF RULES.**

2521 (a) Except for rules regarding notice, quorum, or amendment of these Rules and any  
2522 requirement of the Charter or other law, any Rule governing procedures of the  
2523 Council may be suspended during the consideration of a specified matter by motion  
2524 to suspend the Rules approved by 2/3rds of the members present and voting.

2525 (b) A motion to suspend the rules is not debatable and may not be reconsidered.

2526 **1004. AMENDMENT OF RULES.**

2527 (a) These Rules may be amended by a vote of a majority of the Council.

2528 (b) An amendment must be proposed in writing, signed by the proposer, circulated  
2529 and filed, and posted in prominent places in the John A. Wilson Building at least 15  
2530 days before consideration of the amendment.

2531 (c) Seven Councilmembers may vote to waive or shorten the 15-day notice period.

2532 (d) The current version of these Rules should be featured prominently on the  
2533 Council website, including any amendments adopted since the rules were first  
2534 adopted at the organizational meeting held pursuant to section 301.

2535 **1005. EFFECTIVE PERIOD.**

2536 These Rules shall be effective until superseded by Rules of Organization and  
2537 Procedure adopted in a succeeding Council Period as provided in section 301.

2538 **APPENDIX A.**

2539 TO: \_\_\_\_\_

2540 \_\_\_\_\_

2541 (Address)

2542 PURSUANT TO D.C. Official Code § 1-204.13, YOU ARE COMMANDED TO APPEAR before the  
2543 (Council/Committee on) \_\_\_\_\_, of the Council of the District of Columbia, at \_\_\_\_ (a.m./p.m.) on  
2544 the day of \_\_\_\_\_, 20\_\_, to testify before the Council/Committee concerning:  
2545 \_\_\_\_\_ and bring with you  
2546 : \_\_\_\_\_.

2547 ISSUED BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_

2548 Chairman/Member of the Secretary to the Council

2549 Council of the District of Columbia (Seal of the District)

2550 IMPORTANT: If you fail to appear at the time and place stated or to bring with you the documents or  
2551 items requested, the Council may refer the matter to the Superior Court of the District of Columbia for an  
2552 order compelling your attendance or the production of the documents or items requested.

2553 Failure to obey such an order may be punished as contempt of Court. DO NOT FAIL TO APPEAR OR  
2554 PRODUCE THE REQUESTED ITEMS AT THE REQUIRED TIME.

2555 RETURN:

2556 I, \_\_\_\_\_ certify that I served a copy of this subpoena on the named party at  
2557 \_\_\_\_\_ (address), on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_, (a.m./p.m.) by the  
2558 following means:

2559 PROCESS SERVER: \_\_\_\_\_

2560 (Address) Washington, D.C.

2561

2562 DISTRICT OF COLUMBIA: SS

2563 SUBSCRIBED AND AFFIRMED TO ME BEFORE THIS \_\_ DAY OF \_\_\_\_\_, 20\_\_

2564 \_\_\_\_\_

2565 NOTARY PUBLIC, D.C.

2566 MY COMMISSION EXPIRES:

2567 You may obtain a copy of the Rules of Organization and Procedure for the Council of the District of  
2568 Columbia and the Resolution authorizing this investigation from the Council's Legislative Services  
2569 Division, John A. Wilson Building, Room 10, 1350 Pennsylvania Avenue, N.W., Washington, D.C.  
2570 20004

COUNCIL OF THE DISTRICT OF COLUMBIA  
CODE OF OFFICIAL CONDUCT

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## I. CONFLICTS OF INTEREST

- (a) **GENERALLY.** No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
- (b) **WAIVERS.** An employee other than an elected official may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if:
- (1) The employee advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter;
  - (2) Makes full disclosure of the financial interest; and
  - (3) Receives in advance a written determination made by both the supervisor and the Ethics Board that:
    - (A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from such employee; or
    - (B) Another legally cognizable basis for waiver exists.
- (c)(1) **RECUSAL STATEMENT.** Any elected official who, in the discharge of the elected official's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to the Council Chairman. In the case of elected officials other than members of the Council, the statement shall be delivered to the Ethics Board.
- (2) Any employee other than an elected official who, in the discharge of the employee's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest and:
    - (A) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and



- (B) Deliver the statement to the employee's supervisor, and to the Ethics Board.
- (3) During a proceeding in which an elected official would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:
  - (A) Read the statement provided in subsection (c)(1) of this section into the record of proceedings; and
  - (B) Excuse the elected official from votes, deliberations, and other actions on the matter.
  - (C) No Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter in a manner that is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
- (4) Upon receipt of the statement provided in subsection (c)(2) of this section, the employee's supervisor shall assign the matter to another employee who does not have a potential conflict of interest.

