

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-603, Omnibus Public Safety and Justice Amendment Act of 2016
- D.C. Council passes Resolution 22-1, Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Resolution of 2017
- D.C. Council schedules a public oversight hearing on the Fiscal Year 2016 Comprehensive Annual Financial Report
- D.C. Commission on the Arts and Humanities announces funding availability for the FY 2017 Special Arts Initiative - Arts Education Experiences Grant Program
- Department of Energy and Environment solicits grant applications for the implementation of trash reduction technologies
- Department of Parks and Recreation announces funding availability for the Fort Dupont Ice Arena Programming Grant
- Office of the State Superintendent of Education proposes regulations to clarify student residency verification policies and procedures

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A21-585 Modification No. M0003 to Contract No. CW37842
Approval and Payment Authorization Emergency
Act of 2016 [B21-944] 000130 - 000131

A21-586 Modification No. M19 to Contract DCKA-2012-C-0089
Approval and Payment Authorization Emergency
Act of 2016 [B21-945] 000132 - 000133

A21-587 Modification No. M13 to Contract DCKA-2013-C-0007
Approval and Payment Authorization Emergency
Act of 2016 [B21-946] 000134 - 000135

A21-588 Modifications to Contract No. DCFA-2015-C-2292SS
Approval and Payment Authorization Emergency
Act of 2016 [B21-947] 000136 - 000137

A21-589 Contract No. CW29955 Approval and Payment
Authorization Emergency Act of 2016 [B21-948] 000138 - 000139

A21-590 Contract No. DCAM-16-NC-0105C Approval and Payment
Authorization Emergency Act of 2016 [B21-950] 000140 - 000141

A21-591 Contract No. DCAM-16-NC-0105B Approval and Payment
Authorization Emergency Act of 2016 [B21-958] 000142 - 000143

A21-592 Contract No. DCKA-2016-T-0046 Approval and Payment
Authorization Emergency Act of 2016 [B21-959] 000144 - 000145

A21-593 Contract No. DCAM- 16-NC-0105D Approval and Payment
Authorization Emergency Act of 2016 [B21-960] 000146 - 000147

A21-594 Contract No. DCAM-16-NC-0105E Approval and Payment
Authorization Emergency Act of 2016 [B21-961] 000148 - 000149

A21-595 Contract No. DCAM- 16-NC-0105A Approval and Payment
Authorization Emergency Act of 2016 [B21-962] 000150 - 000151

A21-596 Tampering with a Detection Device Emergency Amendment
Act of 2016 [B21-987] 000152 - 000153

A21-597 Notice in Case of Emergency Amendment Act of 2016
[B21-615]..... 000154 - 000157

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A21-598	Youth Services Coordination Task Force Emergency Amendment Act of 2016 [B21-977]	000158 - 000159
A21-599	Closing of Public Alley in Square 126, S.O. 14-17521, Emergency Act of 2016 [B21-980]	000160 - 000161
A21-600	Closing of a Public Alley in Square 453, S.O. 14-17847, Emergency Act of 2016 [B21-981]	000162 - 000163
A21-601	Pharmaceutical Detailing Licensure Exemption Emergency Amendment Act of 2016 [B21-988]	000164 - 000165
A21-602	Historic Preservation of Derelict District Properties Emergency Act of 2016 [B21-939]	000166 - 000167
A21-603	Omnibus Public Safety and Justice Amendment Act of 2016 [B21-724]	000168 - 000173
A21-604	Nonwoven Disposable Products Act of 2016 [B21-833]	000174 - 000176
A21-605	West End Parcels Development Omnibus Amendment Act of 2016 [B21-848]	000177 - 000178
A21-606	Green Yards Recognition Act of 2016 [B21-882].....	000179 - 000181
A21-607	Historic Preservation of Derelict District Properties Act of 2016 [B21-837]	000182 - 000183
A21-608	H Street, N.E., Retail Priority Area Clarification Temporary Amendment Act of 2016 [B21-943].....	000184 - 000185
A21-609	Hardy School Disposition and Lease Authorization Emergency Amendment Act of 2016 [B21-991].....	000186 - 000187

RESOLUTIONS

Res 22-1	Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Resolution of 2017	000188 - 000303
Res 22-2	Council Period 22 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2017	000304 - 000305
Res 22-3	General Counsel to the Council of the District of Columbia Ellen Efros Reappointment Resolution of 2017	000306

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

RESOLUTIONS CONT'D

Res 22-4 Budget Director to the Council of the District of Columbia Jennifer Budoff Reappointment Resolution of 2017 000307

Res 22-5 Secretary to the Council of the District of Columbia Nyasha Smith Reappointment Resolution of 2017 000308

Res 22-6 Board of Directors of the Washington Metropolitan Area Transit Authority Jack Evans Reappointment Resolution of 2017 000309

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bills B22-1, B22-2, B22-3, B22-8, B22-12 through B22-16, and B22-18 through B22-49 and Proposed Resolutions PR22-35 through PR22-41, PR22-46 through PR22-61, and PR22-66 000310 - 000319

COUNCIL HEARINGS

Notice of Public Hearings -

PR 22-30 Board of Zoning Adjustment Ms. Lesylleé White Confirmation Resolution of 2017 000320

PR 22-56 Metropolitan Washington Airports Authority Board of Directors Warner H. Session Confirmation Resolution of 2017 000321

Notice of Public Oversight Hearing -

Fiscal Year 2016 Comprehensive Annual Financial Report 000322

Notice of Public Roundtable -

PR 22-40 American Geophysical Union Revenue Bonds Project Approval Resolution of 2017 000323

OTHER COUNCIL ACTIONS

Notice of Excepted Service Appointments -

As of December 31, 2016 000324

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Notice of Reprogramming Requests -

- 22-01 Request to reprogram \$1,435,397 of Fiscal Year 2017
Local funds budget authority within the Department of
Employment Services (DOES)000325

- 22-02 Request to reprogram \$1,400,000 of Fiscal Year 2017
Local Capital funds budget authority and allotment
within the District Department of Transportation
(DDOT).....000325

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

- City Corner Mart - ANC 1B - New - RESCIND000326
- Highland’s Liquor - ANC 4C - New - RESCIND.....000327
- Sip and Dry Bar - ANC 5D - Renewal.....000328
- TaKorean - ANC 1B - New.....000329

Zoning Adjustment, Board of - March 1, 2017 Hearings -

- 19450 DC Department of General Services - ANC-3C000330 - 000332
- 19451 District of Columbia - ANC-6D.....000330 - 000332
- 19452 DC Department of General Services - ANC-5B000330 - 000332

Zoning Adjustment, Board of - March 8, 2017 Hearings -

- 18464A McKinley Battle - ANC-4C000333 - 000336
- 19384 S&R Foundation, Inc. - ANC-2E000333 - 000336
- 19396 Hatem Hatem - ANC-6B000333 - 000336
- 19431 Meghann Curtis and Michael Fuchs - ANC-6B000333 - 000336
- 19432 Michael and Justine Bello - ANC-6B.....000333 - 000336
- 19433 Anita Puri and Robert Legg - ANC-6B000333 - 000336
- 19446 Max Karasik - ANC-6C000333 - 000336

Zoning Commission - Case -

- 16-30 Trinity Washington University - 2017-2027 Campus Plan.....000337 - 000339

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

Zoning Commission, DC -

Z.C. Case No. 08-06H to amend 11 DCMR (Zoning Regulations of 2016) to make technical corrections to Z.C. Order 08-06A:

Subtitle B (Definitions, Rules of Measurement, and Use Categories)

Ch. 1 (Definitions), Sec. 100.....000340 - 000344

Subtitle D (Residential House (R) Zones)

Ch. 4 (Tree and Slope Protection Residential House Zones - R-6 and R-7), Sec. 408.....000340 - 000344

Ch. 5 (Forest Hills Tree and Slope Residential House Zones - R-8, R-9, and R-10), Sec. 508.....000340 - 000344

Ch. 7 (Naval Observatory Residential House Zones - R-12 and R-13), Sec. 708.....000340 - 000344

Ch. 8 (Wesley Heights Residential House Zones - R-14 and R-15), Sec. 808.....000340 - 000344

Subtitle I (Downtown (D) Zones)

Ch. 6 (Location-Based Regulations for Downtown Sub-Areas and Designated Street Segments), Sec. 612.....000340 - 000344

Subtitle U (Use Permissions)

Ch. 5 (Use Permissions Mixed-Use (MU) Zones), Sections 512 and 513.....000340 - 000344

PROPOSED RULEMAKING

Education, Office of the State Superintendent of -

Amend 5 DCMR (Education):

Subtitle A (Office of the State Superintendent of Education)

Ch. 50 (Residency Verification for Public Schools and Public Charter Schools) to change the title to

Ch. 50 (Student Residency) and update Sections 5000 - 5014, and Sec. 5099 (Definitions), to clarify the policies and procedures for student residency verification;

To delete Ch. 51 (Non Residents Attending District of Columbia Public Schools and Public Charter Schools)

Subtitle E (Original Title 5)

Ch. 20 (Admissions of Students), to update Sec. 2000 (General Admission Policy) and Sec. 2002 (Admission and Registration Procedures), and delete Sections 2006 - 2009, and Sec. 2099 (Definitions) in their entirety.....000345 - 000368

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS
MAYOR’S ORDERS**

2017-001 Appointments – Food Policy Council (8 members)000369 - 000370

2017-002 Appointment – District of Columbia Commission on Aging
(Danilo Pelletiere) 000371

2017-003 Appointment – Director to End Homelessness (Kristy Greenwalt)000372

2017-004 Appointment – Mayor's Office of Community Relations and
Services (Tommie Jones, Jr.)000373

2017-005 Appointment – Director, Mayor's Office of Religious Affairs
(Thomas Bowen)000374

2017-006 Appointment – Director, Office of Policy and Legislative Affairs
(Alana Intrieri)000375

2017-007 Delegation of Authority – State Superintendent of Education -
Promulgation of Rules Under the District of Columbia
Nonresident Tuition Act000376

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Arts and Humanities, DC Commission on the -
Funding Availability -
FY 2017 Projects, Events and Festivals - 3rd Cycle000377
FY 2017 Public Art Building Communities Grants II.....000378
FY 2017 Special Arts Initiative - Arts Education Experiences
Grant Program000379
FY 2018 Grant Season000380

Criminal Code Reform Commission, D.C. -
Notice of Public Meeting - January 11, 2017.....000381

Energy and Environment, Department of -
Notice of Funding Availability -
Implementation of Trash Reduction Technologies000382

Forensic Sciences, Department of -
Science Advisory Board Meeting - January 13, 2017.....000383

Health Benefit Exchange Authority, DC -
Executive Board Meeting - January 11, 2017000384

Health, Department of -
Board of Chiropractic - Public Meeting - January 10, 2017000385

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Housing Authority, DC -
Board of Commissioners - 2017 Public Meeting Schedule 000386

Housing Finance Agency, DC -
Board of Directors - 2017 Public Meeting Schedule 000387

IDEA Public Charter School -
Notice of Intent to Enter Sole Source Contract -
Ruppert Landscape for Snow Removal Services 000388

Insurance, Securities and Banking, Department of -
District of Columbia Financial Literacy Council -
Public Meeting - February 16, 2017..... 000389

Parks and Recreation, Department of -
Notice of Funding Availability - Fort Dupont Ice Arena
Programming Grant 000390

Public Charter School Board, DC -
2017 Board Meeting Schedule (Corrected)..... 000391

Public Service Commission -
FC 988 - Notice of Proposed Tariff - Verizon DC's District of
Columbia Universal Service Trust Fund Surcharge..... 000392 - 000393

Public-Private Partnerships, Office of -
Amended Notice of Intent to Host Smart Lighting Project
Industry Forum - January 24-25, 2017..... 000394

University of the District of Columbia -
Board of Trustees 2017 Meeting Schedule 000395

Water and Sewer Authority, DC - Meetings -
Audit Committee
2017 Meeting Schedule 000396
Meeting - January 26, 2017..... 000397

Environmental Quality and Sewerage Services Committee
2017 Meeting Schedule 000398
Meeting - January 19, 2017..... 000399

Finance and Budget Committee
2017 Meeting Schedule 000400
Meeting - January 26, 2017..... 000401

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Water and Sewer Authority, DC - Meetings - cont'd

Retail Water and Sewer Rates Committee, DC -

2017 Meeting Schedule000402

Water Quality and Water Services Committee

2017 Meeting Schedule000403

Meeting - January 19, 2017000404

Zoning Adjustment, Board of - Cases -

19388 Hope and a Home - ANC 1A - Order 000405 - 000407

19397 KHP IV DC, LLC - ANC 2B - Order 000408 - 000410

Zoning Commission - Cases -

08-06H Text Amendment – 11 DCMR: Technical Corrections
to Z.C. Order No. 08-06A - Notice of Final Rulemaking
and Order000411

11-03H Wharf District Master Developer, LLC - Order..... 000412 - 000418

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, Modification No. M0003 to Contract No. CW37842 with Tecknomic, LLC, to provide mission oriented business integrated services to the District, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. M0003 to Contract No. CW37842 Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M0003 to Contract No. CW37842 with Tecknomic, LLC, to provide mission oriented business integrated services to the District, and to authorize payment in the not-to-exceed amount of \$10,000,000 for goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

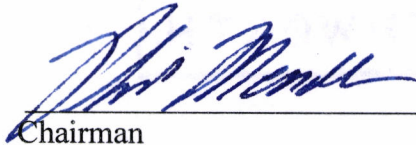
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

ENROLLED ORIGINAL



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, Modification No. M19 to Contract No. DCKA-2012-C-0089 with Capitol Paving of DC, Inc., for the rehabilitation and restoration of pavement District-wide, and to authorize payment for the goods and services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. M19 to Contract DCKA-2012-C-0089 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M19 to Contract No. DCKA-2012-C-0089 for rehabilitation and restoration of local pavement District-wide, and authorizes payment in the not-to-exceed amount of \$35,000,000 for the goods services received and to be received under the modification.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

~~UNSIGN~~ED _____
Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, Modification No. M13 to Contract No. DCKA-2013-C-0007 with Capitol Paving of DC, Inc., for the rehabilitation and restoration of the alleyway system, and to authorize spending for the goods and services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. M13 to Contract DCKA-2013-C-0007 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M13 to Contract No. DCKA-2013-C-0007 with Capitol Paving of DC, Inc., for the rehabilitation and restoration of local pavement District-wide, and authorizes payment in the not-to-exceed amount of \$30,000,000 for the goods and services received and to be received under the modification.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, Modifications 010 through 012 to Contract No. DFCA-2015-C-2292SS with PFC Associates, LLC, to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCFA-2015-C-2292SS Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modifications 010 through 012 to Contract No. DCFA-2015-C-2292SS with PFC Associates, LLC, to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and authorizes payment in the total estimated contract amount of \$6,205,982.90 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, Contract No. CW29955 with CSZNet, Inc., to provide mission oriented business integrated services for District agencies, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW29955 Approval and Payment Authorization Emergency Act of 2016."

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW29955 with CSZNet, Inc., to provide mission oriented business integrated services for District agencies, and authorizes payment in the total minimum contract amount of \$10.00 and the total maximum contract amount of \$10,000,000.00 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, multiyear Contract No. DCAM-16-NC-0105C with F & L Construction, Inc., to provide trash collection services to various District of Columbia facilities in Aggregate Award Group 3, and to authorize payment in the total amount of \$1,424,696 for the goods and services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-16-NC-0105C Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-16-NC-0105C with F & L Construction, Inc., to provide trash removal services at various District of Columbia facilities in Aggregate Award Group 3, and to authorize payment in the total amount of \$1,424,696 for the goods and services to be received under the contract.

Sec. 3. Fiscal impact statement.

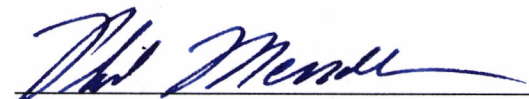
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-591

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, multiyear Contract No. DCAM-16-NC-0105B with F & L Construction, Inc. to provide trash collection services to various District of Columbia facilities in Aggregate Award Group 2, and to authorize payment in the total amount of \$218,895.20 for the goods and services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-16-NC-0105B Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-16-NC-0105B with F & L Construction, Inc., to provide trash removal services at various District of Columbia facilities in Aggregate Award Group 2, and authorizes payment in the total amount of \$218,895.20 for the goods and services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, multiyear Contract No. DCKA-2016-T-0046 with Motivate International, Inc., to operate, maintain, and expand the Capital Bikeshare system, and to authorize payment in the not-to-exceed amount of \$7,672,856.60 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCKA-2016-T-0046 Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCKA-2016-T-0046 with Motivate International, Inc., to operate, maintain and expand the Capital Bikeshare system, and authorizes payment in the not-to-exceed amount of \$7,672,856.60 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-593

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, multiyear Contract No. DCAM-16-NC-0105D with Jerome L. Taylor Trucking, Inc., to provide trash collection services to various District of Columbia facilities in Aggregate Award Group 4, and to authorize payment in the total amount of \$442,572 for the goods and services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-16-NC-0105D Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-16-NC-0105D with Jerome L. Taylor Trucking, Inc., to provide trash removal services at various District of Columbia facilities in Aggregate Award Group 4, and authorizes payment in the total amount of \$442,572 for the goods and services to be received under the contract.

Sec. 3. Fiscal impact statement.

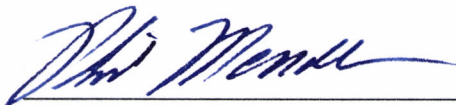
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, multiyear Contract No. DCAM-16-NC-0105E with Jerome L. Taylor Trucking, Inc., to provide trash collection services to various District of Columbia facilities in Aggregate Award Group 5, and to authorize payment in the total amount of \$513,520 for the goods and services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-16-NC-0105E Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-16-NC-0105E with Jerome L. Taylor Trucking, Inc., to provide trash removal services at various District of Columbia facilities in Aggregate Award Group 5, and authorizes payment in the total amount of \$513,520 for the goods and services to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 2017

To approve, on an emergency basis, multiyear Contract No. DCAM-16-NC-0105A with F & L Construction, Inc., to provide trash collection services to various District of Columbia facilities in Aggregate Award Group 1, and to authorize payment in the total amount of \$1,759,856.80 for the goods and services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCAM-16-NC-0105A Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-16-NC-0105A with F & L Construction, Inc., to provide trash removal services at various District of Columbia facilities in Aggregate Award Group 1, and authorizes payment in the total amount of \$1,759,856.80 for the goods and services to be received under the contract.

Sec. 3. Fiscal impact statement.

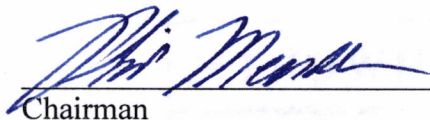
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 4, 2017

To amend, on an emergency basis, the Omnibus Public Safety and Justice Amendment Act of 2009 to make it unlawful to tamper with a detection device required by any custodial or supervision entity with authority over an individual subject to monitoring.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tampering with a Detection Device Emergency Amendment Act of 2016."

Sec. 2. Section 103(a)(1) of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1211(a)(1)), is amended by striking the phrase "who is required to wear a device as a condition of a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment, or who is required to wear a device while incarcerated," and inserting the phrase "who is required to wear a device while incarcerated or committed, while subject to a protection order, or while on pretrial release, presentence release, predisposition release, supervised release, probation, or parole" in its place.

Sec. 3. Fiscal impact statement.

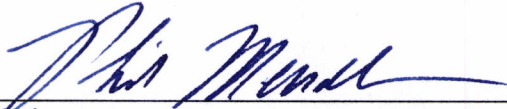
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To amend the Office of the Unified Communications Establishment Act of 2004 to require the implementation of an emergency medical information profile program that permits a resident to provide medical information to the Office of Unified Communications that may be necessary to assist the resident in an emergency and makes a vehicle or home decal available to residents to alert emergency responders that the resident has an emergency medical information profile, to limit the use of the information contained in a resident’s emergency medical information profile, and to require the Mayor to establish rules regarding the implementation of the emergency medical information profile program; and to amend the District of Columbia Traffic Act, 1925, to require the Mayor and the Office of Unified Communications to jointly develop a form or another method for an applicant who applies for the issuance, renewal, or correction of any type of driver’s permit or identification card to authorize the Mayor to provide the Office of Unified Communications with the applicant’s contact information for purposes of enrollment in the emergency medical information profile program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Notice in Case of Emergency Amendment Act of 2016”.

Sec. 2. The Office of the Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D. C. Official Code § 1-327.51 *et seq.*), is amended as follows:

(a) A new section 3205b is added to read as follows:

“Sec. 3205b. Emergency medical information profile program.

“(a) Within 180 days after the effective date of the Notice in Case of Emergency Amendment Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-615), the Office shall implement an emergency medical information profile program that:

“(1) Permits a resident to provide medical information to the Office that may be necessary to assist the resident in an emergency, including, at a minimum, any medical condition, medication, and allergies that the resident may have;

“(2) Provides the Office with access to a resident’s emergency medical information profile through the resident’s registered phone number;

“(3) Permits the Office to access a resident’s emergency medical information

ENROLLED ORIGINAL

profile through a Department of Motor Vehicles issued identification number, home address, social security number, or any other means developed through written standards by the Office;

“(4) Allows a resident to enroll in the emergency medical information profile program or update information in their emergency medical information profile by completing a paper or an electronic form developed by the Office and emailed or mailed to the resident;

“(5) Permits a resident to register or update the resident’s emergency medical information profile by calling the call center;

“(6) Makes a decal available to a registered motor vehicle owner to serve as notice to the agencies that the owner is a participant in the emergency medical information profile program; and

“(7) Makes a home decal available to a resident to serve as notice to the agencies that a resident of the home is a participant in the emergency medical information profile program.

“(b) Agencies may use the information contained in a resident’s emergency medical information profile for the following purposes:

“(1) To identify a resident who has registered in the emergency medical information profile program under subsection (a)(4) of this section;

“(2) To ascertain whether a resident participating in the emergency medical information profile program has a medical condition that may impede communications with the agencies;

“(3) To communicate with the emergency contacts of a resident participating in the emergency medical information profile program about the location and general condition of the resident; and

“(4) To consider the current medications and pre-existing medical conditions of a resident participating in the emergency medical information profile program when administering emergency medical treatment to the resident.

“(c) The Office may utilize a 3rd party vendor to establish and operate the emergency medical information profile program under subsection (a) of this section.

“(d) For the purposes of this section, the term “resident” means a resident of the District of Columbia.”.

(b) Section 3208 (D.C. Official Code § 1-327.57) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b)(1) Within 180 days after the effective date of the Notice in Case of Emergency Amendment Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-615), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement section 3205b, including rules regarding:

“(A) The promotion and facilitation of registering aged residents in the emergency medical information profile program;

ENROLLED ORIGINAL

“(B) Updating aged residents’ information in their emergency medical information profiles; and

“(C) Outlining the role of public safety agencies and health and human services agencies in referring residents to enroll in the emergency medical information profile program or update information in their emergency medical information profile.

“(2) For the purposes of this subsection, the term:

“(A) “Public safety agencies” means any District agencies or entities within the purview of the Deputy Mayor for Public Safety and Justice.

“(B) “Health and human services agencies” mean any District agencies or entities within the purview of the Deputy Mayor for Health and Human Services.”.

Sec. 3. Section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01), is amended by adding a new subsection (a-2) to read as follows:

“(a-2)(1) Within 180 days after the effective date of the Notice in Case of Emergency Amendment Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-615), the Mayor and the Office of Unified Communications shall jointly develop a form or another method for an applicant who applies for the issuance, renewal, or correction of any type of driver's permit or identification card to authorize the Mayor to provide the Office of Unified Communications with the applicant’s contact information for purposes of enrollment in the emergency medical information profile program, established by 3205b of the Office of the Unified Communications Establishment Act of 2004, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-615).

“(2) The Mayor shall forward all authorizations received under paragraph (1) of this subsection to the Office of Unified Communications within 10 days after receipt.”.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.


Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

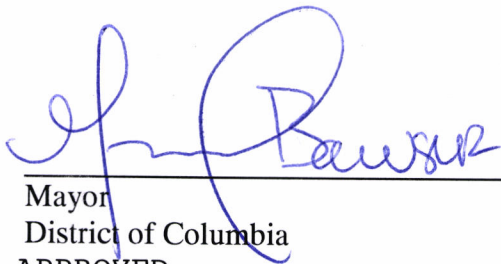
ENROLLED ORIGINAL

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-598

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To amend, on an emergency basis, the Fiscal Year 2017 Budget Support Act of 2016 to extend the deadline for the submission of a report by the Youth Services Coordination Task Force and the sunset date from March 1, 2017, to October 1, 2017.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Youth Services Coordination Task Force Emergency Amendment Act of 2016”.

Sec. 2. The Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended as follows:

(a) Section 5092(e) is amended by striking the date “March 17” and inserting the date “October 1” in its place.

(b) Section 5094 is amended by striking the date “March 17” and inserting the date “October 1” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-599

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 9, 2017

To order, on an emergency basis, the closing of a portion of the public alley system in Square 126, bounded by K Street, N.W., 17th Street, N.W., I Street, N.W., and 18th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alley in Square 126, S.O. 14-17521, Emergency Act of 2016".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 126, as shown on the Surveyor's plat filed in S.O. 14-17521, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The approval of the Council of this alley closing is contingent upon the payments specified herein as well as satisfaction of all the conditions set forth in the official file for S.O. 14-17521 prior to the recordation of the alley-closing plat, including:

(1) That the applicant execute and record an easement for the benefit of the District of Columbia over the surface of the closed alley, with a clearance of 15 feet above the surface of the closed alley, that includes an agreement by the owner of the property encumbered by the easement to maintain the closed alley for public use. This easement shall run with the land and be recorded in the land records of the Recorder of Deeds for the District of Columbia.

(2) That the applicant execute and record an easement for the benefit of the District of Columbia Water and Sewer Authority for the maintenance and operation of the manhole and catch basin located in the portion of the alley to be closed.

(3) That the applicant make a payment of \$98,000 to the District for the fiscal impact of the alley closing and a payment of \$217,000 to the Golden Triangle Business Improvement District ("BID"). The payment to the Golden Triangle BID shall be used for public purposes and shall be in addition to any other assessments and payments imposed on the applicant by the Golden Triangle BID.

ENROLLED ORIGINAL

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of a Public Alley in Square 126, S.O. 14-17521, Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-586), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
January 9, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 9, 2017

To order, on an emergency basis, the closing of a portion of the public alley system in Square 453, bounded by I Street, N.W., 7th Street, N.W., H Street, N.W., and 6th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 453, S.O. 14-17847, Emergency Act of 2016".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 453, as shown on the Surveyor's plat filed in S.O. 14-17847, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The approval by the Council of this alley closing is contingent upon:

(1) The recordation of a covenant establishing new portions of the alley system by easement, as shown on the Surveyor's plat filed in S.O. 14-17847, that includes an agreement by the owner of the property encumbered by the easement to maintain the new portions of the alley system; and

(2) The satisfaction of all conditions set forth in the official file for S.O. 14-17847 prior to the recordation of the alley-closing plat.

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of a Public Alley in Square 453, S.O. 14-17847, Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-447), as the fiscal impact statement required by section 4a

ENROLLED ORIGINAL

of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 9, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To amend, on an emergency basis, the District of Columbia Health Occupations Revision Act of 1985 to clarify that the exemption from licensure requirements for individuals engaged in the practice of pharmaceutical detailing applies to those practicing for less than 30 days per calendar year.

BE IT ENACTED BY THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pharmaceutical Detailing Licensure Exemption Emergency Amendment Act of 2016".

Sec. 2. Section 502(a)(2A) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.02(a)(2A)), is amended by striking the phrase "30 consecutive days per calendar year" and inserting the phrase "30 days per calendar year" in its place.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

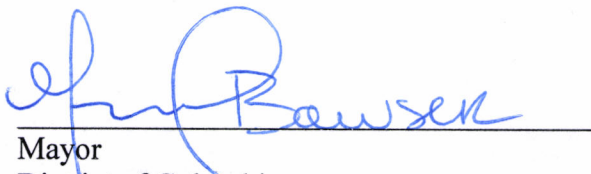
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 10, 2017

To require, on an emergency basis, the transfer of certain District-owned properties in Historic Anacostia for the purpose of renovation and development as workforce housing in accordance with historic preservation standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation of Derelict District Properties Emergency Act of 2016".

Sec. 2. (a) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), or any other provision of law, subject to subsections (b) and (c) of this section, the Mayor shall transfer, no later than January 31, 2017, in fee simple and without charge, to the L'Enfant Trust, headquartered at 2000 P Street, N.W., Suite 320, Washington, D.C. 20036, for the purpose of renovation and use development as workforce housing, in accordance with historic preservation standards, the following properties:

- (1) Lot 814 in Square 5779;
- (2) Lot 849 in Square 5799;
- (3) Lot 811 in Square 5800; and
- (4) Lot 884 in Square 5765.

(b)(1) The ownership of any property identified in subsection (a) of this section that has not received all required certificates of occupancy within 5 years of the date of transfer from the District to the L'Enfant Trust shall revert to the District.

(2) The District shall not collect real property taxes for any property identified in subsection (a) of this section until a buyer purchases the property from the L'Enfant Trust.

(c) As a condition of transfer, L'Enfant Trust shall:

- (1) Renovate and develop the properties as workforce housing, in accordance with historic preservations standards;
- (2) Subcontract 35% of the total adjusted project budget to Certified Business Enterprises;
- (3) Include in each property's sales contract and deed of conveyance a provision that requires that the individuals who purchase the property shall qualify for workforce housing and occupy the premises as their primary residence for a minimum period of 5 years; and

ENROLLED ORIGINAL

(4) Within 180 days after the effective date of this act, partner with or establish a Ward 8 home buyers program.

(d) For the purposes of this act, the term "workforce housing" means housing that must be owner-occupied by low-income households whose total household income does not exceed 120% of Area Median Income, as determined by the U.S. Department of Housing and Urban Development, and approved by the District's Department of Housing and Community Development.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Historic Preservation of Derelict District Properties Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-837), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To amend the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982 to change the age eligibility requirements for the police officer cadet program; to amend the Retired Police Officer Redeployment Amendment Act of 1992 to authorize the Chief of the Metropolitan Police Department to pay Metropolitan Police Department police officers who retired at a rank other than Officer and who are rehired a salary of not more than the salary paid for specified service steps; to amend the Omnibus Public Safety and Justice Amendment Act of 2009 to impose criminal sanctions for tampering with or removing an electronic monitoring device that a person is required to wear while incarcerated, committed, or released to the community; to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to expand the Governing Board of the Corrections Information Council from 3 to 5 members; and to amend Title 28 of the District of Columbia Official Code to prohibit persons who provide immigration services from making certain misrepresentations, providing legal advice, collecting fees for services not performed, and refusing to return documents, to require persons who provide immigration services to make certain disclosures in contracts, and to provide for enforcement of rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Amendment Act of 2016".

Sec. 2. Section 2(a) of the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; D.C. Official Code § 5-109.01(a)), is amended by striking the number "21" and inserting the number "25" in its place.

Sec. 3. Section 2 of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761), is amended by adding a new subsection (h) to read as follows:

"(h)(1) Notwithstanding subsection (d) of this section, a police officer who retired at a rank other than Officer who is rehired under subsection (a) of this section shall be eligible to be

ENROLLED ORIGINAL

paid for the duration of rehire a salary of no more than the salary paid at the following service steps:

“(A) Class 1 (Officer) – Step 5;

“(B) Class 3 (Detective Grade 1) – Step 4; or

“(C) Class 4 (Sergeant) – Step 3.”.

“(2) This subsection shall expire as of October 12, 2019.”.

Sec. 4. Section 103(a)(1) of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1211(a)(1)), is amended by striking the phrase “who is required to wear a device as a condition of a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment, or who is required to wear a device while incarcerated,” and inserting the phrase “who is required to wear a device while incarcerated or committed, while subject to a protection order, or while on pretrial release, presentence release, predisposition release, supervised release, probation, or parole” in its place.

Sec. 5. Section 11201(b)(2)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(b)(2)(A)), is amended by striking the phrase “3 members, 2 of whom shall be appointed by the Mayor with the advice and consent of the Council, and one of whom shall be appointed by the Council” and inserting the phrase “5 members, 3 of whom shall be appointed by the Mayor with the advice and consent of the Council, and 2 of whom shall be appointed by the Council” in its place.

Sec. 6. Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

"53. Immigration Services Protection.”.

(b) Section 28-3904 is amended as follows:

(1) Paragraph (gg) is amended by striking the phrase “or”.

(2) Paragraph (hh) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (ii) is added to read as follows:

“(ii) violate any provision of Chapter 53 of this title.”.

(c) A new Chapter 53 is added to read as follows:

"CHAPTER 53. IMMIGRATION SERVICES PROTECTION.

“Sec.

"28-5301. Definitions.

"28-5302. Prohibited practices; required disclosures.

"28-5303. Contracts required.

"28-5304. Criminal and civil penalties.

ENROLLED ORIGINAL

"§ 28-5301. Definitions.

"For the purposes of this chapter, the term:

"(1) "Client" means any noncitizen of the United States or any person seeking to sponsor a noncitizen for whom an immigration service provider performs or offers to perform an immigration service.

"(2) "Immigration matter" means any legal proceeding, filing, or action that pertains to the immigration or citizenship status of a client or consumer and arises under any federal immigration law, presidential order, federal executive agency action, or proclamation by a foreign country.

"(3) "Immigration service" means any service relating to an immigration matter.

"(4) "Immigration service provider" means a person who provides an immigration service to a client for a fee. The term "immigration service provider" does not include:

"(A) An attorney licensed to practice law in the United States;

"(B) A legal clinic affiliated with an accredited law school in the District of Columbia;

"(C) An individual authorized to represent individuals in immigration matters under 8 C.F.R. § 292.1; or

"(D) A nonprofit organization that has been recognized under 8 C.F.R. § 292.2.

"(5) "Legal representation" means the legal representation of a client, which includes providing forms to a client, completing or filing forms on behalf of a client, advising a client to file forms, or applying for a benefit on behalf of a client.

"§ 28-5302. Prohibited practices; required disclosures.

"(a) An immigration service provider shall not:

"(1) Provide legal representation for an immigration matter;

"(2) Make a misrepresentation or false statement to influence, persuade, or encourage a client to use the immigration service provider;

"(3) Insinuate or make a statement that the immigration service provider can or will obtain special favors from or has special influence with the United States Department of Homeland Security, the United States Department of Labor, the United States Department of State, the United States Department of Justice, the United States Department of Commerce, or any other agency, office, or instrumentality of the United States government;

"(4) Collect any fees or other compensation for an immigration service that has not yet been performed;

"(5) Refuse to return documents supplied by, prepared by, or paid for by a client, at the client's request;

"(6) Represent, advertise, or communicate in any manner that the immigration service provider possesses titles or credentials that would qualify the immigration service provider to provide legal representation; or

ENROLLED ORIGINAL

“(7) Translate in any document, including an advertisement, stationery, letterhead, business card, or other comparable written material describing the immigration service provider, from English to another language, any words or titles, including “notary public”, “notary”, “licensed”, “attorney”, or “lawyer”, that imply that the immigration service provider is an attorney. The translation of the phrase “notary public” into Spanish as “*notario*” or “*notario publico*” is prohibited.

“(b) Each immigration service provider shall post, in English and in each language in which the immigration service provider provides or offers to provide an immigration service, at every location where the immigration service provider meets with clients, signs that shall include the name of each immigration service provider and the phrase:

“I am not an attorney licensed to practice law in the District of Columbia and may not provide legal representation. I cannot provide representation to you before the United States Citizenship and Immigration Services, the Department of Homeland Security, the Executive Office for Immigration Review, the Department of Labor, the Department of State, or any other immigration authority.”

“§ 28-5303. Contracts required.

“(a)(1) Before providing an immigration service to a client, an immigration service provider shall execute a written contract with the client that includes the following information:

“(A) A detailed explanation of the immigration service to be performed;

“(B) An itemization of all fees to be charged to the client;

“(C) Statements informing the client that the client:

“(i) Has the right to consult an attorney before signing the contract;

“(ii) Has the right to obtain any document provided by the client at the client's request, even in the event of a fee dispute;

“(iii) Has the right to rescind the contract within 72 hours after signing; and

“(iv) May report complaints relating to an immigration service provider to the Office of the Attorney General's Consumer Protection Hotline;

“(D) An accurate phone number for the Office of the Attorney General's Consumer Protection Hotline;

“(E) The statement, ‘I am not an attorney licensed to practice law in the District of Columbia and may not provide legal representation. I cannot provide representation to you before the United States Citizenship and Immigration Services, the Department of Homeland Security, the Executive Office for Immigration Review, the Department of Labor, the Department of State, or any other immigration authority.’; and

“(F) The statement, ‘I cannot accept a fee for referring a client to another person for a service that I cannot or will not perform.’

“(2)(A) The statements required by paragraph (1)(C)(iii) and (E) of this subsection shall be placed in immediate proximity to the space reserved in the contract for the client's signature and shall be in at least 12-point, boldface type.

ENROLLED ORIGINAL

“(B) The statement required by paragraph (1)(F) of this subsection shall be conspicuously placed in the contract in at least 12-point type.

“(b) The written contract required under this section shall be in English and in each language in which the immigration service provider provides or offers to provide an immigration service.

“(c) The immigration service provider shall provide a copy of the contract to the client immediately upon execution.

“§ 28-5304. Criminal and civil penalties.

“(a) Any person who violates any provision of this chapter, shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than the amount set forth in § 22-3571.01, or imprisoned for not more than one year, or both.

“(b) In addition to the criminal penalty set forth in subsection (a) of this section, failure to comply with the requirements of this chapter shall be an unlawful trade practice under § 28-3904.

“(c) The penalties provided in this chapter are not exclusive and are in addition to any other penalties that may be imposed under the law.”.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To prohibit a manufacturer of nonwoven disposable products for sale in the District from labeling nonwoven disposable products as safe to flush, safe for sewer systems, or safe for septic systems, unless the nonwoven disposable product is flushable, to require a manufacturer of a nonwoven disposable product for sale in the District that is not flushable to label the nonwoven disposable product to communicate that it should not be flushed, to authorize the Department of Energy and Environment to issue rules to implement the provisions of this act, to authorize the Mayor to issue civil fines and penalties for violations of this act, and to give the Attorney General for the District of Columbia the authority to seek injunctive relief for violations of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nonwoven Disposable Products Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Flushable" means a nonwoven disposable product that:
 - (A) Disperses in a short period of time after flushing in the low-force conditions of a sewer system;
 - (B) Is not buoyant; and
 - (C) Does not contain plastic or any other material that does not readily degrade in a range of natural environments.
- (2) "Label" means to represent by statement, word, picture, design, or emblem on the packaging of a nonwoven disposable product.
- (3) "Nonwoven disposable product" means a product constructed from nonwoven sheets, including moist toilet tissue or cloth, that is designed, marketed, or commonly used for personal hygiene purposes.

Sec. 3. Labeling of nonwoven disposable products.

(a) After January 1, 2018, a manufacturer of a nonwoven disposable product for sale in the District shall not label the nonwoven disposable product as safe to flush, safe for sewer systems, or safe for septic systems, unless the nonwoven disposable product is flushable.

ENROLLED ORIGINAL

(b) After January 1, 2018, a manufacturer of a nonwoven disposable product for sale in the District that is not flushable must clearly and conspicuously label the nonwoven disposable product to communicate that the nonwoven disposable product should not be flushed.

Sec. 4. Enforcement.

(a) The Mayor may impose civil fines and penalties as sanctions for violations of the provisions of this act or any rules issued pursuant to this act, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.

(b) In addition to the enforcement authority provided in subsection (a) of this section, the Attorney General for the District of Columbia may seek injunctive relief or other appropriate remedy in any court of competent jurisdiction to enforce compliance with this act.

Sec. 5. Rules.

The Department of Energy and Environment, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act, including rules to interpret section 2(2); provided, that rules to interpret section 2(2) shall be made in consultation with the District of Columbia Water and Sewer Authority.

Sec. 6. Construction.

A violation of this act shall not be a violation of Chapter 39 of Title 28 of the District of Columbia Official Code.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To amend the West End Parcels Development Omnibus Act of 2010 to clarify the uses of the West End Library and Fire Station Maintenance Fund, and to clarify the roles of the District of Columbia Public Library and the Department of General Services in the managing of the fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “West End Parcels Development Omnibus Amendment Act of 2016”.

Sec. 2. Section 4 of the West End Parcels Development Omnibus Act of 2010, effective April 8, 2011 (D.C. Law 18-368; D.C. Official Code § 1-325.181), is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a) There is established as a special fund the West End Library and Fire Station Maintenance Fund (“Maintenance Fund”), which shall be used solely to fund the expenses of providing: supplemental maintenance service; common-area maintenance service; insurance; and capital improvements for the West End Library and West End Fire Station (collectively, the “Operating Expenses”). The Maintenance Fund shall supplement such other sums as are annually appropriated for the operation of branch libraries and fire stations, including the West End Library and West End Fire Station, and shall be used solely to ensure that both facilities are maintained in a manner that is consistent with the high-quality conditions of the larger buildings of which they are a part. The Maintenance Fund shall be used first to pay for the Operating Expenses, before other District funds are used, but the Maintenance Fund shall not be used otherwise to supplant local funds typically appropriated for the operation of branch libraries and fire stations.”.

(b) Subsection (c) is amended by striking the phrase “authorization by Congress” and inserting the word “appropriation” in its place.

(c) Subsection (d) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) The Department of General Services, in close consultation with the District of Columbia Public Library, shall manage the Maintenance Fund. To the extent that monies are needed to pay for the Operating Expenses, in addition to the Maintenance Fund, for the West End Library and the West End Fire Station, the additional monies appropriated for that purpose shall be allocated between the West End Library and West End Fire Station based upon each facility’s respective proportionate share of the total annual aggregate Operating Expenses, as

ENROLLED ORIGINAL

jointly determined by the Chief Librarian of the District of Columbia Public Library and the Director of the Department of General Services.”

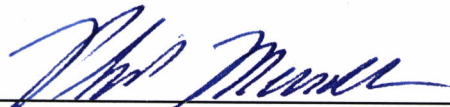
(2) Paragraph (2) is amended by striking the phrase “from the Fund. Any monies received” and inserting the phrase “from the Fund. This request shall be prepared for the Mayor by the Department of General Services working in close consultation with the District of Columbia Public Library. The appropriation for expenditures from the Maintenance Fund shall be depicted as a separate activity within the budget of the Department of General Services. Any monies received” in its place.

Sec. 3. Fiscal impact statement.

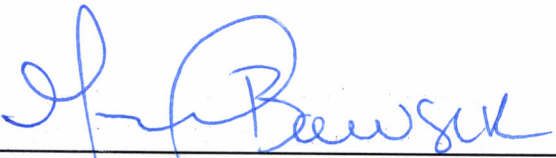
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
Januaty 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To establish a Green Yards Recognition Program to encourage District property owners or lessees to maintain their grounds using only safe and sustainable practices, to require the Department of Energy and Environment to establish a guide for safe and sustainable grounds maintenance practices, including a list of minimum practices, to establish a voluntary certification program for District property owners and lessees to certify that they are in compliance with the list of minimum practices for safe and sustainable grounds maintenance, and to require the Department of Energy and Environment to design a program yard sign that affirms a District property owner or lessee's compliance with the list of minimum practices for safe and sustainable grounds maintenance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Green Yards Recognition Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Department" means the Department of Energy and Environment.
- (2) "Integrated pest management" shall have the same meaning as provided in section 2(8) of the Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code § 8-431(8)).
- (3) "Lawn care equipment" means leaf blowers, lawn mowers, weed eaters, snow blowers, and other equipment intended for the maintenance or care of outdoor property that requires a power supply other than human strength.
- (4) "Minimum risk pesticides" means pesticide products listed in 40 C.F.R. § 152.25(f).
- (5) "Organic pesticides" means pesticides including no active ingredients other than those published in the National List at 7 C.F.R. §§ 205.601 and 205.606.
- (6) "Program" means the Green Yards Recognition Program established by section 3.

Sec. 3. Green Yards Recognition Program.

(a) There is established a Green Yards Recognition Program, which shall be administered by the Department of Energy and Environment, to encourage District property owners and lessees to maintain their grounds using only safe and sustainable practices.