(d) SPECIFIC CONFLICT SITUATIONS.

- (1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from any source other than the District government for the employee's performance of official duties.
- (2) No employee or member of the employee's household may knowingly acquire:
  - (A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; and
  - (B) An interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is in any way related to matters over which the employee could wield any influence, official or otherwise.

- (e) DEFINITIONS. For the purposes of this Rule, the term:
- (1) “Affiliated organization” means:
    - (A) An organization or entity:
      - (1) In which the employee serves as officer, director, trustee, general partner, or employee;
      - (2) In which the employee or member of the employee’s household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value; or
      - (3) That is a client of the employee or member of the employee’s household; or
    - (B) A person with whom the employee is negotiating for or has an arrangement concerning prospective employment.
  - (2) “Direct and predictable effect” means there is:
    - (A) A close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest; and
    - (B) A real, as opposed to a speculative possibility, that the matter will affect the financial interest.
  - (3) “Member of the employee’s household” means a person who resides in the same household as the employee and is:
    - (A) A spouse or domestic partner of the employee;
    - (B) A parent, sibling, or child of the employee or of any person in subparagraph (A) of this paragraph; or
    - (C) A spouse or domestic partner of any person in subparagraph (B) of this paragraph.
  - (4) “Particular matter” is limited to deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.
  - (5) “Person closely affiliated with the employee” means a spouse, dependent child, general partner, a member of the employee’s household, or an affiliated organization.

## II. OUTSIDE ACTIVITIES

(a) GENERALLY.

- (1) No employee shall engage in outside employment or private activity that conflicts or would appear to conflict with the fair, impartial, and objective performance of the employee's official duties and responsibilities or with the efficient operation of the Council.
- (2) Before engaging in outside employment, an employee shall obtain the approval of his or her supervisor.

(b) LIMITATIONS ON PERMISSIBLE ACTIVITIES.

- (1) An employee may engage in outside employment or activities such as teaching, writing for publication, consultative activities, and speaking engagements if the activities are:
  - (A) Consistent with subsection (a) of this Rule;
  - (B) Not otherwise prohibited by law or regulation; and
  - (C) Conducted outside of regular working hours, while the employee is on annual leave or leave without pay, or at a minimal level during work hours in a manner that does not interfere with the employee's official duties.
- (2) The information used by an employee engaging in outside employment or activities shall not draw on official data or ideas that are not public information, unless the employee has written authorization from the employee's supervisor to use such information.

(c) SPECIFIC RESTRICTION ON REPRESENTATION.

- (1) Except as provided in paragraph (2) of this subsection, an employee shall not:
  - (A) Represent another person, have a financial interest, or provide assistance in prosecuting a claim against the District of Columbia before any regulatory agency or court of the District of Columbia; or
  - (B) Represent another person before any regulatory agency or court of the District of Columbia in which the District of Columbia is a party or has a direct and substantial interest.
- (2) The prohibition in paragraph (1) of this subsection shall not apply to an employee, who, if not inconsistent with the faithful

performance of the employee's duties, and acting without compensation, represents:

- (A) A person who is the subject of disciplinary or other personnel administration proceedings in connection with those proceedings; or
- (B) A nonprofit cooperative, voluntary, professional, recreational, or similar organization or group, if a majority of the organization's or group's members are current officers or employees of the United States government or of the District of Columbia government, or their spouses or dependent children; provided, that this exception shall not apply to any matter that:
  - (i) Is a claim under paragraph (1)(A) of this subsection;
  - (ii) Is a judicial or administrative proceeding where the organization or group is a party; or
  - (iii) Involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of federal funds to the organization or group.

### III. GIFTS FROM OUTSIDE SOURCES

- (a) Except as provided in subsection (c) of this Rule and Rule IV, employees shall not solicit or accept, either directly or indirectly, any gift from a prohibited source.
- (b) An employee who receives a gift from a prohibited source shall:
  - (1) Return the gift to the donor;
  - (2) Reimburse the donor the market value of the gift; or
  - (3) If the gift is perishable and it would not be practical to return it to the donor, donate the gift to charity, share it with the office staff, or destroy it.
- (c) Notwithstanding subsection (a) of this Rule, an employee may accept the following gifts:
  - (1) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;
  - (2) Loans from banks and other financial institutions on terms generally available to the public;
  - (3) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public;
  - (4) Opportunities and benefits, including favorable rates and commercial discounts:
    - (A) Available to the public or to a class consisting of all District employees;
    - (B) Offered to members of a group or class in which membership is unrelated to District employment; or
    - (C) Offered to members of an organization, such as an employees' association or agency credit union, in which membership is related to District employment if the same offer is broadly available to large segments of the public through organizations of similar size;
  - (5) Pension and benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer;
  - (6) Anything that is paid for by the Council or the District or secured by the Council or the District under contract;

- (7) Any donation accepted by the Council under specific authority, including:
  - (A) Travel, food, and related expenses accepted by the Council in connection with an employee's attendance at a meeting or similar event that takes place away from the employee's duty station;
  - (B) Other donations provided in-kind that have been accepted by the Council; or
  - (C) Anything for which market value is paid by the employee;
- (8)(A) Unsolicited gifts having an aggregate market value of \$50 or less per source per occasion, provided that the aggregate market value of individual gifts received from any prohibited source under the authority of this paragraph shall not exceed \$100 in a calendar year.
  - (B) Where the market value of a gift or the aggregate market value of gifts offered on any single occasion under this paragraph exceeds \$50, the employee may not pay excess value over \$50 in order to accept that portion of the gift or those gifts worth \$50;
  - (C) Where the aggregate value of tangible items offered on a single occasion exceeds \$50, the employee may decline any distinct and separate item in order to accept those items aggregating \$50 or less; or
  - (D) This paragraph shall not apply to gifts of cash, stock, bonds, or certificates of deposit;
- (9) Gifts given to an employee under circumstances that make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift;
- (10) Reduced membership or other fees for participation in organization activities offered to all District employees by professional organizations if the only restrictions on membership relate to professional qualifications;
- (11) Gifts approved in advance by the employee's supervising Councilmember in exceptional circumstances that are disclosed

in writing, filed with the Office of the Secretary to the Council, and posted on the Council's website.

- (d) A gift that is solicited or accepted indirectly includes a gift given:
  - (1) With the employee's knowledge and acquiescence to his parent, sibling, spouse, domestic partner, child, or dependent relative because of that person's relationship to the employee; or
  - (2) To any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except as permitted for the disposition of perishable items.
- (e) SPECIFIC GIFT RESTRICTIONS. Notwithstanding any other provision in this Code of Conduct, no employee shall:
  - (1) Solicit or accept anything of value from a registered lobbyist that is given for the purpose of influencing the actions of the employee in making or influencing the making of an administrative decision or legislative action.
  - (2) Directly or indirectly demand, seek, receive, accept, or agree to receive or accept anything of value personally or for any other person or entity, in return for:
    - (A) Any official act performed or to be performed by the employee;
    - (B) Being influenced in the performance of any official act;
    - (C) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the District of Columbia; or
    - (D) Being induced to do or omit to do any act in violation of the employee's official duty.
- (f) DEFINITIONS. For the purposes of this Rule, the term:
  - (1) "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. Gifts may also consist of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has incurred.
  - (2) "Prohibited source" means any person or entity that:

- (A) Has or is seeking to obtain contractual or other business or financial relations with the District government;
- (B) Conducts operations or activities that are subject to regulation by the District government; or
- (C) Has an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities.



## IV. CONFERENCES, TRAVEL, AND RECEPTIONS AND DONATIONS TO THE COUNCIL

(a) CONFERENCES AND TRAVEL.

- (1) Employees may accept reasonable expenses for food, travel, lodging, and scheduled entertainment to attend a meeting, conference, or to participate in educational travel, if:
  - (A) The donor is neither a registered lobbyist nor a prohibited source (an entity that has substantial interests before the Council);
  - (B) The meeting or conference is an organized event;
  - (C) The topics or subjects are related to official Council business;
  - (D) The event is widely attended by a range of attendees other than District employees; and
  - (E) Other attendees are treated similarly in terms of the food, travel, lodging, and entertainment expenses that they are offered.
- (2) Spouses and domestic partners of employees may share lodging with the employee who is attending an event under this subsection; however, the spouse or domestic partner may not accept food, travel, or entertainment expenses unless the spouse or domestic partner pays market value for the same.
- (3) Employees are encouraged to submit a copy of the itinerary of the meeting, conference, or educational travel in advance to the General Counsel for review.