ENROLLED ORIGINAL

(b) Within 120 days of the effective date of this act, the Program shall establish and publish online a guide to safe and sustainable grounds maintenance, including recommendations for best practices and a list of minimum practices. At a minimum, the list of minimum practices shall include:

- (1) Participation in at least one of the Department's Riversmart programs;
- (2) Use of integrated pest management for pest control;
- (3) Use of only organic pesticides or minimum risk pesticides; and
- (4) Use of only electric- or battery-powered lawn care equipment, to the extent

that such equipment is reasonably available to consumers.

(c) No later than 30 days after the publication of the guide required by subsection (b) of this section, the Department shall make available online a form allowing a District property owner or lessee to voluntarily certify to the Department that the District property owner or lessee is in compliance with the list of minimum practices published pursuant to subsection (b) of this section. The form shall include an option allowing the District property owner or lessee to order a Program yard sign pursuant to subsection (d) of this section at the time the owner or lessee submits the voluntary certification.

(d) The Department shall design a Program yard sign that affirms a District property owner or lessee's compliance with the list of minimum practices published pursuant to subsection (b) of this section. The Department may charge a fee to the District property owner or lessee to cover the cost of production of the Program yard signs.

(e) The Department may cancel the voluntary certification of a District property owner or lessee upon learning that the District property owner or lessee is not in compliance with the list of minimum practices published pursuant to subsection (b) of this section. A District property owner or lessee whose certification has been canceled may not submit another voluntary certification of compliance for one year following the cancellation.

(f) The Department may expand the Program to:

(1) Recognize varying types or levels of voluntary compliance with the recommendations in the guide to safe and sustainable grounds maintenance published pursuant to subsection (b) of this section; and

(2) Incorporate awards, or other methods of recognition, and incentives for participants in the Program.

Sec. 4. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

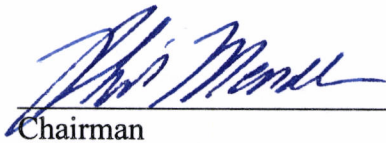
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

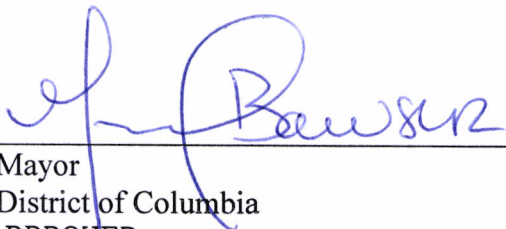
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Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2017

To require the transfer of certain District-owned properties in Historic Anacostia for the purpose of renovation and development as workforce housing in accordance with historic preservation standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation of Derelict District Properties Act of 2016".

Sec. 2. (a) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), or any other provision of law, subject to subsections (b) and (c) of this section, the Mayor shall transfer, no later than December 31, 2016, in fee simple and without charge, to the L'Enfant Trust, headquartered at 2000 P Street, N.W., Suite 320, Washington, D.C. 20036, for the purpose of renovation and use development as workforce housing, in accordance with historic preservation standards, the following properties:

- (1) Lot 814 in Square 5779;
- (2) Lot 849 in Square 5799;
- (3) Lot 811 in Square 5800; and
- (4) Lot 884 in Square 5765.

(b)(1) The ownership of any property identified in subsection (a) of this section that has not received all required certificates of occupancy within 5 years of the date of transfer from the District to the L'Enfant Trust shall revert to the District.

(2) The District shall not collect real property taxes for any property identified in subsection (a) of this section until a buyer purchases the property from the L'Enfant Trust.

(c) As a condition of transfer, L'Enfant Trust shall:

(1) Renovate and develop the properties as workforce housing, in accordance with historic preservation standards;

(2) Subcontract 35% of the total adjusted project budget to Certified Business Enterprises;

(3) Include in each property's sales contract and deed of conveyance a provision that requires that the individuals who purchase the property shall qualify for workforce housing and occupy the premises as their primary residence for a minimum period of 5 years; and

(4) Within 180 days after the effective date of this act, partner with or establish a

ENROLLED ORIGINAL

Ward 8 home buyers program.

(d) For the purposes of this act, the term “workforce housing” means housing that must be owner-occupied by low-income households whose total household income does not exceed 120% of Area Median Income, as determined by the U.S. Department of Housing and Urban Development, and approved by the District’s Department of Housing and Community Development.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 6, 2017

To amend, on a temporary basis, the Retail Incentive Act of 2004 to modify the boundaries of the Bladensburg Road, N.E., Retail Priority Area; and to amend the H Street, N.E., Retail Priority Area Incentive Act of 2010 to clarify the location of businesses that are eligible to receive retail development project grants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “H Street, N.E., Retail Priority Area Clarification Temporary Amendment Act of 2016”.

Sec. 2. Section 4(g) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73(g)), is amended to read as follows:

“(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence east on Benning Road, N.E., to Oklahoma Avenue, N.E.; continuing southwest along Oklahoma Avenue, N.E., to the center line of E Street, N.E.; continuing west on E Street, N.E., to the center line of 21st Street, N.E.; continuing north on 21st Street, N.E., to the center line of Gales Street, N.E.; thence northwest on Gales Street, N.E., to 15th Street, N.E.; thence west on G Street, N.E., to 14th Street, N.E.; thence north on 14th Street, N.E., to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.”.

Sec. 3. Section 4(c)(2) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.173(c)(2)), is amended to read as follows:

“(2) Frontage on a commercial corridor within the H Street, N.E., Retail Priority Area;”.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 6, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 10, 2017

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to authorize the disposition, by ground-lease, of District-owned real property located at 4470 Q Street, N.W. (also known as 4470 Foxhall Road, N.W.), most commonly known as the Hardy School and more specifically designated for tax and assessment purposes as Lot 0980 in Square 1363 to the The Lab School of Washington, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Hardy School Disposition and Lease Authorization Emergency Amendment Act of 2016".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (g-1) to read as follows:

“(g-1) Notwithstanding the requirements of this section and section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38- 1802.09), the Council authorizes the Mayor to dispose of District-owned real property located at 4470 Q Street, N.W. (also known as 4470 Foxhall Road, N.W.) most commonly known as the Hardy School and more specifically designated for tax and assessment purposes as Lot 0980 in Square 1363 (“Property”) to the The Lab School of Washington, Inc. (“Lessee”) through a negotiated ground-lease of greater than 20 years, which shall include the following terms:

“(1) Lessee shall redevelop the Property in accordance with plans approved by the District and shall use the Property primarily as an educational facility.

“(2) Lessee shall enter into an agreement with the District governing certain obligations of the Lessee or any developer of the Property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a). The agreement shall require the Lessee to contract with certified business enterprises for at least 35% of the contract dollar volume of the redevelopment

ENROLLED ORIGINAL

of the Property, if any, and if possible, shall require at least 20% equity and development participation of local, small and disadvantaged business enterprises.

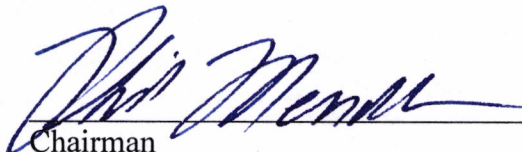
“(3) The Lessee shall enter into an agreement with the District governing certain obligations of the Lessee or any developer of the Property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction on the Property.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 9, 2017

ENROLLED ORIGINAL

A RESOLUTION

22-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2017

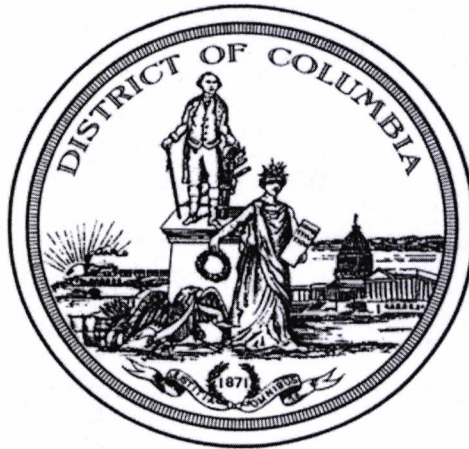
To provide rules of organization and procedure for the Council of the District of Columbia during Council Period 22 and to provide a Code of Official Conduct for the Council of the District of Columbia during Council Period 22.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Resolution of 2017".

Sec. 2. The document entitled "Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22," attached and made a part of this resolution, shall be the rules of the Council of the District of Columbia.

Sec. 3. The document entitled "Council of the District of Columbia, Code of Official Conduct, Council Period 22," attached and made a part of this resolution, shall be the Code of Official Conduct of the Council of the District of Columbia.

Sec. 4. This resolution shall take effect immediately.



RULES OF ORGANIZATION AND PROCEDURE FOR THE COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD 22

TABLE OF CONTENTS

ARTICLE I—DEFINITIONS.....9

101. DEFINITIONS.9

ARTICLE II—ORGANIZATION..... 12

A. OATH OF OFFICE AND OFFICIAL CONDUCT.12

201. OATH OF OFFICE.....12

202. CODE OF OFFICIAL CONDUCT.....12

B. EXECUTIVE OFFICERS OF THE COUNCIL..... 13

211. CHAIRMAN.....13

212. CHAIRMAN PRO TEMPORE.13

213. VACANCY IN OFFICE OF CHAIRMAN.....13

C. COMMITTEE MEMBERSHIP.....13

221. SELECTION.....13

COUNCIL RULES, PERIOD XXII

222. CHAIRMAN AS EX OFFICIO MEMBER.....13

223. VACANCIES.....14

224. DISTRIBUTION OF RESPONSIBILITY.....14

225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS.14

226. RULES OF COMMITTEES.14

227. COMMITTEE-ACTIVITY REPORT.....15

D. STANDING COMMITTEES.....15

231. COMMITTEE OF THE WHOLE.....15

232. COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT.....17

233. COMMITTEE ON EDUCATION.....18

234. COMMITTEE ON FINANCE AND REVENUE.19

235. COMMITTEE ON GOVERNMENT OPERATIONS.19

236. COMMITTEE ON HEALTH.....20

237. COMMITTEE ON HUMAN SERVICES.....21

238. COMMITTEE ON HOUSING AND NEIGHBORHOOD
REVITALIZATION.22

239. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY.....22

240. COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.....24

241. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT. ...24

E. CREATION OF SUBCOMMITTEES.25

245. SUBCOMMITTEES.25

F. SPECIAL COMMITTEES AND SPECIAL PROJECTS.....25

251. CREATION OF SPECIAL COMMITTEES.....25

252. USE OF SUBPOENAS BY SPECIAL COMMITTEE.....25

253. SPECIAL PROJECTS.....26

G. APPOINTED OFFICERS OF THE COUNCIL.26

261. APPOINTMENT OF OFFICERS.26

262. SECRETARY.....26

263. GENERAL COUNSEL.....26

264. BUDGET DIRECTOR.....26

H. COUNCIL PERSONNEL AND APPOINTMENTS.....27

271. SUBORDINATE STAFF OF APPOINTED OFFICERS.....27

272. COMMITTEE STAFF.....27

273. COUNCILMEMBERS' PERSONAL STAFF.....27

274. SEPARATION PAY AND BUDGET ACCOUNTING.....27

COUNCIL RULES, PERIOD XXII

275. COUNCIL APPOINTMENT TO OTHER BODIES.27

276. APPOINTMENT BY COMMITTEES AND MEMBERS.28

277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.....28

I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS.28

281. COMPUTING TIME.28

282. FILING WITH THE SECRETARY.29

283. CIRCULATION TO MEMBERS AND COMMITTEES.....30

ARTICLE III—PROCEDURES FOR MEETINGS. 30

A. LEGISLATIVE MEETINGS.....30

301. ORGANIZATIONAL MEETING.30

302. REGULAR MEETINGS.....30

303. ADDITIONAL AND SPECIAL MEETINGS.....31

304. QUORUM.31

305. HEARING THE MAYOR.....32

306. RECESS.....32

307. COUNCIL REVIEW OF CONTRACTS.....33

308. ECONOMIC-IMPACT ANALYSES.....33

309. FISCAL IMPACT STATEMENTS.....33

310. LEGAL SUFFICIENCY DETERMINATIONS.....34

311. PRESENTATION OF LEGISLATION TO THE COUNCIL.....34

B. ORDER OF BUSINESS FOR MEETINGS.....34

312. ORDER OF BUSINESS FOR REGULAR MEETINGS.....34

313. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.
.....35

314. PROCEEDING OUT OF ORDER.....35

C. RULES OF DECORUM.....35

321. DECORUM OF MEMBERS.....35

322. DECORUM OF MEMBERS OF THE PUBLIC.....36

D. RULES OF DEBATE.....37

331. OBTAINING THE FLOOR.....37

332. TIME LIMITS FOR DEBATE.....37

333. PERSONAL PRIVILEGE.....37

334. POINT OF ORDER.....37

335. APPEAL.....37

336. PARLIMENTARY INQUIRY.....38

337. RECOGNITION OF NON-MEMBERS.....38

COUNCIL RULES, PERIOD XXII

338. PRESENTATION OF CEREMONIAL RESOLUTIONS.....38

339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS,
REVENUE BONDS, AND REVIEW RESOLUTIONS.....38

E. MOTIONS.....39

341. MOTIONS RECOGNIZED DURING DEBATE.....39

342. WITHDRAWAL OR MODIFICATION OF MOTIONS.....40

343. ADJOURN.....40

344. RECESS.....40

345. RECONSIDER.....40

346. LAY ON THE TABLE AND TO POSTPONE.....41

347. MOTIONS TO LIMIT DEBATE.....42

348. RECOMMIT.....42

F. AMENDMENTS.....42

351. AMENDMENTS TO BE WRITTEN.....42

352. NON-GERMANE AMENDMENTS.....43

353. FRIENDLY AMENDMENTS.....44

354. AMENDMENT IN THE NATURE OF A SUBSTITUTE.....44

G. OTHER MOTIONS.....44

355. DISCHARGE.....44

356. TAKE FROM THE TABLE.....44

H. VOTING.....45

361. FORM OF VOTE.....45

362. VOICE VOTES.....45

363. DEMAND FOR ROLL-CALL VOTE.....45

364. CALLING THE ROLL.....45

365. RECORDS OF VOTES.....45

366. PROXY VOTING PROHIBITED.....46

367. SUMMONS OF MEMBERS.....46

I. OPEN MEETINGS.....46

371. OPEN MEETINGS, GENERALLY.....46

372. MEETINGS OF COUNCIL DEEMED OPEN.....46

373. NOTICE OF MEETINGS.....46

374. RECORD OF MEETINGS.....47

375. EXCEPTIONS TO OPEN MEETINGS.....47

COUNCIL RULES, PERIOD XXII

ARTICLE IV—LEGISLATION. 49

A. INTRODUCTION OF LEGISLATION.....49

401. WHO MAY INTRODUCE.....49

402. MANNER OF INTRODUCTION.....50

403. INTRODUCTION OF EMERGENCY LEGISLATION.....50

404. READING INTRODUCTIONS.....50

405. COMMITTEE REFERRAL.....51

406. COMMENTS BY EXECUTIVE.....52

407. WITHDRAWAL OF LEGISLATION.....52

408. COMMITTEE APPROVAL.....52

B. COUNCIL APPROVAL.....53

411. CONSENT AGENDA.....53

412. EMERGENCY LEGISLATION.....53

413. TEMPORARY LEGISLATION.....54

414. TECHNICAL-AMENDMENT LEGISLATION.....54

415. ENACTMENT LEGISLATION.....55

416. VETOED LEGISLATION.....55

417. TRANSMISSION OF ACTS.....55

418. EFFECT OF END OF COUNCIL PERIOD.....56

C. NOTICE AND PUBLICATION OF INTENDED ACTIONS.....56

421. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS AND HEARINGS.....56

422. PERSONAL SERVICE OR ACTUAL NOTICE.....57

423. METHODS OF NOTICE.....57

424. NOTICE OF EMERGENCY ACTIONS.....58

425. NOTICE OF TEMPORARY LEGISLATION.....58

426. NOTICE OF WAIVER OF RULE 231(C).....58

427. NOTICE OF CEREMONIAL RESOLUTIONS.....59

428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.....59

429. NOTICE OF NEW BUSINESS.....59

430. NOTICE OF COMMITTEE MEETINGS.....59

ARTICLE V—HEARING PROCEDURES. 60

A. PROCEDURES FOR HEARINGS.....60

501. AUTHORITY TO CALL HEARINGS.....60

502. QUORUM.....60

503. PARTICIPATION BY MEMBERS.....60

504. OPEN TO PUBLIC.....61

COUNCIL RULES, PERIOD XXII

B. RECEIVING TESTIMONY.61

 511. QUESTIONING WITNESSES.61

 512. DECORUM OF WITNESSES.....61

C. RIGHTS OF WITNESSES.....62

 521. RIGHT TO COUNSEL.....62

 522. RIGHT TO MAKE OPENING STATEMENT.....62

D. RECORD OF HEARINGS.62

 531. HEARING RECORDS, REQUIRED.62

 532. CLOSE OF RECORD.....62

ARTICLE VI—INVESTIGATIONS AND SUBPOENAS..... 63

 A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.....63

 601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION.63

 602. NOTICE OF INVESTIGATION.63

 603. REPORT OF INVESTIGATION.....63

 604. TESTIMONY UNDER OATH.....63

 605. ISSUING THE OATH.....63

 606. DEPOSITIONS.....63

 B. SUBPOENAS.64

 611. ISSUANCE OF SUBPOENAS.....64

 612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA.....64

 613. SERVICE OF SUBPOENAS.....64

 614. ENFORCEMENT OF SUBPOENAS.....64

 C. RIGHTS OF WITNESSES.....64

 621. RIGHT TO ASSERT PRIVILEGES.....64

 622. NOTIFICATION OF RIGHTS.....65

 623. RIGHT TO TRANSCRIPT.....65

 624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.65

 625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS.....65

 D. CENSURE, REPRIMAND, AND EXPULSION PROCEDURES.65

 651. AD HOC COMMITTEES.65

 652. AD HOC COMMITTEE INITIATED BY AN ETHICS BOARD CENSURE.66

 653. AD HOC COMMITTEE BY REQUEST.66

COUNCIL RULES, PERIOD XXII

654. REPRIMAND.67

655. CENSURE.68

656. EXPULSION.68

ARTICLE VII—BUDGET PROCEDURES. 69

A. BUDGET REVIEW PROCEDURES.69

701. ROLE OF THE COMMITTEE OF THE WHOLE.....69

702. BUDGET-REVIEW SCHEDULE.69

703. ROLE OF COUNCIL COMMITTEES.....69

704. COMMITTEE OF THE WHOLE CONSIDERATION OF BUDGET
REQUEST.....70

705. COUNCIL CONSIDERATION OF THE BUDGET REQUEST.....70

B. REPROGRAMMING POLICY ACT PROCEDURES.70

711. EFFECT OF RECESS ON PROCEDURES.70

712. COMMITTEE REFERRAL OF REQUESTS.70

713. CIRCULATION OF REQUESTS.....71

714. PUBLICATION OF NOTICE.71

715. WITHDRAWAL OF REPROGRAMMING REQUESTS.....71

716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.....71

717. AUTOMATIC APPROVAL OF REQUESTS.....71

718. TRANSMITTAL TO MAYOR.71

C. FUNDS CONTROL ACT PROCEDURES.72

[RESERVED].....72

D. SPECIFIED FUNDING ALLOCATION PROCEDURES.72

730. REQUIRED INFORMATION PRIOR TO APPROVAL.....72

731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.....73

732. LIMITS ON AWARD AMOUNTS.73

733. AUDIT REQUIREMENTS.....74

734. DISCLOSURE REQUIREMENTS.....74

**E. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND
FINANCIAL PLAN.....74**

735. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET
AND FINANCIAL PLAN.....74

736. REPEAL OF LAWS SUBJECT TO APPROPRIATIONS.....74

COUNCIL RULES, PERIOD XXII

ARTICLE VIII—COUNCIL RECORDS 74

A. COUNCIL RECORDS.....74

 801. RESPONSIBILITY FOR RECORDS.....74

 802. FORM FOR INTRODUCTIONS.....75

 803. REPORTS ON LEGISLATION.....75

 804. SUPPLEMENTAL COMMITTEE REPORT.....77

 805. IDENTIFICATION OF COUNCIL DOCUMENTS.77

 806. LEGISLATIVE FILES.78

 807. OTHER OFFICIAL RECORDS.79

 808. RECORDS OF LEGISLATIVE MEETINGS.....80

 809. COMMITTEE RECORDS.....80

B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS.80

 811. FOIA PROCEDURES.80

 812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT.81

 813. SERVICE OF PROCESS.....81

ARTICLE IX—AUDITOR. 81

 901. SELECTION.....81

 902. TERM AND COMPENSATION.....81

 903. VACANCY.81

 904. STAFF.....81

 905. REPORTS AVAILABLE TO THE PUBLIC.82

**ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF
RULES..... 82**

 1001. PARLIAMENTARY AUTHORITY.82

 1002. GENDER RULE OF CONSTRUCTION.82

 1003. SUSPENSION OF RULES.82

 1004. AMENDMENT OF RULES.82

 1005. EFFECTIVE PERIOD.....82

COUNCIL RULES, PERIOD XXII

ARTICLE I—DEFINITIONS.

101. DEFINITIONS.

For the purposes of these Rules, the term:

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

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

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

(4) “Budget” or “budget request” means the annual budget, including the Federal Portion Budget Request Act and the Local Budget Act, for all activities of all agencies, the Council, and the District of Columbia courts, financed from all existing or proposed resources, including both operating and capital expenditures.

(5) “Budget of the Council” means the approved budget for the Council.

(6) “Ceremonial resolution” means an expression of appreciation, an honorarium of limited application, or a declaration of no legal effect. A ceremonial resolution may be adopted only by unanimous consent.

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

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

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

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

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

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

(13) “Council website” means the website with the domain name of dccouncil.us.

COUNCIL RULES, PERIOD XXII

(14) “Emergency declaration resolution” means a resolution declaring the existence of emergency circumstances within the meaning of section 412(a) of the Charter (D.C. Official Code § 1-204.12(a)).

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

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

(17) “Ethics Board” means the District of Columbia Board of Ethics and Government Accountability established by section 202 of the Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02).

(18) “Fiscal-impact statement” means a statement prepared by the Chief Financial Officer or the Budget Director that includes an estimate of the costs that will be incurred by the District as a result of the enactment of a measure in the current and each of the first 4 fiscal years for which the measure is in effect, together with a statement of the basis for such estimate.

(19) “Grant budget-modification request” means any grant budget-modification request required to be submitted by the Mayor to the Council pursuant to section 446B of the Charter (D.C. Official Code § 1-204.46b).

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

(21) “Independent agency” means an agency of the District of Columbia government not subject to the administrative control of the Mayor.

(22) “Legal sufficiency determination” means a statement prepared by the Office of the General Counsel that shows that the measure has been reviewed by the Office and includes a legal sufficiency analysis.

(23) “Main motion” means a motion relating to the passing of a law or consideration of a legislative proposal.

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

(25) “Measure” means a bill, resolution, or amendment to a bill or resolution, a main motion pending before the Council or before a committee of the Council, a proposed reorganization plan, reprogramming request, grant budget modification request, proposed state plan, contract, or proposed municipal regulation transmitted by law to the Council for its approval.

(26) “Meeting” means, except for purposes of Rules 371 through 375, the formal convening of a committee or the Council, other than solely for the purpose of

COUNCIL RULES, PERIOD XXII

receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

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

(28) "Official action" has the same meaning as provided in section 742 of the Home Rule Act (D.C. Official Code § 1-207.42).

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

(30) "Reading" means, within the meaning of section 412 of the Charter (D.C. Official Code § 1-204.12), an opportunity for the Members to debate and vote on proposed legislation at a regular or additional legislative meeting of the Council. A reconsideration of legislation after it has been transmitted to the Mayor is considered a "reading" when there have been at least 13 days intervening between the last reading of the legislation and the reconsideration date.

(31) "Recess of the Council" or "Council Recess" means periods of time during which regularly scheduled meetings of the Council are not held; i.e., July 15th through September 15th, December 23rd through December 31st of each year, and April 14th through April 22nd, 2017 and March 30th through April 7th, 2018.

(32) "Register" means the District of Columbia Register.

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

(34) "Reprogramming Policy Act" means Subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code (D.C. Official Code § 47-361 *et seq.*).

(35) "Reprogramming request" means any reprogramming request submitted to the Council pursuant to the Reprogramming Policy Act (D.C. Official Code § 47-363).

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

(37) "Sense of the Council resolution" means a resolution to express the Council's sentiment or opinion regarding a situation, practice, or event;

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

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

COUNCIL RULES, PERIOD XXII

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

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

ARTICLE II—ORGANIZATION.

A. OATH OF OFFICE AND OFFICIAL CONDUCT.

201. OATH OF OFFICE.

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

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

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

202. CODE OF OFFICIAL CONDUCT.

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

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

COUNCIL RULES, PERIOD XXII

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

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

(2) The Ethics Counselor for the Council, in coordination with the Ethics Board and Office of Campaign Finance, shall periodically conduct training on the conflict of interest and ethics laws and regulations applicable to Councilmembers and staff. Ethics training materials, including summary guidelines to all applicable laws and regulations, shall be prepared by the Ethics Counselor for the Council and made readily available on the Council's website.

B. EXECUTIVE OFFICERS OF THE COUNCIL.

211. CHAIRMAN.

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

212. CHAIRMAN PRO TEMPORE.

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

213. VACANCY IN OFFICE OF CHAIRMAN.

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

C. COMMITTEE MEMBERSHIP.

221. SELECTION.

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

222. CHAIRMAN AS EX OFFICIO MEMBER.

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

COUNCIL RULES, PERIOD XXII

223. VACANCIES.

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

224. DISTRIBUTION OF RESPONSIBILITY.

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

225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS.

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

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

226. RULES OF COMMITTEES.

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

- (1) The scheduling of regular meeting days for conducting business;
- (2) A procedure for rescheduling or cancelling a regular meeting;
- (3) A procedure for holding additional meetings to be called by the chairperson;
- (4) A procedure for holding special meetings, which shall be called at the request of a majority of the members of the committee;
- (5) Procedures to govern the chair of a committee meeting in the absence of the chairperson;
- (6) Procedures for keeping a complete record of all committee action, including roll-call votes;
- (7) If, at the time of approval of a measure by a committee, a member of the committee gives notice of the intention to submit supplemental, minority, or additional views, that member shall be entitled to not less than 5 business days within which to file the views, which shall be included in the report of the committee on the measure;

COUNCIL RULES, PERIOD XXII

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

(9) A requirement that if an oral amendment is moved during a committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Clerk or other staff of the Committee, and made available for public inspection as soon as practicable;

(10) A requirement for the circulation of notice of the date, hour, and place of all committee meetings to all Councilmembers at least 24 hours before the date of the meeting, along with a copy of the agenda of the meeting, a draft of any measures to be considered, and, if required pursuant to Rule 803(e)(5), a comparative print, unless at least 4 members of the committee agree, in a written record, to a shorter notice;

(11) A procedure for providing at least 24 hours' notice of the cancellation of a meeting;

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

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

(b) The provisions of these Rules shall be considered rules of the committee.

(c) When these Rules are silent, a committee may adopt additional rules. Committee rules adopted under this section shall be consistent with these Rules and other applicable law, and shall be filed with the Secretary.

227. COMMITTEE-ACTIVITY REPORT.

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

D. STANDING COMMITTEES.

231. COMMITTEE OF THE WHOLE.

(a) The Committee of the Whole is responsible for the annual budget, and amendments, additions, or supplements to the budget; coordinating the Council's relationships with the Congress and the Federal executive branch; monitoring the progress of Council legislation through Congress; monitoring the status of original legislative proposals in Congress that may affect the District, the Council, or its legislation; amendments to the District Charter; Council appointments to Boards and Commissions; public-space naming; street and alley acquisition and closing; reapportionment and realignment of the political subdivisions of the District; Council administration and personnel; the scheduling of all matters for consideration by the Council in the legislative meeting; legislative matters related to the District as a political entity, including voting rights and statehood; grants management; government

COUNCIL RULES, PERIOD XXII

procurement; coordinating the Council's relationships with appropriate regional, state, and national associations and organizations; the Council's relationship with regional authorities and other regional bodies and organizations not specifically assigned to other committees; truancy (jointly with the Committee on Education); District employees' retirement; the development of the Comprehensive Plan and other matters pertaining to land use; matters related to statehood and self-determination for the District; revision and codification of Title 49 of the D.C. Official Code; public-education matters exclusively concerning the University of the District of Columbia or the Community College of the District of Columbia; international business and affairs; consumer and regulatory affairs; and other matters assigned to it by these Rules or by the Chairman.

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

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

(2) No measure may be reported by a committee for consideration at the Committee of the Whole unless the measure was accompanied by a fiscal impact statement and a legal sufficiency determination, as required by Rules 309 and 310, respectively, at the time of committee markup.

(3) A measure, and accompanying committee report, reported by a committee for consideration at the Committee of the Whole may be presented by the chairman of the committee or by another member of the committee designated by the chairman of the committee. In the absence of the chairman of the committee and the designation of a member of the committee, the Chairman may present the measure and committee report for consideration at the Committee of the Whole.

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

COUNCIL RULES, PERIOD XXII

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

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

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

Board of Zoning Adjustment
Commemorative Works Committee
Community College of the District of Columbia
Community College Transition to Independence Advisory Board
Construction Codes Coordinating Board
Contract Appeals Board
Council of the District of Columbia
Department of Consumer and Regulatory Affairs
District of Columbia Auditor
District of Columbia Retirement Board, including the District of Columbia Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund
District Retiree Health Contribution
Historic Preservation Review Board
Law Revision Commission
Metropolitan Washington Airports Authority
Metropolitan Washington Council of Governments
National Capital Planning Commission
New Columbia Statehood Commission
Office of Budget and Planning
Office of Contracting and Procurement
Office of Planning
Office of the Statehood Delegation
Office of Zoning
Tax Revision Commission
Tobacco Settlement Financing Corporation
University of the District of Columbia
Zoning Commission of the District of Columbia

232. COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT.

(a) The Committee on Business and Economic Development is responsible for matters concerning small- and local business development policy; matters related to economic, industrial, and commercial development; the disposition of property for economic-development purposes; the regulation of alcoholic beverages;

COUNCIL RULES, PERIOD XXII

public utilities; the operation of business-improvement districts (“BIDs”) and oversight of BIDS, but not including the establishment of BIDs; the regulation of banks and banking activities, securities, and insurance, including private health insurance, but not including the Health Benefit Exchange; and the regulation of for-hire vehicles.

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

- Alcoholic Beverage Regulation Administration
- Board of Accountancy
- Board of Architecture and Interior Designers
- Board of Barber and Cosmetology
- Board of Consumer Claims Arbitration for the District of Columbia
- Board of Funeral Directors
- Board of Industrial Trades
- Board of Professional Engineering
- Captive Insurance Agency
- Commission on Fashion Arts and Events
- Department of For-Hire Vehicles
- Department of Insurance, Securities and Banking
- Department of Small and Local Business Development
- Deputy Mayor for Planning and Economic Development
- District of Columbia Boxing and Wrestling Commission
- For-Hire Vehicle Advisory Council
- Office of Cable Television, Film, Music and Entertainment
- Office of People’s Counsel
- Public Service Commission
- Walter Reed Army Medical Center Site Reuse Advisory Committee

233. COMMITTEE ON EDUCATION.

(a) The Committee on Education is responsible for all matters related to public education, including authorizing public charter schools, but not including matters exclusively within the University of the District of Columbia or the Community College of the District of Columbia; truancy (jointly with the Committee of the Whole); and public libraries.

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

- Bullying Prevention Task Force
- Commission on Out of School Time Grants and Youth Outcomes
- Common Lottery Board
- Community Schools Advisory Committee
- DC Trust (former CYITC)
- District of Columbia Public Charter School Board
- District of Columbia Public Library system

COUNCIL RULES, PERIOD XXII

District of Columbia Public Library Trust Fund
District of Columbia Public Schools
Education Licensure Commission
Healthy Youth and Schools Commission
Office of the Deputy Mayor for Education
Office of the State Superintendent of Education (including Advisory Panel on Special Education, Early Childhood Development Coordinating Council, Non-Public Tuition, Special Education Transportation)
Office of Out of School Time Grants and Youth Outcomes
Public Charter School Credit Enhancement Fund Committee
State Board of Education

234. COMMITTEE ON FINANCE AND REVENUE.

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

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

Board of Review of Anti-Deficiency Violations
Commission on Arts and Humanities
Destination DC
District of Columbia Lottery and Charitable Games
Multistate Tax Commission
Office of Finance and Treasury
Office of Financial Management
Office of Financial Operations
Office of Tax and Revenue
Office of the Chief Financial Officer
Real Property Tax Appeals Commission for the District of Columbia
Sports Authority Subsidy
Washington Convention and Sports Authority/Events DC
Washington Metropolitan Area Transit Authority

235. COMMITTEE ON GOVERNMENT OPERATIONS.

(a) The Committee on Government Operations is responsible for matters relating to the conduct of Emancipation Day celebrations within the District of Columbia; cable television; grants management; matters relating to Latino, African, and Asian and Pacific Islander affairs; gay, lesbian, bisexual, transgender, and questioning affairs; issues related to women; veterans affairs; matters affecting administrative law and procedure; matters relating to the general operations and services of government.

COUNCIL RULES, PERIOD XXII

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

Advisory Commission on Caribbean Community Affairs
Advisory Committee to the Office of GLBTQ Affairs
Commission for Women
Commission on African Affairs
Commission on African American Affairs
Commission on Asian and Pacific Islander Affairs
Commission on Fathers, Men and Boys
Commission on Latino Community Development
Emancipation Commemoration Commission
Executive Office of the Mayor
Serve DC, and the Office of Community Affairs
Interfaith Council
Mayor's Office of Legal Counsel
Office of Asian and Pacific Islanders Affairs
Office of Administrative Hearings (including the Advisory Committee to the Office of Administrative Hearings and the Commission on Selection and Tenure of Administrative Law Judges)
Office of Gay, Lesbian, Bisexual, Transgender, and Questioning Affairs
Office of Latino Affairs
Office of Partnerships and Grants Services
Office of Public-Private Partnerships
Office of the Chief Technology Officer
Office of the City Administrator
Office of the Inspector General
Office of the Senior Advisor
Office of Veterans Affairs
Office on African Affairs
Public Access Corporation
Secretary of the District of Columbia

236. COMMITTEE ON HEALTH.

(a) The Committee on Health is responsible for matters concerning health and environmental health; the regulation of health occupations and professions, and health-care inspectors.

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

Advisory Committee on Acupuncture
Advisory Committee on Anesthesiologist Assistants
Advisory Committee on Clinical Laboratory Practitioners
Advisory Committee on Naturopathic Medicine
Advisory Committee on Physician Assistants
Advisory Committee on Polysomnography

COUNCIL RULES, PERIOD XXII

Advisory Committee on Surgical Assistants
Board of Allied Health
Board of Audiology and Speech-Language Pathology
Board of Behavioral Health
Board of Chiropractic
Board of Dentistry
Board of Dietetics and Nutrition
Board of Long-Term Care Administration
Board of Marriage and Family Therapy
Board of Massage Therapy
Board of Medicine
Board of Nursing
Board of Occupational Therapy
Board of Optometry
Board of Pharmacy
Board of Physical Therapy
Board of Podiatry
Board of Professional Counseling
Board of Psychology
Board of Respiratory Care
Board of Social Work
Board of Veterinary Medicine
Commission on Health Disparities
Commission on Health Equity
Commission on HIV/AIDS
Committee on Metabolic Disorders
Council on Physical Fitness, Health, and Nutrition
Department of Behavioral Health
Department of Health
Department of Health Care Finance
Deputy Mayor for Health and Human Services
District of Columbia Health Benefit Exchange Authority
Health Information Exchange Policy Board
Mental Health Planning Council
Metropolitan Washington Regional Ryan White Planning Council
Not-For-Profit Hospital Corporation

237. COMMITTEE ON HUMAN SERVICES

(a) The Committee on Human Services is responsible for matters concerning welfare; social services; youth affairs (other than juvenile justice); homelessness (for purposes of legislation, and jointly with the Committee on Housing and Neighborhood Revitalization for purposes of oversight); and disability services.

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

COUNCIL RULES, PERIOD XXII

Advisory Committee on Child Abuse and Neglect
Child and Family Services Agency
Citizen Review Panel on Child Abuse and Neglect
Commission on Persons with Disabilities
Department of Human Services
Department on Disability Services
Department of Youth Rehabilitation Services
Developmental Disabilities State Planning Council
Interagency Council on Homelessness
Juvenile Abscondence Review Committee
Office of Disability Rights
State Rehabilitation Council
Statewide Independent Living Council

238. COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION.

(a) The Committee on Housing and Neighborhood Revitalization is responsible for matters relating to development, maintenance, preservation, and regulation of the housing stock, including rental housing; neighborhood revitalization, development, improvement, stabilization, and urban affairs; homelessness (jointly with the Committee on Human Services for purposes of oversight); and matters regarding Advisory Neighborhood Commissions; and the concerns of the aging.

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

Advisory Neighborhood Commissions
Age-Friendly DC Task Force
Board of Condemnation of Insanitary Buildings
Board of Real Estate Appraisers
Commission on Aging
Commission on Re-Entry and Returning Citizen Affairs
Department of Housing and Community Development
District of Columbia Housing Authority
Housing Finance Agency
Housing Production Trust Fund
Interagency Council on Homelessness
Office of the Tenant Advocate
Office on Aging
Office on Returning Citizen Affairs
Real Estate Commission
Rental Housing Commission

239. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY.

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

COUNCIL RULES, PERIOD XXII

Council; matters affecting decedents' estates and fiduciary affairs; matters affecting the Freedom of Information Act; matters affecting criminal law and procedure; human rights; juvenile justice; elections; government ethics; campaign finance; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, emergency medical services, homeland security, criminal justice, and public safety. The Committee shall also serve as the Council's liaison to federal partners in the justice system, including the United States Attorney for the District of Columbia, the Public Defender Service for the District of Columbia, the District of Columbia Courts, the Court Services and Offender Supervisory Agency, the Pretrial Services Agency, the Federal Bureau of Prisons, and the United States Parole Commission.

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

- Access to Justice Initiative
- Child Fatality Review Committee
- Child Support Guideline Commission
- Commission on Human Rights
- Commission on Judicial Disabilities and Tenure
- Corrections Information Council
- Criminal Code Reform Commission
- Criminal Justice Coordinating Council
- Department of Corrections
- Department of Forensic Sciences
- Deputy Mayor for Public Safety and Justice
- Developmental Disabilities Fatality Review Committee
- District of Columbia Board of Elections
- District of Columbia Board of Ethics and Government Accountability
- District of Columbia Judicial Nomination Commission
- District of Columbia National Guard
- District of Columbia Sentencing Commission
- Domestic Violence Fatality Review Board
- Fire and Emergency Medical Services Department
- Homeland Security and Emergency Management Agency
- Homeland Security Commission
- Juvenile Justice Advisory Group
- Metropolitan Police Department
- Motor Vehicle Theft Prevention Commission
- Office of Campaign Finance
- Office of Human Rights
- Office of Police Complaints
- Office of the Attorney General for the District of Columbia
- Office of the Chief Medical Examiner
- Office of Unified Communications
- Office of Victims Services and Justice Grants

COUNCIL RULES, PERIOD XXII

Police Complaints Board
Police Officer Standards and Training Board
Science Advisory Board
Uniform Law Commission

240. COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT.

(a) The Committee on Labor and Workforce Development is responsible for labor relations; matters related to workforce-development; and employment and manpower development.

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

Apprenticeship Council
Department of Employment Services
Department of Human Resources
Deputy Mayor for Greater Economic Opportunity
Disability Compensation Fund
Financial Literacy Council
Labor/Management Partnership Council
Occupational Safety and Health Board
Office of Employee Appeals
Office of Labor Relations and Collective Bargaining
Office of Risk Management
Public Employees Relations Board
Unemployment Compensation Fund
Workforce Investment Council

241. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.

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

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

Commission on Climate Change and Resiliency
Department of Energy and Environment
Department of General Services

COUNCIL RULES, PERIOD XXII

Department of Motor Vehicles
Department of Parks and Recreation
Department of Public Works
District Department of Transportation
District of Columbia Bicycle Advisory Council
District of Columbia Water and Sewer Authority
Food Policy Council
Gas Station Advisory Board
Green Buildings Advisory Council
Major Crash Review Task Force
Multimodal Accessibility Advisory Council
Pedestrian Advisory Council
Soil and Water Conservation District
Streetcar Financing and Governance Task Force
Sustainable Energy Utility Advisory Board
Transit Rider Advisory Council
Urban Forestry Advisory Council
Washington Aqueduct

E. CREATION OF SUBCOMMITTEES.**245. SUBCOMMITTEES.**

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

F. SPECIAL COMMITTEES AND SPECIAL PROJECTS.**251. CREATION OF SPECIAL COMMITTEES.**

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

252. USE OF SUBPOENAS BY SPECIAL COMMITTEE.

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

COUNCIL RULES, PERIOD XXII

253. SPECIAL PROJECTS.

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

G. APPOINTED OFFICERS OF THE COUNCIL.**261. APPOINTMENT OF OFFICERS.**

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

262. SECRETARY.

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

263. GENERAL COUNSEL.

The General Counsel is responsible for advising the Council on matters of parliamentary procedure; identifying legislative problems; providing Members with alternative policy options to solve those problems; providing representation for the Council in any legal action to which it is a party or in which the Chairman determines that the Council has a significant interest; providing legal representation for a Member or employee for actions taken within the scope of his or her legislative duties; at the request of the Chairman, providing legal representation to a Member in any legal action where the Member is named as a party; supervising the publication of the District of Columbia Official Code; preparing technical-amendment and enactment bills; providing legislative-drafting assistance to all Members; engrossing and enrolling measures; determining the legal sufficiency of legislation; providing support to the Law Revision Commission; and making necessary technical and conforming changes in measures during enrollment. The General Counsel, following consultation with the Chairman, may make a request of the Office of Attorney General for legal representation for a Member or Council staff person for actions taken within the scope of the Member or staff person's legislative duties. The General Counsel shall serve as Ethics Counselor for the Council.

264. BUDGET DIRECTOR.

The Budget Director is responsible for advising members of the Council on matters related to the budget, including the development of annual and multiyear budgets and financial plans, review of contracts, analysis of the economic impact of

COUNCIL RULES, PERIOD XXII

legislation, and analysis of the fiscal impact of legislation. The budget staff shall also serve as a resource for all Council committees and members.

H. COUNCIL PERSONNEL AND APPOINTMENTS.**271. SUBORDINATE STAFF OF APPOINTED OFFICERS.**

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

272. COMMITTEE STAFF.

(a) The chairperson of each committee shall appoint and shall present for the approval by resolution of the committee at the first committee meeting of the Council period the names and responsibilities of each committee staff person. Subsequent appointments shall be presented for approval of committee members at the meeting of the committee following the appointment. Staff appointments shall be filed with the Secretary.

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

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

273. COUNCILMEMBERS' PERSONAL STAFF.

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

274. SEPARATION PAY AND BUDGET ACCOUNTING.

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

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

275. COUNCIL APPOINTMENT TO OTHER BODIES.

When the law provides for the Council to appoint an individual to another body, the Chairman shall nominate an individual and the Council shall act, by resolution, on

COUNCIL RULES, PERIOD XXII

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

276. APPOINTMENT BY COMMITTEES AND MEMBERS.

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

(b) When the law provides for a Councilmember to appoint an individual to a board or commission, the Councilmember shall make the appointment by filing a memorandum with the Secretary that states:

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

(2) The date of appointment;

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

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

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

(6) The term of the appointment.

277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.

Each member of a District board or commission who is appointed under Rule 275 or 276, shall become a resident of the District within 180 days after the effective date of the appointment and shall remain a District resident for the duration of the appointment, unless the law or order that established the board or commission specifically authorizes the appointment of a nonresident as a member of the board or commission or if a majority of the Council present and voting waives the residency requirement.