(b) WIDELY ATTENDED EVENTS.

- (1) An employee may accept:
  - (A) An offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner, gala, viewing, reception, or similar event; provided, that:
    - (i) At least 25 persons from outside the District government are expected to be in attendance;
    - (ii) Attendance at the event is open to members from throughout a given industry or profession, or to a range of persons interested in an issue; and

- (iii) Attendance is connected to the attendee's official Council duties.
  - (B) Free attendance for one accompanying individual to the event described in subparagraph (A) of this paragraph; and
  - (C) A meal that is offered to all attendees as part of the event described in subparagraph (A) of this paragraph.
- (2) For the purposes of this subsection, the term "connected to the attendee's official Council duties" includes participation in the event as a speaker or a panel participant, presenting information related to the Council or matters before the Council, performing a ceremonial function appropriate to the official position of such individual, or attendance is otherwise appropriate to the representative function of the Council.
- (c) DONATIONS TO THE COUNCIL. An employee may accept, pursuant to D.C. Official Code § 1-329.01(a), a thing of a value as a donation made to the Council to carry out authorized functions or duties of the Council. Donations are considered Council property and may not be used for unauthorized purposes.
- (d) GIFT BAGS. An employee may not accept a gift bag for an event under subsections (a) or (b) of this Rule if the organizing event sponsor is a prohibited source, unless the contents of the bag meet the requirements under Rule III.
- (e) DISCLOSURE.
  - (1) An employee accepting a thing of value under this rule shall disclose the acceptance in accordance with paragraph (2) of this subsection.
  - (2)(A) An employee accepting a thing of value under this rule shall, by the last business day of the month, provide to the Office of the Secretary a list of the following for each event and thing of value:
    - (i) Offeror;
    - (ii) Date; and
    - (iii) Estimated value.
  - (B) The Secretary shall publish on the Council's website a list of each thing of value accepted under this Rule on the first Friday in the first full week of each month or, if the Friday is a holiday, the next business day.

- (C) Councilmembers who do not attend a qualifying event or accept a donation during the reporting period shall file a report indicating that nothing of value was accepted during the period.
- (3) For the purposes of this subsection, the term "thing of value" shall not include an offer of free attendance to an event if the employee does not attend the event.

## V. GIFTS BETWEEN EMPLOYEES

- (a) Except as provided in subsections (c) and (d) of this Rule, an employee may not:
  - (1) Directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or
  - (2) Solicit a contribution from another employee for a gift to either the employee's official superior or the other employee's official superior.
- (b) An employee may not accept a gift, directly or indirectly, from an employee receiving less pay unless:
  - (1) The two employees are not in a subordinate-official superior relationship; and
  - (2) There is a personal relationship between the two employees that would justify the gift.
- (c) On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
  - (1) Items, other than cash, with an aggregate market value of \$50 or less per occasion;
  - (2) Items such as food and refreshments to be shared in the office among several employees;
  - (3) Personal hospitality provided at a residence that is of a type and value customarily provided by the employee to personal friends; or
  - (4) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
- (d) A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
  - (1) In recognition of special occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or
  - (2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

## VI. USE OF GOVERNMENT RESOURCES

- (a) GENERALLY. Employees shall not:
- (1) Use Council time or government resources for other purposes other than official business or government-approved or sponsored activities, with the exception of incidental use of Council time or resources for purposes of scheduling;
  - (2) Order, direct, or request subordinate employees to perform during regular working hours any personal services not related to official Council functions and activities, with the exception of incidental use of Council time or resources for purposes of scheduling;
  - (3) Use or permit the use of government resources for other than officially approved purposes, with the exception of *de minimis* use that does not interfere with an employee's official duties and responsibilities; or
  - (4) Use or permit the use of government resources to support or oppose any candidate for elected office, to promote a political committee, or to support or oppose any initiative, referendum, or recall measure.
- (b) GOVERNMENT RESOURCES AVAILABLE TO THE PUBLIC. Employees are not prohibited from accepting any material, article, or service that is available as part of any District government program or provided free to District residents or visitors.
- (c)(1) PRESTIGE OF OFFICE. An employee may not knowingly use the prestige of office or public position for that employee's private gain or that of another.
- (2) The performance of usual and customary constituent services, without additional compensation, is not prohibited under paragraph (1) of this subsection.
  - (3) Council employees shall not use or permit the use of their position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that the Council sanctions or endorses the personal or business activities of another, unless the Council has officially sanctioned or endorsed the activities.
  - (4) A Councilmember may serve as an honorary chair or honorary member of a nonprofit entity's fundraising event, so long as the