I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS.**281. COMPUTING TIME.**

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

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

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

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

COUNCIL RULES, PERIOD XXII

(C) Exclude days of recess; and

(D) Include the last day of the time period, but if the last day is a Saturday, Sunday, legal holiday, or day of recess, the period continues to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(2) Stated in hours:

(A) Begin counting immediately on the first business hour after the occurrence of the event that triggers the period;

(B) Count each hour, including hours during intermediate Saturdays, Sundays, and legal holidays;

(C) Exclude hours during days of recess; and

(D) If the period would end on a Saturday, Sunday, legal holiday, or day of recess, the period continues to run until the same time on the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(b) For the purposes of these Rules, when counting a time period stated in "business days":

(1) Exclude the day of the event that triggers the period;

(2) Exclude intermediate Saturdays, Sundays, legal holidays, and days of recess; and

(3) Include the last day of the time period, but if the last day is a Saturday, Sunday, legal holiday, or day of recess the period continues to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(c) For the purposes of these Rules, when counting a time period for a notice requirement under these Rules, include days of recess.

282. FILING WITH THE SECRETARY.

(a) Unless a law or rule specifically provides otherwise, when a Councilmember is required to file a document with or provide notice to the Secretary, the Councilmember shall deliver a hard copy of the document or the notice to the Secretary.

(b) A Councilmember shall also file an electronic copy in Word format of the following documents with the Secretary and on the V-drive in a file under the name of the committee:

(1) A measure introduced pursuant to Rules 401 and 402;

(2) A committee print and report;

(3) Amendments; and

COUNCIL RULES, PERIOD XXII

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

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

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

283. CIRCULATION TO MEMBERS AND COMMITTEES.

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

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

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

ARTICLE III—PROCEDURES FOR MEETINGS.

A. LEGISLATIVE MEETINGS.

301. ORGANIZATIONAL MEETING.

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

302. REGULAR MEETINGS.

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

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

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

COUNCIL RULES, PERIOD XXII

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

303. ADDITIONAL AND SPECIAL MEETINGS.

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

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

(c) Whenever an additional or special legislative meeting is called, the Secretary shall circulate notice to each Councilmember not less than 48 hours before the additional or special meeting. An additional legislative meeting to consider an emergency and temporary matter may be called upon shorter notice, if a majority of the Members agree in writing to the shorter notice. The Secretary shall provide prompt notice of the meeting to the public. The notice shall state the date, hour, place, and agenda of the meeting and may state whether items are to be considered on a consent or non-consent agenda.

(d) No matter shall be considered at an additional or special legislative meeting except those stated in the request and notification.

(e) The Chairman may add to the agenda of an additional legislative meeting that has been noticed, with the written agreement of a majority of the Councilmembers, an emergency or temporary measure or, without objection, a permanent measure.

304. QUORUM.

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

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

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

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

COUNCIL RULES, PERIOD XXII

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

305. HEARING THE MAYOR.

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

306. RECESS.

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

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

(2) A proposed contract that is required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be transmitted to the Secretary during the 30-day period before the end of the summer recess of the Council, a committee may hold a public hearing and take official action on the proposed contract in excess of \$1 million or multiyear contract during this period.

(3) A proposed federal-aid highway contract in excess of \$1 million during a 12-month period that is required to be submitted to the Council for its review pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be transmitted to the Secretary during a recess of the Council, a committee may hold a public hearing and take official action on the proposed federal-aid highway contract during the recess, and a resolution approving or disapproving the proposed federal-aid highway contract may be introduced during the recess and during the 10-day period following submission of the proposed federal-aid highway contract to the Council.

(4) The Committee of the Whole may hold a hearing or roundtable on any matter relating to the affairs of the District during recess; provided, that this provision shall not be used to comply with the requirement of Rule 501(a)(2).

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

COUNCIL RULES, PERIOD XXII

307. COUNCIL REVIEW OF CONTRACTS.

(a) Notwithstanding Rule 402(b), the time period for Council review of a proposed contract or contract modification pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) shall begin on the first day (excluding Saturdays, Sundays, and holidays) following receipt by the Secretary of the proposed contract or contract modification. The Secretary shall ensure that a copy of the proposed contract or contract modification is designated as urgent and circulated in a folder of a distinctive color to the office of each member of the Council within 24 hours (excluding Saturdays, Sundays, and holidays), following its receipt by the Secretary.

(b) Notwithstanding Rules 401 and 402, no proposed contract or contract modification that is required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be submitted between July 5, 2017 and July 15, 2017, or between July 5, 2018 and July 15, 2018.

(c) Notwithstanding Rules 401 and 402, a resolution approving or disapproving a proposed contract shall be introduced by at least 3 Councilmembers.

(d) Review and approval by the Council of the annual capital program of federal-aid highway projects shall constitute Council review and approval of the individual contracts that make up the annual program.

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

308. ECONOMIC-IMPACT ANALYSES.

A permanent bill considered on first reading shall be accompanied by an economic-impact analysis, prepared by the Budget Director, of the bill's estimated costs or economic benefits to the District economy. The Budget Director may, in his or her discretion, decline to prepare an economic-impact analysis, which shall not affect the Council's consideration of the bill. The findings and conclusions of an economic-impact analysis, if any, are not binding on the Council, and the findings and conclusions shall not prevent the Council from considering the bill. An economic-impact analysis shall be circulated by noon on the business day before the legislative meeting at which the bill is to be considered.

309. FISCAL IMPACT STATEMENTS.

(a) Except as provided in subsection (b) of this section, a fiscal impact statement is required at the time of consideration of:

- (1) A resolution or bill being marked up by a committee;
- (2) An emergency resolution or bill;
- (3) A temporary bill; and

COUNCIL RULES, PERIOD XXII

(4) An amendment to a resolution or a bill that is moved at first, second, or any subsequent reading of the Council.

(b) A fiscal impact statement is not required for an emergency declaration, a ceremonial, a confirmation, or a sense of the Council resolution, or for an amendment to those resolutions.

310. LEGAL SUFFICIENCY DETERMINATIONS.

(a) Except as provided in subsections (b) and (c) of this section, a legal sufficiency determination is required at the time of consideration of:

- (1) A resolution or bill being marked up by a committee;
- (2) An emergency resolution or bill;
- (3) A temporary bill; and

(4) An amendment to a resolution or a bill that is moved at first, second, or any subsequent reading of the Council.

(b) A legal sufficiency determination is not required for an emergency declaration, a ceremonial, or a sense of the Council resolution, or for an amendment to those resolutions.

(c) Subsection (a) of this section may be waived by the Chairman.

311. PRESENTATION OF LEGISLATION TO THE COUNCIL.

A measure reported by a committee may be presented by the chairman of the committee or by another member of the committee designated by the chairman of the committee. In the absence of the chairman of the committee and the designation of a member of the committee, the Chairman may present the measure for consideration by the Council.

B. ORDER OF BUSINESS FOR MEETINGS.

312. ORDER OF BUSINESS FOR REGULAR MEETINGS.

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

- (1) Call to order at the time and place set forth pursuant to Rule 302;
- (2) Moment of silence;
- (3) Determination by the Chairman of the presence of a quorum;
- (4) Presentation of ceremonial resolutions;

COUNCIL RULES, PERIOD XXII

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

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

(7) Approval of the consent agenda without objection;

(8) Final reading by short title and final vote on bills that have been pending at least 13 days since they were previously read except as provided in paragraph (7) of this section;

(9) Reading by short title and vote on reported and discharged bills except as provided in paragraph (7) of this section;

(10) Reading by short title and vote on proposed resolutions except as provided in paragraph (7) of this section;

(11) Reading by short title and vote on resolutions declaring the existence of emergencies and accompanying emergency measures;

(12) Reading by short title and vote on temporary legislation;

(13) Official communications received from the Mayor or an agency; and

(14) Other business.

313. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.

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

(1) Call to order at the time and place set forth in the meeting notice;

(2) Moment of silence;

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

(4) Such items in the order set forth in the meeting notice.

314. PROCEEDING OUT OF ORDER.

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

C. RULES OF DECORUM.

321. DECORUM OF MEMBERS.

(a) Councilmembers shall refrain from private discourse or other acts tending to distract the attention of the Council from the business before it.

COUNCIL RULES, PERIOD XXII

(b) In debate, a Councilmember shall confine remarks to the pending question and avoid use of personalities.

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

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

322. DECORUM OF MEMBERS OF THE PUBLIC.

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

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

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

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

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

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

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

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

(e) No person, except a Councilmember or staff, shall be allowed in the anterooms of the Chamber during the course of any hearing or other proceeding of the

COUNCIL RULES, PERIOD XXII

Council or any committee of the Council, except upon invitation of the Chairman or the chairman of the committee holding the public hearing.

D. RULES OF DEBATE.**331. OBTAINING THE FLOOR.**

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

332. TIME LIMITS FOR DEBATE.

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

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

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

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

333. PERSONAL PRIVILEGE.

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

334. POINT OF ORDER.

A point of order is made when a Member raises the question to the Chairman, and seeks a determination by the Chairman, as to whether there has been a breach of order or Council Rule. A point of order is not debatable unless the Chairman permits debate. If the Chairman permits debate on a point of order, the Chairman may limit debate.

335. APPEAL.

An appeal may be taken from any decision of the Chairman. A Councilmember shall state the basis for appealing a decision, to which the Chairman may respond. An appeal from a decision of the Chairman must be made promptly and before other business has intervened. A majority or tie vote of the Members present and voting on the question (whether the decision of the Chairman shall be sustained) sustains the

COUNCIL RULES, PERIOD XXII

decision. An appeal is not debatable; provided, that the Chairman may explain the basis for the Chairman's decision.

336. PARLIMENTARY INQUIRY.

A parliamentary inquiry is made when a Member raises a question to the Chairman seeking information about the procedure or business before the Council. The Chairman shall answer the question about the procedure or business before the Council or when the Chairman does not possess the information sought may direct the question to a Member who may be in possession of the information. A parliamentary inquiry is not debatable or appealable.

337. RECOGNITION OF NON-MEMBERS.

The Chairman may recognize a person who is not a Councilmember if the participation of the person would, in the judgment of the Chairman, enhance the understanding of the matter under consideration by the Council.

338. PRESENTATION OF CEREMONIAL RESOLUTIONS.

(a)(1) A ceremonial resolution that has been adopted by the Council may be presented from the well of the Chamber during a legislative meeting by the Councilmember who introduced the resolution, or another Councilmember designated by the Councilmember who introduced the resolution.

(2) Without objection, adopted ceremonial resolutions scheduled for presentation at a legislative meeting may be presented at a Committee of the Whole meeting scheduled for the same day.

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

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

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

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

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

(a) This section shall apply to:

(1) Revenue bonds resolutions; and

COUNCIL RULES, PERIOD XXII

(2) Resolutions regarding reprogramming requests, rules, regulations, confirmation resolutions, and other actions that:

(A) Are proposed for promulgation or adoption by the Mayor or an independent agency;

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

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

(b) A resolution covered by this section may, at the option of the committee chairperson, be placed on the non-consent agenda of the next regular legislative meeting following approval by a committee, without referral to the Committee of the Whole.

(c) If notice of intent to move the resolution and the committee report for the resolution are not filed before noon on the third business day before the legislative meeting, a resolution may not be placed on the legislative agenda pursuant to this section.

(d) If a reported resolution is considered at a legislative meeting under this section, the legal sufficiency, technical compliance with the drafting rules of the Council, completion of the record of the reported resolution, and the sufficiency of the fiscal-impact statement, if required by Rule 309, shall be reviewed at the legislative meeting at which it is considered.

E. MOTIONS.

341. MOTIONS RECOGNIZED DURING DEBATE.

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

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

COUNCIL RULES, PERIOD XXII

(10) To postpone indefinitely.

342. WITHDRAWAL OR MODIFICATION OF MOTIONS.

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

343. ADJOURN.

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

344. RECESS.

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

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

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

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

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

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

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

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

345. RECONSIDER.

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

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

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

COUNCIL RULES, PERIOD XXII

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

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

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

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

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

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

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

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

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

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

346. LAY ON THE TABLE AND TO POSTPONE.

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

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

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

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

COUNCIL RULES, PERIOD XXII

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

(d) A committee chairperson may carry over a measure reported by that committee from Council consideration until the next regular legislative meeting. If a measure has been sequentially referred, the committee chairperson of the last-reporting committee may carry over a measure under this subsection.

(e) Both a motion to table and a motion to postpone may be applied to main motions only.

347. MOTIONS TO LIMIT DEBATE.

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

(b) A Councilmember may move to close debate, which shall require approval of 2/3rds of the Councilmembers present and voting. If a motion to close debate carries, no further debate is in order, except that:

(1) Each Councilmember who has not spoken on the pending question may speak for no more than 2 minutes; and

(2) The Chairman may recognize the maker of the pending motion.

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

348. RECOMMIT.

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

F. AMENDMENTS.

351. AMENDMENTS TO BE WRITTEN.

(a) Councilmembers shall endeavor to file with the Secretary amendments to pending measures by noon on the business day before the legislative meeting at which they are to be moved.

COUNCIL RULES, PERIOD XXII

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

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

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

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

(e) As required by Rule 309, no amendment may be approved by the Council without a fiscal impact statement presented to the Council at the time of its consideration; provided, that the Chairman may waive these requirements if the Chairman concurs with the Budget Director that there is no adverse fiscal impact.

(f) As required by Rule 310, no amendment to a measure, including an emergency measure, may be approved by the Council without a legal-sufficiency determination presented to the Council at the time of its consideration; provided, that the Chairman may waive these requirements if the Chairman concurs with the General Counsel that the amendment is legally sufficient.

352. NON-GERMANE AMENDMENTS.

(a) Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the main measure to be amended. A non-germane amendment to a permanent bill requires 2 readings and must be approved by 2/3rds of the Members present and voting.

(b) To be germane to a measure, the amendment is required to relate in an appropriate, relevant, and logical way to the subject of the main measure. It may entirely change the effect of or be in conflict with the spirit of the main measure and still be germane to the subject. An amendment in the nature of a substitute may be offered as long as it is germane to the subject matter of the main measure.

(c) An amendment to a prior-offered amendment must be germane to the subject of the prior-offered amendment and to the subject matter of the main measure.

COUNCIL RULES, PERIOD XXII

353. FRIENDLY AMENDMENTS.

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

354. AMENDMENT IN THE NATURE OF A SUBSTITUTE.

(a) A notice of intent to move an amendment in the nature of a substitute to a measure at a legislative meeting shall be filed with the Secretary and circulated by noon on the business day before the legislative meeting. The filed notice shall be accompanied by the proposed amendment in the nature of a substitute, which shall reflect all substantive changes from the prior version of the legislation (committee print or engrossment) by using strikeovers on the language that is proposed to be deleted from the prior version and underscore on all new language that is proposed to be added by the amendment in the nature of a substitute.

(b) The mover of an amendment in the nature of a substitute may have a separate amendment considered simultaneously with the amendment in the nature of a substitute.

G. OTHER MOTIONS.**355. DISCHARGE.**

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

356. TAKE FROM THE TABLE.

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

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

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

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

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

COUNCIL RULES, PERIOD XXII

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

H. VOTING.**361. FORM OF VOTE.**

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

362. VOICE VOTES.

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

363. DEMAND FOR ROLL-CALL VOTE.

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

364. CALLING THE ROLL.

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

365. RECORDS OF VOTES.

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

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

COUNCIL RULES, PERIOD XXII

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

366. PROXY VOTING PROHIBITED.

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

367. SUMMONS OF MEMBERS.

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

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

I. OPEN MEETINGS.**371. OPEN MEETINGS, GENERALLY.**

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

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

372. MEETINGS OF COUNCIL DEEMED OPEN.

A meeting of the Council is deemed open if the:

- (1) Public is permitted to be physically present;
- (2) News media is permitted to be physically present; or
- (3) Meeting is televised.

373. NOTICE OF MEETINGS.

(a)(1) Except as provided in paragraph (2) of this subsection, before a meeting of the Council is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary at least 48 hours before the meeting, unless emergency circumstances require less notice.

(2) Before a meeting of a committee of the Council is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary

COUNCIL RULES, PERIOD XXII

at least 24 hours before the meeting, unless emergency circumstances require less notice.

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

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

- (1) Date;
- (2) Time;
- (3) Location; and
- (4) Planned agenda, if applicable, for the meeting.

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

374. RECORD OF MEETINGS.

(a) Except as provided in subsection (e) of this section, all meetings, whether open or closed, shall be recorded electronically. In accordance with Rule 808, the electronic recording shall be produced and maintained by the Secretary; provided, that if a recording is not possible, detailed minutes of the meetings shall be kept by the Secretary.

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

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

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

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

375. EXCEPTIONS TO OPEN MEETINGS.

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

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

(2) To discuss, establish, or instruct a public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material

COUNCIL RULES, PERIOD XXII

terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;

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

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

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

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

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

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

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

(9) To discuss disciplinary matters;

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

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

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

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

COUNCIL RULES, PERIOD XXII

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

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

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

(2) At the time a measure is filed with the Secretary, in accordance with Rule 282, the measure shall be placed on the Council “v” drive or intranet portal.

(b)(1) Proposed legislation transmitted to the Council by the Mayor or an independent agency shall be submitted in appropriate form, shall be complete, and shall be in compliance with these Rules. It shall be introduced by the Chairman, at the request of the Mayor or the independent agency. Legislation transmitted by the Mayor or an independent agency shall not be introduced on the dais at a legislative meeting or a work session of the Committee of the Whole.

(2)(A) To be considered at a legislative meeting, legislation transmitted by the Mayor or an independent agency that proposes Council approval of a contract shall be filed with the Secretary, with the required contract summary and contract, including relevant modifications, no later than the close of business the fourth business day before the meeting.

(B) To be considered at a legislative meeting, all other measures transmitted by the Mayor or an independent agency shall be filed with the Secretary no later than noon on the second business day before the meeting.

(3) Proposed legislation from the Mayor or an independent agency shall be transmitted to the Council by hard copy and a copy in Word format by email, or any other medium as determined by the Secretary. All confirmation resolutions submitted to the Council by the Mayor shall include a copy of the current resume of the nominee. The Secretary shall place a copy of the proposed legislation on the Council “v” drive or intranet portal.

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

(5) The Secretary shall determine whether the proposed legislation is in appropriate form, complete, and in compliance with these Rules and may return any proposed legislation that is not in appropriate form or complete to the Mayor or the independent agency.

COUNCIL RULES, PERIOD XXII

402. MANNER OF INTRODUCTION.

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

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

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

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

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

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

(e) Any filing sheet and other documentation accompanying legislation that is required by the Secretary shall be typed or legibly printed and shall be specific to the legislation.

403. INTRODUCTION OF EMERGENCY LEGISLATION.

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

404. READING INTRODUCTIONS.

(a) At each legislative meeting and work session of the Committee of the Whole, during the period designated for introductions, the Secretary shall read the short titles of measures that were introduced pursuant to Rule 402(a)(2) between the previous reporting period and 10 a.m. of the business day before the legislative meeting or Committee of the Whole work session, and provide the numbers assigned as provided in Rule 805 and the committee referrals as provided in Rule 405.

(b) Measures may not be debated or amended when they are read for introduction.

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

COUNCIL RULES, PERIOD XXII

(d) A Councilmember may raise questions regarding a committee referral included in the Secretary's report without a formal reading of the entire Secretary's report.

(e) A Councilmember may introduce no more than 3 measures at a legislative meeting or Committee of the Whole work session.

(f) A Councilmember may speak for no more than 3 minutes on each measure introduced.

(g) Only one Councilmember may speak on each introduced measure; provided, that a Councilmember may yield all or a part of the Councilmember's time provided by this section to another Councilmember.

405. COMMITTEE REFERRAL.

(a)(1) When a measure is introduced at a legislative meeting or Committee of the Whole work session, the Chairman may refer it to the appropriate committee or committees, taking into account standards of germaneness, unless the Council retains the measure. The referral is official unless the Chairman provisionally refers the measure to a committee or committees.

(2) If the Chairman provisionally refers the measure to a committee or committees, the referral shall be deemed official after 3 business days. If the Chairman refers the measure to another committee within the 3-business-day period or any time thereafter, the referral shall not become official until the next regular legislative meeting or Committee of the Whole work session. The Chairman may refer a measure for comments at any time.

(b) When a measure is introduced by filing it with the Secretary, rather than introducing it at a meeting pursuant to subsection (a) of this section, the Chairman shall refer it to the appropriate committee or committees, unless the Council retains the measure. Such referral is not official until it is read at a meeting pursuant to Rule 404.

(c)(1) The Chairman may refer a measure to 2 or more committees for sequential consideration of all or part of the measure, and may refer all or part of the measure to one or more committees for comments.

(2) When there is a sequential referral, the Chairman may make the referral and specify a time period within which one or more of the committees must report the measure. If a committee fails to file a report within the specified time period, the measure shall be deemed discharged from the committee and the Secretary shall provide notice that the measure is ready for subsequent action by another committee or to be agendaized for Council consideration.

(d) The Chairman may re-refer measure from one committee to another committee and the new referral shall become official at the next legislative meeting or Committee of the Whole work session.

COUNCIL RULES, PERIOD XXII

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

406. COMMENTS BY EXECUTIVE.

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

407. WITHDRAWAL OF LEGISLATION.

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

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

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

408. COMMITTEE APPROVAL

(a) Each committee may take action on any measure referred to the committee, except as provided for in subsection (b) of this section.

(b) A committee may not vote on a measure sequentially referred to that committee until all conditions of the referral have been met to make such measure ripe for consideration by the committee.

(c) A hearing on a measure by any committee of the Council shall satisfy the requirements of Rule 501(a)(2) for measures referred sequentially to committees before approval by a committee.

(d) After approval of a committee print on a measure by the Committee of the Whole, the Chairperson may file the committee print with the Secretary as specified in Rule 282 without the committee report.

COUNCIL RULES, PERIOD XXII

B. COUNCIL APPROVAL.**411. CONSENT AGENDA.**

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

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

(c) Measures removed from the consent agenda shall be considered as provided in Rule 312, except that the Chairman may first consider items removed from the consent agenda.

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

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

412. EMERGENCY LEGISLATION.

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

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

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

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

(c) An emergency resolution shall take effect, according to its terms, either immediately or at a specific time. Pursuant to section 412(a) of the Charter (D.C.

COUNCIL RULES, PERIOD XXII

Official Code § 1-204.12(a)), an emergency act shall be effective law for no more than 90 days.

(d) As required by Rule 310, no emergency measure may be approved by the Council without a legal sufficiency determination presented to the Council at the time of its consideration; provided, that the Chairman may waive this requirement if the Chairman concurs with the General Counsel that the measure is legally sufficient.

(e) As required by Rule 309, no emergency measure may be approved by the Council without a fiscal impact statement presented to the Council at the time of its consideration; provided, that the Chairman may waive this requirement if the Chairman concurs with the Budget Director that the measure does not have a negative fiscal impact.

(f) An emergency measure on the agenda for the legislative meeting shall be moved by the Councilmember who noticed the measure or, in the absence of that Councilmember, may be moved by another Councilmember designated by the Councilmember who noticed the measure. If no Councilmember has been designated to move the measure in the absence of the Councilmember who noticed the measure, the measure shall be considered to have been withdrawn.

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

413. TEMPORARY LEGISLATION.

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

414. TECHNICAL-AMENDMENT LEGISLATION.

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

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

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

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

COUNCIL RULES, PERIOD XXII

415. ENACTMENT LEGISLATION.

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

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

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

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

416. VETOED LEGISLATION.

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

(b) Whenever the Mayor disapproves and returns any item or provision of a budget act pursuant to section 404(f) of the Charter (D.C. Official Code § 1-204.04(f)), the act containing the disapproved item or provision shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved item or provision from a committee or committees. A Councilmember may move for the Council to reenact any disapproved item or provision of the budget act before the end of the 30-day review period provided in section 404(f) of the Charter. If 2/3rds of the Councilmembers present and voting vote to reenact any item or provision of the budget act, the item or provision so reenacted shall be incorporated in the budget and become law subject to the provisions of section 602(c) of the Home Rule Act (D.C. Official Code § 1-206.02(c)).

417. TRANSMISSION OF ACTS.

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

COUNCIL RULES, PERIOD XXII

418. EFFECT OF END OF COUNCIL PERIOD.

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

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

(3) A matter transmitted by the Mayor or an independent agency for a designated period of Council review that is pending at the end of a Council period shall be in the same status that the matter was at the end of the prior Council period and the legislation assigned a new number. If notice required by these Rules has been given in the prior Council period, no additional notice shall be required before action on the matter.

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

- (1) Approval or veto by the Mayor;
- (2) Approval by operation of law;
- (3) Reenactment after a veto;
- (4) Submission to referendum; or
- (5) Transmittal to Congress.

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

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

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

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

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

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

COUNCIL RULES, PERIOD XXII

(1) For a hearing on a permanent bill for the purpose of rescheduling the hearing when the hearing was previously noticed in the Register;

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

(3) For an oversight or investigative hearing, when such notice is posted on the Council website or published in the Register;

(4) For a hearing that was scheduled on a day when there is an unscheduled closing of the government and when the abbreviated notice provides at least 3 business days' notice; or

(5) For a hearing on any matter on which a notice has been filed to add any item that does not otherwise require a hearing and when the abbreviated notice provides at least 3 business days' notice.

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

422. PERSONAL SERVICE OR ACTUAL NOTICE.

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

423. METHODS OF NOTICE.

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

(1) Publication in the Register;

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

(3) Mailing notices to a mailing list of organizations and individuals established and maintained by the Secretary;

(4) Use of other news media;

(5) Posting notice in a prominent place in the John A. Wilson Building and other public buildings or posting places;

(6) Facsimile;

(7) E-mail;

COUNCIL RULES, PERIOD XXII

(8) Posting on the Council's official website; or

(9) In any other manner directed by the Council.

(b) When notice to the public is required under these Rules, by law, or otherwise, the notice shall be posted on the Council website.

424. NOTICE OF EMERGENCY ACTIONS.

(a) When an emergency measure is to be considered, a notice that includes a statement of the reasons for the emergency and the intended effect of the emergency measure shall be filed, and a draft of the emergency measure and emergency-declaration resolution shall be circulated, by noon on the third business day before the legislative meeting at which the emergency measure is to be considered, unless the nature of the emergency precludes such notice. If the nature of the emergency precludes the notice, the sponsor of the legislation shall circulate and file the measure with the Secretary and take steps to ensure that Councilmembers have notice at the earliest possible time before the meeting at which the emergency measure is to be considered.

(b) Notwithstanding the provisions of subsection (a) of this section, public notice of intended emergency action shall be given before adoption of an emergency bill or resolution by at least one method provided in Rule 423.

425. NOTICE OF TEMPORARY LEGISLATION.

(a) Each temporary bill adopted pursuant to Rule 413, shall be circulated and filed with the accompanying emergency measure in accordance with Rule 424. Following approval on first reading, the Secretary shall publish a notice of intent to adopt the temporary bill on second reading in the Register.

(b) When temporary legislation is to be considered under Rule 413, the notice of emergency action under Rule 424 shall include notice of the temporary legislation.

426. NOTICE OF WAIVER OF RULE 231(C).

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

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

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

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

COUNCIL RULES, PERIOD XXII

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

(f) At the discretion of the Chairman, a notice of a request to waive Rule 231(c) may be considered as notice of a request to consider the measure at a meeting of the Committee of the Whole, pursuant to Committee of the Whole Rule 403(b), preceding the legislative meeting for which the request to waive was filed.

427. NOTICE OF CEREMONIAL RESOLUTIONS.

Each ceremonial resolution shall be circulated and filed by noon on the business day before the legislative meeting at which it is to be considered.

428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.

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

429. NOTICE OF NEW BUSINESS.

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

- (1) A motion to reconsider a measure that was considered at a prior legislative meeting;
- (2) A motion to take from the table a measure that was laid on the table at a prior legislative meeting;
- (3) A motion to discharge;
- (4) A point of personal privilege; or
- (5) Any other motion that brings new business before the Council.

430. NOTICE OF COMMITTEE MEETINGS.

(a) A committee shall file and circulate notice, at least 24 hours before a meeting, of the date, hour, and place of a committee meeting, along with a copy of the agenda and a draft, including a comparative print when required by rule 803(e)(5), of any measures to be considered at the meeting.

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

COUNCIL RULES, PERIOD XXII

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

ARTICLE V—HEARING PROCEDURES.**A. PROCEDURES FOR HEARINGS.****501. AUTHORITY TO CALL HEARINGS.**

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

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

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

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

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

(e) A notice of a cancellation of a hearing or roundtable shall be filed and circulated at least 24 hours before the scheduled hearing or roundtable, unless the reason for the cancellation precludes such notice.

502. QUORUM.

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

503. PARTICIPATION BY MEMBERS.

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

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

COUNCIL RULES, PERIOD XXII

504. OPEN TO PUBLIC.

(a)(1) All hearings and roundtables shall be open to the public unless, upon good cause shown, a majority of the Council or committee members present approves, either in advance or at the hearing or roundtable, the convening of a hearing or roundtable, or a portion of a hearing or roundtable, in an executive meeting. An executive meeting closed pursuant to this section shall comply with Rules 371 through 375.

(2) A public body that meets in closed session shall not discuss or consider matters other than those matters listed under Rule 375.

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

(c)(1) Upon good cause shown and after in the 10-day period described in paragraph (3) of this subsection, a majority of the Council or committee members may approve the release of testimony or evidence received in a closed hearing or roundtable.

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

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

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

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

B. RECEIVING TESTIMONY.**511. QUESTIONING WITNESSES.**

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

512. DECORUM OF WITNESSES.

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

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

COUNCIL RULES, PERIOD XXII

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

C. RIGHTS OF WITNESSES.**521. RIGHT TO COUNSEL.**

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

522. RIGHT TO MAKE OPENING STATEMENT.

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

D. RECORD OF HEARINGS.**531. HEARING RECORDS, REQUIRED.**

(a) Within 20 business days after the close of the record for a hearing or roundtable, a committee chairperson shall file with the Secretary a hearing record, which shall be a complete record of the hearing or roundtable. The hearing record shall contain the following:

- (1) A copy of the published notice;
- (2) A copy of the witness list;
- (3) Copies of written testimony;
- (4) Statements or other materials submitted for the record;
- (5) Important correspondence with the Mayor, if applicable; and
- (6) Other information that the committee chairperson considers

necessary.

(b) If new materials are provided to the committee after the close of the record, the committee chairperson may supplement the hearing record.

532. CLOSE OF RECORD.

Unless otherwise provided, the record for a hearing or roundtable shall close 10 business days after the hearing or roundtable.

COUNCIL RULES, PERIOD XXII

ARTICLE VI—INVESTIGATIONS AND SUBPOENAS.**A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.****601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION.**

(a) In order to use subpoenas to obtain testimony or documents, the Council shall adopt a resolution authorizing an investigation by the Council or a special committee.

(b) In order to use subpoenas to obtain testimony or documents, a committee shall adopt a resolution of the committee authorizing an investigation. This resolution shall be filed in the Office of the Secretary.

(c) A resolution authorizing an investigation under this section shall delineate the purpose of the investigation and the subject matter to be investigated to afford witnesses adequate notice of the scope of the inquiry.

602. NOTICE OF INVESTIGATION.

The Secretary shall publish a notice of each investigation authorized under Rule 601 in the Register, which notice shall include a copy or description of the resolution authorizing the investigation and the date the resolution was filed in the Office of the Secretary.

603. REPORT OF INVESTIGATION.

(a) Within 90 days of the conclusion of an investigation under this article, a committee shall submit to the Council the results of the investigation, unless the Council, by majority vote of the Members present and voting, extends the time limit.

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

604. TESTIMONY UNDER OATH.

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

605. ISSUING THE OATH.

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

606. DEPOSITIONS.

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

COUNCIL RULES, PERIOD XXII

B. SUBPOENAS.**611. ISSUANCE OF SUBPOENAS.**

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

612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA.

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

613. SERVICE OF SUBPOENAS.

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

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

(2) By a person, at least 18 years of age, engaged by the committee or the Council for this purpose.

(b) If, after a reasonable attempt, personal service on a witness or witness's designated agent cannot be obtained, service may be effectuated by registered or certified mail not less than 8 business days before the return date.

614. ENFORCEMENT OF SUBPOENAS.

A committee may refer to the Council any case of contumacy by a person subpoenaed to appear before the committee. The Council may refer by resolution any case of contumacy by any person subpoenaed by the Council or a committee to the Superior Court of the District of Columbia as provided in section 413 of the Charter (D.C. Official Code § 1-204.13).

C. RIGHTS OF WITNESSES.**621. RIGHT TO ASSERT PRIVILEGES.**

(a) A witness has the right to refuse to answer a question that might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

COUNCIL RULES, PERIOD XXII

(b) If a witness asserts a privilege, the presiding member shall inquire into the witness's reasons for claiming the privilege. If the presiding member determines that the claim of privilege is not warranted, the presiding member shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the presiding member to answer a specific question constitutes contumacy by the witness.

622. NOTIFICATION OF RIGHTS.

When a witness under subpoena is not represented by counsel, the presiding member shall advise the witness of his or her privilege against self-incrimination.

623. RIGHT TO TRANSCRIPT.

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS.

Any person who is the subject of an investigation authorized under Rule 601 may submit written questions for the cross-examination of other witnesses at a public investigative hearing called by the Council or a committee. With the consent of the Councilmembers present and voting, the questions may be put to the witness by a Councilmember, by staff, or by counsel.

625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS.

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

D. CENSURE, REPRIMAND, AND EXPULSION PROCEDURES.**651. AD HOC COMMITTEES.**

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

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

COUNCIL RULES, PERIOD XXII

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

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

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

- (1) Reprimand;
- (2) Censure; or
- (3) Expulsion.

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

653. AD HOC COMMITTEE BY REQUEST.

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

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

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

- (1) Further investigation of the charges is required to determine if a hearing is warranted;
- (2) The matter is to be set for a hearing; or
- (3) No further action should be taken with respect to the request.

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

- (1) Reprimand;

COUNCIL RULES, PERIOD XXII

(2) Censure; or

(3) Expulsion.

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

(f) Upon receipt of the report of the committee, or at the expiration of the time for the committee to report to the Council, the Chairman shall place the matter on the Council's agenda to determine whether or not a hearing is warranted. If the Chairman decides to set the matter for a hearing, it shall be scheduled for no sooner than one week after the determination to hear the matter. Written notice of the hearing shall be delivered in person to the member of the Council who is the subject of the request or to the Member's Council office at least 48 hours in advance of the scheduled hearing.

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

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

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

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

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

654. REPRIMAND.

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

(b) The Council may adopt a resolution of reprimand in the same manner as provided for the adoption of any resolution; provided, that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action

COUNCIL RULES, PERIOD XXII

on the motion for adoption of the resolution. The fact that the Councilmember who is the subject of a reprimand does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution; provided, that the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

655. CENSURE.

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

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

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

656. EXPULSION.

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

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

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

COUNCIL RULES, PERIOD XXII

ARTICLE VII—BUDGET PROCEDURES.**A. BUDGET REVIEW PROCEDURES.****701. ROLE OF THE COMMITTEE OF THE WHOLE.**

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

702. BUDGET-REVIEW SCHEDULE.

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

703. ROLE OF COUNCIL COMMITTEES.

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

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

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

(3) Recommending appropriations language changes;

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

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

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

(b) Each committee shall submit, in accordance with the budget-review schedule, the original committee markup and report with the Committee of the Whole. No committee may submit a markup or report that results in a net increase in the total amount of the budget request for all agencies under its purview, unless that markup or report also identifies additional revenue sources, additional budget reductions, or both,

COUNCIL RULES, PERIOD XXII

within the committee jurisdiction, sufficient to provide funding for the increase, unless another committee has directed funds to the committee for a specific purpose.

704. COMMITTEE OF THE WHOLE CONSIDERATION OF BUDGET REQUEST.

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

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

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

705. COUNCIL CONSIDERATION OF THE BUDGET REQUEST.

Following the markup and report on the budget by the Committee of the Whole, the reported budget shall be presented for 2 readings at the next legislative meetings or additional meetings called by the Chairman for that purpose.

B. REPROGRAMMING POLICY ACT PROCEDURES.**711. EFFECT OF RECESS ON PROCEDURES.**

Reprogramming requests and grant budget-modification requests may not be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of the requests will continue to run during a recess of the Council.

712. COMMITTEE REFERRAL OF REQUESTS.

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

COUNCIL RULES, PERIOD XXII

713. CIRCULATION OF REQUESTS.

The Secretary shall circulate a copy of a reprogramming request within one business day of the filing of the request with the Secretary.

714. PUBLICATION OF NOTICE.

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

- (1) A description of the action requested;
- (2) The date the request was received by the Council; and

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

715. WITHDRAWAL OF REPROGRAMMING REQUESTS.

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

716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.

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

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

717. AUTOMATIC APPROVAL OF REQUESTS.

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

718. TRANSMITTAL TO MAYOR.

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

COUNCIL RULES, PERIOD XXII

C. FUNDS CONTROL ACT PROCEDURES.

[RESERVED].

D. SPECIFIED FUNDING ALLOCATION PROCEDURES.**730. REQUIRED INFORMATION PRIOR TO APPROVAL.**

(a) To receive an earmarked grant through the budget process or a supplemental budget, each grantee shall submit 2 copies of the following, postmarked or hand delivered to the Budget Director no later than 7 days following the date of the first reading of the Council on the budget:

(1) The organization's Articles of Incorporation;

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

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

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

(i) Existing assets and liabilities;

(ii) Pending lawsuits, if any; and

(iii) Pending and final judgments, if any;

(4) Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year;

(5) A notarized statement from the grantee certifying that:

(A) The organization is current on District and federal taxes;

(B) The Council of the District of Columbia is authorized to verify the organization's tax status with the District of Columbia Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the Council, the Mayor, and the Auditor;

(C) The organization focuses primarily on services to District of Columbia; and

(D) The District government shall have access to its financial, administrative, and operational records, including specific consent for the Auditor to access its books, accounts, records, findings, and documents related to the grant; and

COUNCIL RULES, PERIOD XXII

(6) A comprehensive program statement that includes a detailed:

(A) Scope of work; and

(B) Budget that describes how the grant funds shall be spent.

(b) Nothing in this title shall be construed as waiving the requirements to submit information required of all grantees by the grantor agencies or organizations.

(c)(1) If an organization cannot meet the submission requirements established in subsection (a) of this section, the organization shall be required to submit:

(A) A notarized statement designating a nonprofit organization that does meet the criteria to serve as its fiscal agent or fiscal sponsor postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section; and

(B) The information required by subsection (a)(5) of this section.

(2) The fiscal agent or fiscal sponsor shall be required to submit the following, postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section.

(A) A notarized statement agreeing to serve as fiscal agent or fiscal sponsor; and

(B) The information required by subsection (a) of this section.

(d) All earmarked grants shall be listed in the Budget Support Act to include the grantee name, grant amount, and purpose of the grant. Before the second reading of the Budget Support Act, the Council's Budget Director shall certify which grantees have met the requirements of subsection (a) of this section. Any grantee that has not met the requirements shall be removed from the Budget Support Act on second reading, and shall not receive funding through an earmarked grant.

731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.

(a) An organization may not receive a specified funding allocation if the organization has received an award in the prior fiscal year.

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

732. LIMITS ON AWARD AMOUNTS.

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

COUNCIL RULES, PERIOD XXII

733. AUDIT REQUIREMENTS.

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

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

734. DISCLOSURE REQUIREMENTS.

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

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

The Budget Director shall circulate quarterly reports in accordance with Rule 283(b) no later than 15 days after the end of each quarter, identifying the bills adopted by the Council that reference that the bills are subject to inclusion in the financial plan and budget or subject to appropriations.

736. REPEAL OF LAWS SUBJECT TO APPROPRIATIONS.

(a) A law, or provision of a law, that will be applicable subject to inclusion in a financial plan and budget that remains unfunded for 2 fiscal years shall be subject to repeal in the Budget Support Act on the third fiscal year following its enactment.

(b) The Budget Director shall prepare and submit a list of the laws, or provisions thereof, that meet the criteria for repeal to the Chairman that the Chairman may propose for approval by the Committee of the Whole for inclusion in the Budget Support Act.

ARTICLE VIII—COUNCIL RECORDS**A. COUNCIL RECORDS.****801. RESPONSIBILITY FOR RECORDS.**

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

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

COUNCIL RULES, PERIOD XXII

802. FORM FOR INTRODUCTIONS.

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

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

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

803. REPORTS ON LEGISLATION.

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

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

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

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

(1) A section stating the measure's background, need, purpose, and effect. This section shall also include the committee's reasoning, analysis of relevant issues, legislative intent, and, if applicable, guidance on statutory construction;

(2) A chronology of action, including the date:

(A) Of introduction;

(B) That the notice of intent to act on the measure was published in the Register;

(C) That each notice of hearing or roundtable was published in the Register;

(D) Of each hearing or roundtable on the measure; and

COUNCIL RULES, PERIOD XXII

(E) Of the committee meeting at which the measure and report were adopted;

(3) The position of the Executive, if any, on the measure;

(4) The committee's response to each relevant issue and concern raised in a recommendation adopted by a resolution of an affected Advisory Neighborhood Commission, if any, that has been provided to the committee before the close of the record;

(5) A list of witnesses who testified at the hearing, or who submitted a statement for the record before close of the record, and a brief summary of each witness's position;

(6) An explanation of the impact on existing provisions of law that the measure would modify or affect;

(7) A summary of the fiscal impact;

(8) A detailed section-by-section analysis of the measure's substantive provisions;

(9) Any additional information that the committee decides to include; and

(10) A summary of the committee's mark-up of the measure, including:

(A) Dissenting, separate, and individual views of committee members, if members demanded the opportunity to state their views;

(B) A record of the results of a voice vote or, if a roll-call vote, the votes to adopt the legislation and the motion to adopt the report; and

(C) Any recorded votes on amendments to the measure or other motions.

(e) Attached to each report, in the following order, shall be:

(1) The measure, as introduced, along with the Mayor's transmittal letter, if applicable (but not necessarily any other attachments to the introduction), and the Secretary's memorandum of referral;

(2) Any written statements or materials that the committee decides to attach;

(3) As required by Rule 309, a fiscal-impact statement;

(4) As required by Rule 310, a legal-sufficiency determination;

(5) If reporting a bill repealing or amending existing law, a comparative print showing, by italic, underscore, strikethrough, or other typographical device, the changes proposed; except, that when a new section, or greater part is being added, such

COUNCIL RULES, PERIOD XXII

as a new chapter or title, a comparative print shall not be required but a reference to the new section or part shall be included in the committee report;

(6) A committee print that states the number of the measure and, in the top left-hand corner of the measure, the name of the committee, the date of the committee markup, and the words "committee print".

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

(g) As required by Rule 309, no measure may be approved by a committee without a fiscal-impact statement on the measure that is included in the committee report at the time of its consideration.

(h) As required by Rule 310, no measure may be approved by a committee without a legal-sufficiency determination on the measure that is included in the committee report at the time of its consideration.

(i)(1) A committee chairperson shall file a reported bill or resolution with the Secretary within 20 business days after committee action on the bill or resolution unless the committee votes to reconsider the bill or resolution.

(2) If a committee chairperson has failed to file a reported measure within the period of time specified in paragraph (1) of this subsection, the committee, by a majority vote of the members of the committee, may vote to have the measure as reported filed immediately with the Secretary, to be agendized at the next scheduled Committee of the Whole meeting.

(j) This section shall not apply to a budget support act or a budget or budget request act.

(k) The Secretary shall determine whether the report complies with this section.

804. SUPPLEMENTAL COMMITTEE REPORT.

A committee may adopt a supplemental committee report on a measure that explains the reasoning for any amendments to the measure by the Council after the filing of the committee report on the measure. A supplemental committee report adopted by a Committee shall be filed with the Secretary.

805. IDENTIFICATION OF COUNCIL DOCUMENTS.

(a) Legislative documents shall be identified by a name that describes the type of document and a 2-part document number.

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

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

COUNCIL RULES, PERIOD XXII

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

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

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

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

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

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

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

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

(10) A request for a grant budget modification shall be known as a "Grant Budget Modification".