entity for which funds are raised supports a nongovernmental bona fide charitable activity. Use of the Councilmember's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as the Councilmember may prescribe. The authority granted by this paragraph shall not extend to the use of the Councilmember's name or title in solicitations made by or on behalf of the Councilmember directly to individual contributors.

(d)(1) SPECIAL RULES FOR LETTERS OF RECOMMENDATION. Employees may sign a letter of recommendation using their official titles only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual or entity with whom they have dealt in the course of their Council employment.

(2) Letters of recommendation may be written on Council letterhead if the applicant is a current or former Council employee or has worked with the Council in an official capacity and the letter relates to the duties performed by the applicant.

(3) If an employee does not have personal knowledge of an individual or entity's work ability or performance, the employee may sign a letter of recommendation on Council letterhead addressing only the character or residence of the individual or entity requesting the letter.

(e) DEFINITIONS.

For the purposes of this Rule, the term:

(1) "Government Resources" means any property, equipment, or material of any kind, including that acquired through lease, and the personal services of an employee during his or her hours of work.

(2) "Usual and customary constituent services" includes an employee's representational activities, such as advocacy, communications, inquiry, oversight, and other actions, made on another person's behalf; provided, that the employee does not, directly or indirectly,:

(A) Threaten reprisal or promise favoritism for the performance or nonperformance of another person's duties; or

(B) Request that another person abuse or exceed the discretion available to that person under law.

## **VII. USE OF CONFIDENTIAL INFORMATION**

Employees and former employees may not:

- (1) Willfully or knowingly disclose or use confidential or privileged information acquired by reason of their position without authorization or unless authorized or required by law to do so.
- (2) Divulge information in advance of the time prescribed for its authorized issuance or otherwise make use of or permit others to make use of information not available to the general public.



## VIII. POST-GOVERNMENTAL EMPLOYMENT CONFLICTS OF INTEREST

- (a) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS. No employee, after the termination of his or her service or employment with the Council, shall knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the District of Columbia, on behalf of any other person (except the District of Columbia) in connection with a particular matter:
- (1) In which the District of Columbia is a party or has a direct and substantial interest;
  - (2) In which the person participated personally and substantially as such officer or employee; and
  - (3) Which involved a specific party or specific parties at the time of such participation.
- (b) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY. No employee shall, within 2 years after the termination of his or her service or employment with the Council, knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the Council, on behalf of any other person (except the District of Columbia), in connection with a particular matter:
- (1) In which the District of Columbia is a party or has a direct and substantial interest;
  - (2) Which the person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of one year before the termination of his or her service or employment with the Council; and
  - (3) Which involved a specific party or specific parties at the time it was pending.
- (c) SPECIAL RULES FOR FORMER COUNCIL EMPLOYEES. A former Council employee shall not, within one year after leaving government service or employment, knowingly make, with the intent to influence, any communication to or appearance before the Councilmember for whom the employee worked or any former subordinate employee, on

behalf of any other person, other than the District of Columbia, in connection with any matter on which the former employee seeks action by a Councilmember or Council employee in his or her official capacity.

- (d)(1) EXCEPTIONS. The prohibitions contained in this Rule shall not apply to acts done in carrying out official duties on behalf of:
- (A) The United States or the District of Columbia, as an elected official of a state or local government;
  - (B) An agency or instrumentality of a state or local government if the appearance, communication, or representation is on behalf of such government; or
  - (C) An accredited, degree-granting institution of higher education, as defined in the Higher Education Act of 1965, approved November 8, 1965 (79 Stat. 1219; 20 U.S.C. § 1001), or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.
- (2) Nothing in this Rule shall prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence, a former employee of the Council who is subject to the restrictions in subsection (a) of this Rule with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person, other than the District of Columbia, in that matter.