(c) The Secretary shall assign 2-part numbers to Council documents identified in subsection (b) of this section in the order of introduction, filing, adoption, or approval. The first part of the number consists of the current Council Period, and the second part consists of a consecutive serial number beginning with the number "1" in each Council Period.

(d) A report on a measure or a topic shall be titled as a "Report on _____" (with the name to be filled in as appropriate under subsection (b) of this section). Titled reports shall be further identified by:

(1) A number corresponding to the number, if any, assigned to a measure;
or

(2) If the report is not on a measure, a sequential number preceded by the year filed.

806. LEGISLATIVE FILES.

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

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

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

COUNCIL RULES, PERIOD XXII

- (3) The committee report on the legislation;
 - (4) Files transmitted from the committee regarding committee consideration of the bill or resolution;
 - (5) Any amendments to the bill or proposed resolution presented in legislative meetings;
 - (6) The engrossed and enrolled versions of the legislation;
 - (7) Records of the publication and notice given of Council consideration of the legislation;
 - (8) Records of official transmittal of the legislation to the Mayor, to Congress, or other agencies or entities as required by law or the legislation; and
 - (9) Records from the Mayor, including vetoes and other statements transmitted to the Council by the Mayor, records from independent agencies or entities, such as the Office of the Chief Financial Officer and the Washington Metropolitan Area Transit Authority, and records from Congress or a member of Congress.
- (b) The posting of draft measures and associated notices on the Council's website shall not be considered official documents unless expressly incorporated in the official file by the Secretary pursuant to subsection (a) of this section.

807. OTHER OFFICIAL RECORDS.

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

- (1) Transcripts and recordings of all legislative meetings;
- (2) Tape recordings and minutes of all committee meetings;
- (3) Tape recordings and documents submitted for the record of all legislative hearings;
- (4) Tape recordings and documents submitted for the record of investigative hearings, recordings and transcripts of depositions and other testimony taken in connection with investigations, and reports of investigations;
- (5) Records of all committee meetings to include the meeting agenda, the draft committee print considered at the meeting, and each amendment to a measure moved at the meeting. Each record under this paragraph shall be filed with the Secretary not later than the close of business on the second business day after the conclusion of the meeting; and
- (6) Any other document or record required by law or these Rules to be filed with the Council or with the Secretary.

COUNCIL RULES, PERIOD XXII

808. RECORDS OF LEGISLATIVE MEETINGS.

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

809. COMMITTEE RECORDS.

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

B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS.**811. FOIA PROCEDURES.**

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

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

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

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

(2) If a requester specifically identifies an email that is a public record that is not in the possession of the Council, and when the requester has made a reasonable showing that the record is in the possession of a Council employee, including the Chairman and each Councilmember, the FOIA Officer shall request that the employee search for and produce the record believed to be in the employee's possession. An employee receiving a request under this paragraph shall make reasonable efforts to search for and produce the record to the FOIA Officer within the time and in the form prescribed by the FOIA Officer.

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

COUNCIL RULES, PERIOD XXII

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

812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT.

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

813. SERVICE OF PROCESS.

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

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

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

ARTICLE IX—AUDITOR.**901. SELECTION.**

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

902. TERM AND COMPENSATION.

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

903. VACANCY.

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

904. STAFF.

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

COUNCIL RULES, PERIOD XXII

905. REPORTS AVAILABLE TO THE PUBLIC.

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

ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF RULES.**1001. PARLIAMENTARY AUTHORITY.**

Matters not covered by these Rules shall be governed by Mason's Manual of Legislative Procedure. It is the duty of the Chairman to interpret the Rules. Matters not covered by Mason's Manual of Legislative Procedure shall be determined by the Chairman subject to the right of a Member to appeal the Chairman's ruling.

1002. GENDER RULE OF CONSTRUCTION.

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

1003. SUSPENSION OF RULES.

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

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

1004. AMENDMENT OF RULES.

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

(b) The proposed rules to be adopted at the organizational meeting pursuant to Rule 301 shall be filed by the Chairman with the Secretary no later than the business day before the organizational meeting. An amendment to the Rules moved at a meeting other than the organizational meeting shall be noticed and a draft circulated by noon on the third business day before the meeting.

(c) The current version of these Rules shall be featured prominently on the Council website, including any amendments adopted since the Rules were first adopted at the organizational meeting held pursuant to Rule 301.

1005. EFFECTIVE PERIOD.

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

APPENDIX A.

TO: _____

(Address)

PURSUANT TO D.C. Official Code § 1-204.13, YOU ARE COMMANDED TO APPEAR before the (Council/Committee on) _____, of the Council of the District of Columbia, at ____ (a.m./p.m.) on the day of _____, 20__, to testify before the Council/Committee concerning:

_____ and bring with you: _____.

ISSUED BY: _____ ATTEST: _____

Chairman/Member of the Secretary to the Council

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

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

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

RETURN:

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

PROCESS SERVER: _____

(Address) Washington, D.C.

DISTRICT OF COLUMBIA: SS

SUBSCRIBED AND AFFIRMED TO ME BEFORE THIS __ DAY OF _____, 20__

NOTARY PUBLIC, D.C.

MY COMMISSION EXPIRES:

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

ENROLLED ORIGINAL

COUNCIL OF THE DISTRICT OF COLUMBIA
CODE OF OFFICIAL CONDUCT
COUNCIL PERIOD 22

TABLE OF CONTENTS

I. Conflicts of Interest 2

II. Outside Activities 6

III. Gifts from Outside Sources 8

IV. Conferences, Travel, and Receptions and Donations to the Council 12

V. Gifts Between Employees 15

VI. Use of Government Resources 16

VII. Use of Confidential Information 19

VIII. Post-Governmental Employment Conflicts of Interest 20

IX. Political Activities 22

X. Official Mail Rules 24

XI. Ethics Training, Financial Disclosures, and Ethics Counseling 30

XII. Decorum of Councilmembers 32

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

- 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;

ENROLLED ORIGINAL

- (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.

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

- (B) Represent another person before any regulatory agency or court of the District of Columbia in a matter 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.

ENROLLED ORIGINAL

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;

ENROLLED ORIGINAL

- (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) When 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) When 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

ENROLLED ORIGINAL

- 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;

ENROLLED ORIGINAL

- (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.

ENROLLED ORIGINAL

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;

ENROLLED ORIGINAL

- (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 attending when 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;

ENROLLED ORIGINAL

- (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.

ENROLLED ORIGINAL

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.

ENROLLED ORIGINAL

VI. USE OF GOVERNMENT RESOURCES

- (a) **GENERALLY.** Employees shall not:
- (1) Use Council time or government resources for purposes other than official business or other government-approved or sponsored activities, with the exception of *de minimis* use that does not interfere with an employee's official duties and responsibilities, including the 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; or
 - (3) 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.

ENROLLED ORIGINAL

- (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,;

ENROLLED ORIGINAL

(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.

ENROLLED ORIGINAL

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.

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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.

ENROLLED ORIGINAL

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 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.

ENROLLED ORIGINAL

- (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 violates subsection (a) of this Rule.

ENROLLED ORIGINAL

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:

ENROLLED ORIGINAL

- (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 (c) and (f) of this Rule or other materials not prohibited by subsection (e) 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;

ENROLLED ORIGINAL

- (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;

ENROLLED ORIGINAL

- (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.

ENROLLED ORIGINAL

- (2) An electronic newsletter shall comply with the requirements of subsection (e)(2) of this Rule.
 - (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 one photograph or likeness of the Councilmember appearing alone;
 - (2) A photographic likeness of the Councilmember appearing alone that covers more than 6% of a single page or that exceeds 6 square inches on 8 ½" x 11" paper;
 - (3) More than 2 photographs per page that include the Councilmember with other persons;
 - (4) Two photographs on a single page that include the Councilmember and exceed 20% of the page;
 - (5) A photograph of a Councilmember with a label such as "Democrat," "Republican," "Statehood Party," or any other label that purports to advertise the Councilmember rather than to illustrate the accompanying text; and
 - (6) A photograph that does not relate to, illustrate, or explain the accompanying text.
- (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 ½" in height.

ENROLLED ORIGINAL

- (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.

ENROLLED ORIGINAL

**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.
- (1) An employee who is covered under section 224 or 225 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.24 or 1-1162.25) (“Government Ethics Act”), shall file the required disclosures in accordance with the Government Ethics Act.
 - (2) A departing employee who would have been required to file a disclosure pursuant to section 225 of the Government Ethics Act shall file a to-date disclosure with the employee’s personnel authority within 30 days after termination of employment.
- (d) ETHICS COUNSELING AND SAFE HARBOR.

ENROLLED ORIGINAL

- (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.

ENROLLED ORIGINAL

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.

ENROLLED ORIGINAL

A RESOLUTION

22-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2017

To appoint the Chairperson Pro Tempore and chairpersons and members of each standing committee of the Council of the District of Columbia during Council Period 22.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Council Period 22 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2017”.

Sec. 2. Pursuant to section 212 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, effective January 2, 2017 (Res. 22-1; 63 DCR ___) (“Rules”), the Council appoints Kenyan McDuffie as Chairperson Pro Tempore.

Sec. 3. Pursuant to section 221 of the Rules, the Council appoints the following committee chairpersons and members:

(1) The chairperson of the Committee on Business and Economic Development, established by section 232 of the Rules, shall be Kenyan McDuffie, and its members shall be Charles Allen, Anita Bonds, Jack Evans, and Vincent Gray.

(2) The chairperson of the Committee on Education, established by section 233 of the Rules, shall be David Grosso, and its members shall be Charles Allen, Anita Bonds, Robert White, and Trayon White.

(3) The chairperson of the Committee on Finance and Revenue, established by section 234 of the Rules, shall be Jack Evans, and its members shall be Vincent Gray, Kenyan McDuffie, Elissa Silverman, and Robert White.

(4) The chairperson of the Committee on Government Operations, established by section 235 of the Rules, shall be Brandon Todd, and its members shall be Jack Evans, Brianne Nadeau, Elissa Silverman, and Trayon White.

(5) The chairperson of the Committee on Health, established by section 236 of the Rules, shall be Vincent Gray, and its members shall be Mary Cheh, David Grosso, Brianne Nadeau, and Brandon Todd.

(6) The chairperson of the Committee on Human Services, established by section 237 of the Rules, shall be Brianne Nadeau, and its members shall be David Grosso, Brandon Todd, Robert White, and Trayon White.

ENROLLED ORIGINAL

(7) The chairperson of the Committee on Housing and Neighborhood Revitalization established by section 238 of the Rules, shall be Anita Bonds, and its members shall be Brianne Nadeau, Elissa Silverman, Robert White, and Trayon White.

(8) The chairperson of the Committee on the Judiciary and Public Safety, established by section 239 of the Rules, shall be Charles Allen, and its members shall be Anita Bonds, Mary Cheh, Vincent Gray, and David Grosso.

(9) The chairperson of the Committee on Labor and Workforce Development, established by section 240 of the Rules, shall be Elissa Silverman, and its members shall be Mary Cheh, Kenyan McDuffie, Robert White, and Trayon White

(10) The chairperson of the Committee on Transportation and the Environment, established by section 241 of the Rules, shall be Mary Cheh, and its members shall be Charles Allen, Jack Evans, Kenyan McDuffie, and Brandon Todd.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2017

To reappoint Ms. Ellen A. Efros as the General Counsel to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “General Counsel to the Council of the District of Columbia Ellen Efros Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Ellen A. Efros
1177 22nd Street, N.W., Unit 5B
Washington, D.C. 20037
(Ward 2)

as the General Counsel to the Council of the District of Columbia, beginning January 2, 2017.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2017

To reappoint Ms. Jennifer Budoff as the Budget Director to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Budget Director to the Council of the District of Columbia Jennifer Budoff Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Jennifer Budoff
4410 49th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as the Budget Director to the Council of the District of Columbia, beginning January 2, 2017.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2017

To reappoint Ms. Nyasha Smith as the Secretary to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Secretary to the Council of the District of Columbia Nyasha Smith Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia reappoints:

Ms. Nyasha Smith
6101 16th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as the Secretary to the Council of the District of Columbia, beginning January 2, 2017.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2017

To reappoint Mr. Jack Evans, Councilmember of the District of Columbia, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Jack Evans Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia reappoints:

Mr. Jack Evans
3141 P Street, N.W.
Washington, D.C. 20007
(Ward 2)

Councilmember of the District of Columbia, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with section 5(a) of the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01).

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the Mayor, and the Washington Metropolitan Area Transit Authority.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

- | | |
|-------|---|
| B22-1 | Georgia Avenue Retail Priority Area Amendment Act of 2016

Intro. 1-3-17 by Councilmember Nadeau and referred to the Committee on Business and Economic Development |
| <hr/> | |
| B22-2 | DCRA Infraction Fine Increase Amendment Act of 2017

Intro. 1-3-17 by Councilmember Nadeau and referred to the Committee of the Whole |
| <hr/> | |
| B22-3 | Williams Alley Designation Act of 2017

Intro. 1-3-17 by Councilmember Nadeau and referred to the Committee of the Whole |
| <hr/> | |
| B22-8 | Campaign Finance Transparency and Accountability Amendment Act of 2017

Intro. 1-5-17 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Judiciary and Public Safety |
-

B22-12	Revision of Guardianship of Minors and Creation of Supplemental Needs Trusts Act of 2017 Intro. 1-6-17 by Councilmember Evans and referred to the Committee on Judiciary and Public Safety
B22-13	Bicycle and Pedestrian Safety Technical Amendment Act of 2017 Intro. 1-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
B22-14	Protecting Victims of Gender-Based Violence Amendment Act of 2017 Intro. 1-6-17 by Councilmember McDuffie and referred to the Committee on Judiciary and Public Safety
B22-15	Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2017 Intro. 1-9-17 by Councilmember Allen and referred to the Committee of the Whole
B22-16	Fair Wage Amendment Act of 2017 Intro. 1-9-17 by Councilmembers Grosso, Cheh, Allen, R. White, Evans, Nadeau, and Silverman and referred to the Committee on Labor and Workforce Development
B22-18	Pennsylvania Avenue Development Act of 2017 Intro. 1-10-17 by Councilmember Evans and referred to the Committee of the Whole
B22-19	Personal Delivery Device Act of 2017 Intro. 1-10-17 by Councilmember Cheh and referred to the Committee on Transportation and the Environment
B22-20	Consumer Disclosure Act of 2017 Intro. 1-10-17 by Councilmembers Cheh, Grosso, and Bonds and referred to the Committee on Judiciary and Public Safety

- B22-21 Sexual Abuse Statute of Limitations Elimination Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Cheh, Todd, Grosso, Nadeau, and R. White and referred to the Committee on Judiciary and Public Safety
-
- B22-22 Inmate Segregation Reduction Act of 2017
Intro. 1-10-17 by Councilmembers Cheh, Bonds, Nadeau, and Grosso and referred to the Committee on Judiciary and Public Safety
-
- B22-23 Local and Small Business Equity and Development Participation Amendment Act of 2017
Intro. 1-10-17 by Councilmember McDuffie and referred sequentially to the Committee on Business and Economic Development and the Committee on Housing and Neighborhood Revitalization
-
- B22-24 Expanding Access to Justice Act of 2017
Intro. 1-10-17 by Councilmembers McDuffie, Bonds, Allen, Evans, and Silverman and referred to the Committee on Judiciary and Public Safety
-
- B22-25 Rental Housing Affordability Stabilization Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Bonds, Cheh, and Silverman and referred to the Committee on Housing and Neighborhood Revitalization
-
- B22-26 Early Learning Equity in Funding Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Grosso and T. White and referred to the Committee on Education
-
- B22-27 Public School Health Services Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Grosso, Allen, Gray, T. White, Nadeau, Evans, Cheh, Silverman, and Bonds and referred to the Committee on Education
-

- B22-28 Childhood Protection Against Sexual Abuse Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Grosso, R. White, Cheh, and Todd and referred to the Committee on Judiciary and Public Safety
-
- B22-29 Childhood Lead Exposure Prevention Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Grosso, Cheh, Allen, Todd, Nadeau, Evans, R. White, McDuffie, and Bonds and referred sequentially to the Committee on Transportation and the Environment and the Committee on Education
-
- B22-30 Marijuana Legalization and Regulation Act of 2017
Intro. 1-10-17 by Councilmembers Grosso, Nadeau, and R. White and referred sequentially to the Committee on Judiciary and Public Safety until July 15, 2017, and then to the Committee of the Whole
-
- B22-31 Stop Work Order Disclosure and Regulation Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Silverman, Todd, Evans, R. White, and Bonds and referred to the Committee of the Whole
-
- B22-32 Clean Elections Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Silverman, Allen, Grosso, Cheh, and Nadeau and referred to the Committee on Judiciary and Public Safety
-
- B22-33 Displacement Prevention Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Silverman, Nadeau, T. White, R. White, and Allen and referred to the Committee on Finance and Revenue
-
- B22-34 Displacement Prevention Assistance Fund Establishment Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Silverman, Nadeau, Grosso, T. White, R. White, and Allen and referred to the Committee on Judiciary and Public Safety
-

- B22-35 Mixed-use Affordable Housing Property and Deed Transfer and Recordation Tax Exemption Amendment Act of 2017
- Intro. 1-10-17 by Councilmembers Nadeau, Bonds, Grosso, R. White, and Cheh and referred to the Committee on Finance and Revenue
-
- B22-36 Ethics Reform Amendment Act of 2017
- Intro. 1-10-17 by Councilmembers Nadeau, Allen, Silverman, and Bonds and referred to the Committee on Judiciary and Public Safety
-
- B22-37 Voter Address Confidentially Amendment Act of 2017
- Intro. 1-10-17 by Councilmembers Allen, Evans, Todd, McDuffie, Cheh, Grosso, and R. White and referred to the Committee on Judiciary and Public Safety
-
- B22-38 Lobbyist Activity Reporting Transparency Amendment Act of 2017
- Intro. 1-10-17 by Councilmembers Allen, Silverman, Cheh, and Grosso and referred to the Committee on Judiciary and Public Safety
-
- B22-39 Community Use of School Facilities Task Force Establishment Act of 2017
- Intro. 1-10-17 by Councilmembers Allen, R. White, Bonds, and Grosso and referred to the Committee on Transportation and the Environment with comments from the Committee on Education
-
- B22-40 Carbon Monoxide Detector Amendment Act of 2017
- Intro. 1-10-17 by Councilmembers Todd, Silverman, Cheh, and Nadeau and referred to the Committee of the Whole
-
- B22-41 Force of 4,200 – Police Officer Recruitment and Retention Act of 2017
- Intro. 1-10-17 by Councilmembers Gray and Evans and referred to the Committee on Judiciary and Public Safety
-
- B22-42 First Responder Income Tax Exclusion Amendment Act of 2017
- Intro. 1-10-17 by Councilmembers Gray, McDuffie, and Evans and referred to the Committee on Finance and Revenue with comments from the Committee on Judiciary and Public Safety
-

- B22-43 East End Commercial Real Property Tax Rate Reduction Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Gray, McDuffie, Evans, and T. White and referred to the Committee on Finance and Revenue with comments from the Committee on Business and Economic Development
-
- B22-44 Senior Citizen Tax Relief Amendment Act of 2017
Intro. 1-10-17 by Councilmembers Gray, R. White, McDuffie, Bonds, Evans, T. White, and Todd and referred to the Committee on Finance and Revenue
-
- B22-45 Criminal Record Expungement Amendment Act of 2017
Intro. 1-10-17 by Councilmembers T. White, R. White, Gray, Bonds, Todd, McDuffie, Grosso, and Nadeau and referred to the Committee on Judiciary and Public Safety
-
- B22-46 Department of General Services Procurement Authority Amendment Act of 2017
Intro. 1-10-17 by Chairman Mendelson and Councilmember Cheh and referred to the Committee of the Whole
-
- B22-47 Government Contractor Pay-to-Play Prevention Amendment Act of 2017
Intro. 1-10-17 by Chairman Mendelson and Councilmembers R. White, Cheh, Silverman, Allen, Grosso, and Nadeau and referred to the Committee of the Whole
-
- B22-48 Barnaby Road Parcel Disposition Extension Act of 2017
Intro. 1-10-17 by Chairman Mendelson and Councilmember T. White and referred to the Committee on Business and Economic Development with comments from the Committee on Housing and Neighborhood Revitalization
-
- B22-49 Uniform Power of Attorney Amendment Act of 2017
Intro. 1-10-17 by Chairman Mendelson and Councilmembers Allen and McDuffie and referred to the Committee on Judiciary and Public Safety
-

PROPOSED RESOLUTIONS

- PR22-35 Science Advisory Board Dr. Jeanne Jordan Confirmation Resolution of 2016
(Previously PR21-1011)
- Intro. 11-2-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety
-
- PR22-36 Science Advisory Board Dr. Marie N. Fidelia-Lambert Confirmation
Resolution of 2016 *(Previously PR21-1012)*
- Intro. 11-2-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety
-
- PR22-37 Science Advisory Board Dr. Namandje Bumpus Confirmation Resolution of
2016 *(Previously PR21-1013)*
- Intro. 11-2-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety
-
- PR22-38 Board of Nursing Amanda Liddle Confirmation Resolution of 2016 *(Previously
PR21-1026)*
- Intro. 11-16-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Health
-
- PR22-39 Board of Barber and Cosmetology Mr. Eric Doyle Confirmation Resolution
of 2016 *(Previously PR21-1052)*
- Intro. 11-30-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Business and Economic Development
-
- PR22-40 American Geophysical Union Revenue Bonds Project Approval Resolution of
2017
- Intro. 1-3-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Finance and Revenue
-
- PR22-41 Student Residency Verification and Investigations Approval Resolution of
2017
- Intro. 1-3-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Education
-

- PR22-46 Collective Bargaining Agreement Between the University of the District of Columbia and the Service Employees International Union, Local 500 CtW Approval Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
-
- PR22-47 Board of Dentistry John R. Bailey Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR22-48 Board of Industrial Trades Alex Lemu Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-49 Board of Industrial Trades Raleigh Heyward Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-50 Board of Industrial Trades Michael Dalton Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-51 Commission on Fashion Arts and Events Stephanie Spears Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-52 Commission on Fashion Arts and Events Zara Korutz Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-