## IX. POLITICAL ACTIVITIES

- (a) PROHIBITIONS. No Council employee shall:
- (1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
  - (2) Directly or indirectly solicit, accept, or receive a political contribution from any person;
  - (3) Run for the nomination or as a candidate for election to a partisan political office; or
  - (4) Knowingly solicit or discourage the participation in any political activity of any person who:
    - (A) Has a measure pending before the Council; or
    - (B) Is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the Council;
  - (5) Engage in political activity:
    - (A) While the employee is on duty;
    - (B) In any room or building occupied in the discharge of official duties by an individual employed or holding office in the District government or in the Government of the United States or any agency or instrumentality thereof;
    - (C) While wearing a uniform or official insignia identifying the office or position of the employee; or
    - (D) Using any vehicle owned or leased by the District government or the Government of the United States or any agency or instrumentality thereof.
- (b) DEFINITIONS. For purposes of this Rule, the term:
- (1) “Employee” shall not include members of the Council.
  - (2) “Political activity” means an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.
- (c) CONSTRUCTION. Nothing in this rule should be construed as prohibiting a Council employee from taking an active part in political management or in political campaigns unless the employee’s activity is violates subsection (a) of this Rule.

## X. OFFICIAL MAIL RULES

- (a) DEFINITIONS. For the purposes of this rule, the term:
- (1) “Electronic newsletter” means the transmission through the internet at public expense of more than 500 substantially identical emails during any 30-day period related to a Councilmember’s activities, including 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.
  - (2) “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.
  - (3) “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.
  - (4) “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.
- (b) CONTENT OF OFFICIAL MAIL. To be mailed at public expense, a member’s newsletter or report on constituent service activities must come within the definition of “official mail” set forth in subsection (a) 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.*).
- (c) PERMITTED CATEGORIES OF OFFICIAL MAIL. Except as otherwise provided in this Rule, an employee may not mail, as official mail, any

matter, article, material, or document for any reason other than the following:

- (1) A request for a matter, article, material, or document that has been previously received by the Council;
  - (2) The mailing of the document is required by law;
  - (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 to the availability of Council publications or other documents;
  - (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 being mailed to federal, state, or other public authorities.
- (d) OFFICIALLY MARKED ENVELOPES. An envelope or other material that is used to enclose official mail shall bear on its face the name and address of the Council and the words “official business.” Envelopes and other materials shall not be used to enclose materials, documents, or other articles except those enumerated in subsections (b) and (e) of this Rule or other materials not prohibited by subsection (d) of this Rule.
- (e) PROHIBITED USES OF OFFICIAL MAIL BY ELECTED OFFICIALS.
- (1) 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.
  - (2) A Councilmember may mail, as official mail, news releases or newsletters; provided, that these materials do not contain any of the following:
    - (A) Autobiographical articles;
    - (B) Political cartoons;
    - (C) Reference to past or future campaigns;
    - (D) Announcements of filings for reelection;
    - (E) Announcements of campaign schedules;

- (F) Announcements of political or partisan meetings;
  - (G) Reports on family life;
  - (H) Personal references that are included for publicity, advertising, or political purposes;
  - (I) Pictures of the official members with any partisan label such as "Democrat," "Republican," "Statehood Party," or any other label that purports to advertise the member rather than to illustrate the accompanying text;
  - (J) Articles about community events that are unrelated to official government business; and
  - (K) Reports on non-official activities of the Councilmember that have 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.
- (3) A Councilmember may not use official mail to solicit directly or indirectly funds for any purpose.
  - (4) A Councilmember may not use official mail for transmission of matter that is purely personal to the sender and is unrelated to the official duties, activities, and business of the member.
  - (5) A Councilmember may not mail, as official mail, cards or other materials that express holiday greetings from the Councilmember or the Councilmember's family;
- (f) AUTHORIZED USES OF OFFICIAL MAIL. The provisions of subsection (e) of this Rule do not 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; provided, that mass mailings of a congratulatory nature that are substantially the same except for individualized addresses are not authorized;

- (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) Questionnaires that relate to matters on public policy or administration; and
  - (9) Matter that contains a picture of the member or biographical or autobiographical data whenever the matter is mailed in response to a specific request.
- (g) USE OF ELECTRONIC NEWSLETTERS.
- (1) A Councilmember or Council employee shall not transmit an electronic newsletter within the 90-day period immediately before a primary, special, or general election in which the Councilmember is a candidate for office, unless the electronic newsletter conforms with the following requirements:
    - (A) The recipients have individually subscribed to receive the electronic newsletter;
    - (B) The electronic newsletter contains a clear and conspicuous notice of the method by which a recipient can request not to receive future electronic newsletters; and
    - (C) The proposed newsletter has been submitted for review by the General Counsel or the Office of Campaign Finance.
  - (2) An electronic newsletter shall comply with the requirements of Council Rule 805(b).
  - (3) An electronic newsletter shall not be transmitted at public expense unless, when viewed as a whole, it:
    - (A) Is informational rather than self-promotional; or
    - (B) Is directly related to a Councilmember's official legislative or representative duties.
- (h) 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 1/2" 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.
- (i) SIZE AND PRINT TYPES FOR NAMES.
- (1) A Councilmember's name in the masthead of a newsletter shall not appear in print type larger than 1/2" in height.
  - (2) 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.
- (j) 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.
- (k) GENERAL COUNSEL REVIEW. The General Counsel shall be available to Councilmembers and their staff 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.

## **XI. ETHICS TRAINING, FINANCIAL DISCLOSURES, AND ETHICS COUNSELING**

- (a) DEFINITIONS. For the purposes of the Code of Conduct, the term:
- (1) “Employee” shall include all Council staff and Councilmembers, unless specifically stated otherwise.
  - (2) “General Counsel” means the General Counsel to the Council of the District of Columbia, or a designated employee within the Office of the General Counsel to the Council of the District of Columbia.
- (b) ETHICS TRAINING.
- (1) NEW EMPLOYEES. All employees shall complete a mandatory ethics-training course within 2 months of beginning employment with the Council.
  - (2) ANNUAL CERTIFICATION. The General Counsel shall conduct mandatory training on the conflict of interest and ethics laws and regulations applicable to employees on at least an annual basis.
  - (3) MATERIALS ON COUNCIL WEBSITE. The General Counsel shall ensure that ethics training materials, including summary guidelines to all applicable laws and regulations, shall be made readily available online and in print.
- (c) FINANCIAL DISCLOSURE. An employee who is covered under sections 225 and 225 of the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §§ 1-1162.24 and 1-1162.25), shall file the required disclosures in accordance with that act.
- (d) ETHICS COUNSELING AND SAFE HARBOR.
- (1) The General Counsel shall provide at the request of an employee confidential advice about compliance with the Code of Conduct and any other applicable laws and regulations.
  - (2)(A) An employee who, after providing full disclosure of all relevant facts, obtains advice from the General Counsel and acts in accordance with that advice, even if that action is later found to constitute a violation of this Code of Conduct, shall not, subject to subparagraph (B) of this paragraph, be found to have violated the provisions of the Code of Conduct.

(B) If the employee knows or has reason to know that the General Counsel's advice was based upon fraudulent, misleading, or otherwise incorrect information provided by the employee, subparagraph (A) of this paragraph shall not apply.

(C) An employee is responsible for providing and maintaining appropriate documentation of the underlying facts.

## **XII. DECORUM OF COUNCILMEMBERS**

- (a) **GENERALLY.** During any meeting of the Council that is open to the public, as defined by section 405 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575), a Councilmember shall treat other Councilmembers with dignity and respect and refrain from using profane, indecent, or abusive language directed at another Councilmember or the Council as an institution.
- (b) **REMOVAL OF COUNCILMEMBERS.**
  - (1) The Chairman shall maintain order during any meeting of the Council. The Chairman may order the removal of a Councilmember from a meeting if:
    - (A) The Chairman determines that:
      - (1) The Councilmember has violated subsection (a) of this Rule; and
      - (2) Removal of the Councilmember is necessary to maintain order; and
    - (B) The Chairman has warned the Councilmember to come to order.
  - (2) This subsection shall not be construed to apply to any regular, additional, or special meeting of the Council or Committee of the Whole held pursuant to Rules 231, 301, 302, or 303 of the Rules of Organization and Procedure for the Council of the District of Columbia.
  - (3) This subsection shall not be construed to otherwise limit the ability of the Council to enforce this Rule.
- (c) **CONSTRUCTION.**
  - (1) The conduct prohibited by subsection (a) of this Rule shall not be considered a violation of the Code of Official Conduct for purposes of discipline if a Councilmember promptly comes to order upon warning by the Chairman.
  - (2) This Rule shall not be construed to prohibit the exercise of a Councilmember's First Amendment rights.