- PR22-53 Commission on Fashion Arts and Events Jason Anthony Confirmation
Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business and Economic Development
-
- PR22-54 Board of Occupational Therapy Frank Gainer Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR22-55 Board of Long-Term Care Administration Keysha Dale Confirmation
Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR22-56 Metropolitan Washington Airports Authority Board of Directors Warner H.
Session Confirmation Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole
-
- PR22-57 Interagency Council on Homelessness Katherine Coventry Confirmation
Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Human Services
-
- PR22-58 Commission on African Affairs Ms. Abeba Taddese Confirmation Resolution
of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Government Operations
-
- PR22-59 Alcoholic Beverage Control Board Donald L. Isaac Sr. Confirmation
Resolution of 2017
- Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business and Economic Development
-

PR22-60 Homeland Security Commission Akosua Ali Confirmation Resolution of 2017
Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR22-61 Board of Real Estate Appraisers Andrew Sullivan Confirmation Resolution of 2017
Intro. 1-4-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-66 District of Columbia Auditor Kathleen Patterson Reappointment Resolution of 2017
Intro. 1-10-17 by Chairman Mendelson and referred to the Committee of the Whole

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

PR 22-30, the “Board of Zoning Adjustment Ms. Lesylleé White Confirmation Resolution of 2017”

on

**Tuesday, January 31, 2017
2:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of Whole on PR 22-30, the “Board of Zoning Adjustment Ms. Lesylleé White Confirmation Resolution of 2017.” The hearing will be held Tuesday, January 31, 2017 at 2:30 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The stated purpose of PR 22-30 is to confirm the appointment of Ms. Lesylleé White to the Board of Zoning Adjustment for a term to expire September 20, 2019. The Board of Zoning Adjustment (“Board”) is an independent, quasi-judicial body with the ability to grant relief from the strict application of the District’s zoning regulations in the form of variances, to grant special exceptions in approving certain land uses, and to hear appeals from actions taken by the Zoning Administrator of the Department of Consumer and Regulatory Affairs. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of this nominee for the Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Monday, January 30, 2017. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on January 30, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at noon on February 6, 2017.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

PR 22-56, the “Metropolitan Washington Airports Authority Board of Directors Warner H. Session Confirmation Resolution of 2017”

on

**Tuesday, January 31, 2017
3:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of Whole on PR 22-30, the “Metropolitan Washington Airports Authority Board of Directors Warner H. Session Confirmation Resolution of 2017.” The hearing will be held Tuesday, January 31, 2017 at 3:00 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The stated purpose of PR 22-56 is to confirm the reappointment of Mr. Warner H. Session to the Metropolitan Washington Airports Authority Board of Directors for a term to expire January 5, 2023. The Metropolitan Washington Airports Authority (“MWAA”) is an independent body created through an interstate compact between the Commonwealth of Virginia, the State of Maryland, and the District of Columbia that promotes, develops, and operates Washington Dulles International Airport and Ronald Reagan Washington National Airport. The MWAA Board of Directors governs the activities of MWAA and is composed of members appointed by the Governors of Virginia and Maryland, the Mayor of Washington, D.C., and the President of the United States. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of Mr. Session for the Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Monday, January 30, 2017. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on January 30, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on February 3, 2017.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

“Fiscal Year 2016 Comprehensive Annual Financial Report”

on

**Thursday, February 2, 2017
9:30 a.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public oversight hearing of the Committee of the Whole on the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR). The public hearing will be held Thursday, February 2, 2017, at 9:30 a.m. in the Council Chamber of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of this public hearing is to receive testimony from government witnesses, namely the Executive, Chief Financial Officer, and Inspector General, regarding the results of the Fiscal Year 2016 CAFR. By law, the CAFR must be released by February 1, 2017. This document, and this hearing, are important in understanding the financial health of the District government. Copies of the CAFR may be obtained from the Office of the Chief Financial Officer or the OCFO website.

This hearing is the first in a series of hearings to be held this winter by the Council and its committees in connection with its oversight of Fiscal Years 2017 and 2016 agency performance. The full schedule of hearings will be made available on the Council’s website (<http://www.dccouncil.us>) and will be published separately in the D.C. Register.

While this hearing is limited to oral testimony from specified government witnesses, written statements from the public will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, February 16, 2016.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR 22–40, the “American Geophysical Union Revenue Bonds Project Approval Resolution
of 2017”**

Monday, January 23, 2017

9:45 a.m.

**Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Monday, January 23, 2016 at 9:45a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22–40, the “American Geophysical Union Revenue Bonds Project Approval Resolution of 2017”, would authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$40 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist American Geophysical Union in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. These bonds will be used by American Geophysical Union in connection with the renovation of property located at 2000 Florida Avenue, N.W., Washington, DC in Ward 2.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:45a.m. on Friday, January 20, 2016. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF DECEMBER 31, 2016
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NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Wise, Daniel	Communications Specialist	3	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of reprogrammings are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 22 - 01: Request to reprogram \$1,435,397 of Fiscal Year 2017 Local funds budget authority within the Department of Employment Services (DOES) was filed in the Office of the Secretary on January 5, 2017. This reprogramming ensures that the agency will be able to cover personal services, supplies, equipment, and other costs associated with the D.C. Career Connections Program.

RECEIVED: 14 day review begins January 6, 2017

Reprog. 22 - 02: Request to reprogram \$1,400,000 of Fiscal Year 2017 Local Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary January 5, 2017. This reprogramming is needed to fund the Parkside Pedestrian Bridge, which requires additional funding to pay for the high cost of relocating PEPCO high voltage transmission lines and to support construction project management services.

RECEIVED: 14 day review begins January 6, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: January 6, 2017
Protest Petition Deadline: February 21, 2017
Roll Call Hearing Date: March 6, 2017
Protest Hearing Date: May 3, 2017

License No.: ABRA-105008
Licensee: City Corner, Inc.
Trade Name: City Corner Mart
License Class: Retailer’s Class “B” 25 % Grocery
Address: 2601 Sherman Avenue, N.W.
Contact: H. Raymond Dorafshan: (202) 679-1300

WARD 1 ANC 1B SMD 1B03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 6, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date** is scheduled on **May 3, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Class “B” 25% Grocery store selling food, beer and wine.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday 10 am – 9 pm, Monday through Thursday 10 am - 10 pm, Friday and Saturday 10 am - 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: January 6, 2017
Protest Petition Deadline: February 21, 2017
Roll Call Hearing Date: March 6, 2017
Protest Hearing Date: May 3, 2017

License No.: ABRA-105006
Licensee: Justin Ventures, LLC
Trade Name: Highland’s Liquor
License Class: Retailer’s Class “A” Liquor Store
Address: 4704 14th Street, N.W.
Contact: Deryeh Alexander: (240) 602-4542

WARD 4

ANC 4C

SMD 4C02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 6, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The **Protest Hearing date** is scheduled on **May 3, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A Retailer’s Class “A” Liquor store that will sell beer, wine, and spirits. Also requesting a Tasting Permit.

HOURS OF OPERATION

Sunday through Saturday 7:00 am – 12:00 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE

Sunday through Saturday 8:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
1/13/2017

Notice is hereby given that:

License Number: ABRA-102486

License Class/Type: C Tavern

Applicant: Sip and Dry Bar, LLC

Trade Name: Sip and Dry Bar

ANC: 5D01

Has applied for the renewal of an alcoholic beverage license at the premises:

2004 Hecht AVE NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

2/27/2017

A HEARING WILL BE HELD ON:

3/13/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	8 am - 2 am	-
Monday:	6 am - 2 am	8 am - 2 am	-
Tuesday:	6 am - 2 am	8 am - 2 am	-
Wednesday:	6 am - 2 am	8 am - 2 am	-
Thursday:	6 am - 2 am	8 am - 2 am	-
Friday:	6 am - 2 am	8 am - 2 am	-
Saturday:	6 am - 2 am	8 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 13, 2017
Protest Petition Deadline: February 27, 2017
Roll Call Hearing Date: March 13, 2017
Protest Hearing Date: May 10, 2017

License No.: ABRA-105026
Licensee: TaKorean 1301 U, LLC
Trade Name: TaKorean
License Class: Retailer's Class "C" Tavern
Address: 1301 U Street, N.W.
Contact: Paul Pascal: (202) 544-2200

WARD 1

ANC 1B

SMD 1B12

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 13, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on May 10, 2017 at 1:30 p.m.

NATURE OF OPERATION

New Class "C" Tavern with 42 seats and a Total Occupancy Load of 55. Applicant has also applied for a Summer Garden with 4 seats. Tavern will serve Asian-inspired taco combinations.

HOURS OF OPERATION ON PREMISE AND FOR SUMMER GARDEN

Sunday through Thursday 7 am - 2 am, Friday & Saturday 7 am - 4 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE AND FOR SUMMER GARDEN

Sunday through Thursday 8 am - 2 am, Friday & Saturday 8 am - 3 am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 1, 2017
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD THREE

19450
ANC-3C **Application of DC Department of General Services**, pursuant to 11 DCMR Subtitle X, Chapters 9 and 10, for special exceptions under the parking requirements of Subtitle C § 703.1, and the RA-use requirements of Subtitle U § 420.1(f), and variances from the number of primary structure requirements of Subtitle C § 302.2, the loading requirements of Subtitle C § 901.1, and the height and number of stories requirements of Subtitle F § 303.1, to allow the construction of a six-story short-term family housing facility in the RA-1 Zone at premises 3320 Idaho Avenue N.W. (Square 1818, Lot 849).

WARD SIX

19451
ANC-6D **Application of the District of Columbia**, pursuant to 11 DCMR Subtitle X, Chapters 9 and 10, for special exceptions under the parking requirements of Subtitle C § 703.1, and the RF-use requirements of Subtitle U § 320.1(a), and a variance from the height requirements of Subtitle E § 303.1, to allow the construction of a short-term family housing facility with a ground-floor health care facility in the RF-1 Zone at premises 850 Delaware Avenue S.W. (Square 590E, Lot 800).

WARD FIVE

19452
ANC-5B **Application of DC Department of General Services**, pursuant to 11 DCMR Subtitle X, Chapters 9 and 10, for a special exception under the MU-use requirements of Subtitle U § 513.1(b)(6), and variances from the parking requirements of Subtitle C § 701.5, the loading requirements of Subtitle C § 901.1, the open court requirements of Subtitle G § 202.1, the height requirements of Subtitle G § 403.1, the lot occupancy requirements of Subtitle G § 404.1, and the rear yard requirements of Subtitle G § 405.2, to allow the addition to an existing building and operate a short-term family housing facility in the MU-4 Zone at premises 1700 Rhode Island Avenue N.E. (Square 4134, Lot 800).

BZA PUBLIC HEARING NOTICE

MARCH 1, 2017

PAGE NO. 2

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለሙሳ ተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au

BZA PUBLIC HEARING NOTICE

MARCH 1, 2017

PAGE NO. 3

(202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
ANITA BUTANI D'SOUZA, VICE CHAIRPERSON
CARLTON HART, NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 8, 2017
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD FOUR

18464A **Application of McKinley Battle**, pursuant to 11 DCMR Subtitle X, Chapter
ANC-4C 9, for a special exception under Subtitle E § 5201, from the lot occupancy
requirements of Subtitle E § 304.1, and the nonconforming structure
requirements of Subtitle C § 202.2, and a special exception from the R-use
requirements of Subtitle U § 203.1(g) to construct a rear addition and expand an
existing child development center to 40 children and 10 staff in the RF-1 Zone at
premises 4124 3rd Street N.W. (Square 3312, Lot 61).

**THIS CASE WAS POSTPONED FROM THE PUBLIC HEARING OF DECEMBER 7,
2016 AT THE APPLICANT'S REQUEST:**

WARD TWO

19384 **Application of S&R Foundation, Inc.**, pursuant to 11 DCMR Subtitle X,
ANC-2E Chapters 9 and 10, for a special exception under the R-use requirements of
Subtitle U § 203.1(1), and a variance from the height requirements of Subtitle D
§ 1203, to operate a private school in the R-20 Zone at premises 1801 35th Street
N.W. (Square 1297, Lot 852).

**THIS CASE WAS POSTPONED FROM THE PUBLIC HEARING OF JANUARY 11,
2017 AT THE APPLICANT'S REQUEST:**

WARD SIX

19396 **Application of Hatem Hatem**, pursuant to 11 DCMR Subtitle X, Chapters 9
ANC-6B and 10, for a special exception under Subtitle E § 5201, from the RF-use
requirements of Subtitle U § 320.2(m), and a variance from the RF-use
requirements of Subtitle U § 320.2(d), to permit the construction of a three-story
rear addition to an existing three-unit apartment house in the RF-3 Zone at
premises 417 4th Street S.E. (Square 793, Lot 828).

BZA PUBLIC HEARING NOTICE

MARCH 8, 2017

PAGE NO. 2

WARD SIX

19431
ANC-6B **Application of Meghann Curtis and Michael Fuchs**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear first-floor addition to an existing one-family dwelling in the RF-1 Zone at premises 608 G Street S.E. (Square 877, Lot 817).

WARD SIX

19432
ANC-6B **Application of Michael and Justine Bello**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to construct a rear first-floor addition to an existing one-family dwelling in the RF-1 Zone at premises 337 16th Street S.E. (Square 1074, Lot 84).

WARD SIX

19433
ANC-6B **Application of Anita Puri and Robert Legg**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a rear second-story addition to an existing one-family dwelling in the RF-1 Zone at premises 1335 Massachusetts Avenue S.E. (Square 1037, Lot 89).

WARD SIX

19446
ANC-6C **Application of Max Karasik**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the nonconforming structure requirements of Subtitle C § 202.2, and special exceptions from the upper floor addition requirements of Subtitle E § 206.1, and the building height requirements of Subtitle E § 5203.3, to construct a third-floor addition above an existing two-story one-family dwelling in the RF-1 Zone at premises 646 6th Street N.E. (Square 834, Lot 89).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant

BZA PUBLIC HEARING NOTICE

MARCH 8, 2017

PAGE NO. 3

to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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Do you need assistance to participate?

Amharic

ለመነተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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Korean

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특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

BZA PUBLIC HEARING NOTICE

MARCH 8, 2017

PAGE NO. 4

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
ANITA BUTANI D'SOUZA, VICE CHAIRPERSON
CARLTON HART, NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, March 2, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 16-30 (Trinity Washington University – 2017-2027 Campus Plan)

THIS CASE IS OF INTEREST TO ANC 5E

On December 28, 2016, the Office of Zoning received an application from Trinity Washington University (the “Applicant”). The Applicant is requesting approval of the 2017-2027 Trinity Washington University Campus Plan for property located in Square 3548, Lot 2 and Parcels 120/33 and 120/34.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in Subtitle Z. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public.

Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <https://app.dcoz.dc.gov/Help/Forms.html>. This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አዎንታዊ ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚጠቅሙ በነጻ ነው።

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**AND****Z.C. ORDER NO. 08-06H****Z.C. Case No. 08-06H****(Text Amendment – 11 DCMR)****Technical Corrections to Z.C. Order No. 08-06A****November 12, 2016**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its adoption of amendments to Subtitles B, D, I, and U of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR), to make minor modifications and technical corrections to the amendments made by Z.C. Order 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

The Commission, on September 12, 2016, authorized the publication of a Notice of Proposed Rulemaking for these amendments, which was published in the *D.C. Register* on October 21, 2016 at 63 DCR 013160 for a thirty (30) day comment period. Through a memorandum dated September 12, 2016, but not filed until the next day, the Committee of 100 for the Federal City expressed its concern over the procedural deficiencies in prior technical corrections to the Order, none of which were germane to this proceeding.

No comments were received in response to the published notice and no changes were made to the proposed text when the Commission took final action to adopt the rules on November 12, 2016.

The amendments shall become effective upon publication of this notice in the *D.C. Register*.

The following amendments to the Zoning Regulations of 2016 (11 DCMR) are adopted:

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES is amended as follows:

Chapter 1, DEFINITIONS, § 100, DEFINITIONS, § 100.2, definition of “Expanded Child Development Home” is amended to read as follows:

Expanded Child Development Home: a dwelling unit used in part for the licensed care, education, or training for more than six (6) individuals, up to a maximum of twelve (12) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit, provided that no more than six (6) of the individuals may be under two (2) years of age. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center,

day care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES - R-6 AND R-7, § 408, PERVIOUS SURFACE, § 408.1 is amended as follows:

408.1 The minimum percentage of pervious surface requirement of a lot in an R-6 or R-7 zone shall be fifty percent (50%).

Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-8, R-9, AND R-10, § 508, PERVIOUS SURFACE, § 508.1 is amended as follows:

508.1 In an R-8, R-9, or R-10 zone, the minimum percentage of pervious surface requirement of a lot shall be fifty percent (50%); provided this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of May 18, 2007; or
- (b) Create nonconformity of a structure as regulated by this title.

Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-12 AND R-13, § 708, PERVIOUS SURFACE, § 708.1 is amended as follows:

708.1 The minimum percentage of pervious surface requirement of a lot in the R-12 zone shall be fifty percent (50%).

Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-14 AND R-15, § 808, PERVIOUS SURFACE, § 808.1 is amended as follows:

808.1 The minimum percentage of pervious surface requirement of lots in the R-14 and R-15 zones shall be fifty percent (50%).

Subtitle I, DOWNTOWN (D) ZONES, is amended as follows:

Chapter 6, LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS, § 612, MOUNT VERNON TRIANGLE PRINCIPAL INTERSECTION AREA SUB-AREA, § 612.5 is amended to read as follows:

612.5 With the exception of a building that is a designated historic landmark or that is included within a historic district, the portion of a building within the Mt. Vernon Triangle Principal Intersection Area Sub-Area is subject to the following streetwall design regulations in addition to those governing the property's zone district and designated primary street classification:

...¹

Subtitle U, USE PERMISSIONS, is amended as follows:

Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, is amended as follows:

Section 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), § 512.1 is amended by adding a new paragraph (l) and renumbering existing paragraph (l) as (m) as follows:

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions:

...

(1) An animal boarding use located in a basement or cellar space subject to the following:

(1) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;

(2) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;

(3) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall not solid core;

(4) No animals shall be permitted in an external yard on the premises;

(5) Animal waste shall be placed in a closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;

(6) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

(7) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable; and

(m) Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

Section 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), § 513.1 is amended by amending paragraph (a), adding a new paragraph (m), and renumbering existing paragraph (m) as (n) as follows:

513.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section:

(a) Animal care ~~and boarding~~, and animal sales uses, subject to the following conditions:

...

(m) Animal boarding uses not meeting the conditions of Subtitle U § 512.1(l), subject to the following:

(1) The animal boarding use shall take place entirely within an enclosed building;

(2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

(3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;

(4) No animals shall be permitted in an external yard on the premises;

(5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;

(6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;

- (7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
 - (8) External yards or other exterior facilities for the keeping of animals shall not be permitted; and
 - (9) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property; and
- (n) Any use permitted as a matter of right in MU-Use Group E that does not comply with the required conditions for MU-Use Group E may apply for permission as a special exception, except firearms retail sales establishments.

On September 12, 2016, upon the motion of Vice Chairman Miller, as seconded by Chairman Hood, the Zoning Commission took **PROPOSED ACTION** and **APPROVED** the petition at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Third Mayoral Appointee position vacant, not voting).

On December 12, 2016, upon the motion of Commissioner May, as seconded by Chairman Hood, the Zoning Commission took **FINAL ACTION** and **APPROVED** the petition at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approved; Peter Shapiro, not present, not voting).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on January 13, 2017.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education (“State Superintendent”), pursuant to Section 3(b)(3) of the District of Columbia State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(3) (2012 Repl. & 2016 Supp.)); Sections 11 and 16 of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code §§ 38-308(a) and 38-313 (2012 Repl.)); and Mayor’s Order 2017-007; Section 101(d) of the Public School Enrollment Integrity Clarification and Board of Education Honoraria Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02(c) (2012 Repl. & 2016 Supp.)); and the District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.01(c) (2012 Repl. & 2016 Supp.)), hereby gives notice of the intention to adopt the following proposed amendments to Chapter 50 (Residency Verification for Public Schools and Public Charter Schools) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”), delete in their entirety Chapter 51 (Non Residents Attending District of Columbia Public Schools and Public Charter Schools) of Title 5-A DCMR (Office of the State Superintendent of Education), and delete in their entirety Subsections 2000.2, 2000.4, 2000.5, 2002.11, 2002.15, 2002.16, Sections 2006-2009, and Section 2099 in Chapter 20 (Admissions of Students) of Subtitle E (Original Title 5), Title 5 (Education) DCMR.

The Office of the State Superintendent of Education (OSSE), pursuant to Section 3(b)(3) of the State Education Office Establishment Act of 2000 (D.C. Official Code § 38-2602(b)(3) (2012 Repl. & 2016 Supp.)), is responsible for establishing the rules for the verification of District residency for public and public charter school students, with the approval of the State Board of Education (SBOE), pursuant to Section 403(a)(10) of the Public Education and Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §§ 38-2652(a)(10) (2012 Repl. & 2016 Supp.)). The purpose of this proposed rulemaking is to clarify the policies and procedures required to ensure District residents have access to available space at local schools, and that when extra space is available, non-resident students are permitted to enroll in a public school if they pay non-resident tuition. Through this proposed rulemaking, the Office of the State Superintendent of Education (“OSSE”) seeks to reduce burdens and lift barriers for both local education agencies and families in the residency verification process. Given, however, that universal pre-Kindergarten (pre-K) is not offered in neighboring jurisdictions, provisions to reduce burden for parents of school age children are not provided to parents of pre-K students.

In developing the proposed regulations, OSSE engaged in an extensive period of public engagement and solicitation of public comments. An Advanced Notice of Proposed Rulemaking (ANPR), along with a memorandum describing the ANPR and responses to frequently asked questions, was published on OSSE’s website for a forty-five (45) day public comment period on September 8, 2016. During the public comment period, OSSE held one engagement session for the public and two engagement sessions for Local Education Associations. In addition, the SBOE held working sessions on October 5, 2016 and November 2, 2016 and public hearings on

October 26, 2016 to discuss the ANPR and receive public testimony. The comment period officially closed on October 26 2016, with OSSE having received numerous comments from advocates and members of the regulated community.

OSSE greatly appreciates the many comments that the public submitted throughout the process. OSSE has carefully considered all of the comments and made changes accordingly. A chart with all the comments received and OSSE's responses to the comments are available on OSSE's website.

This notice is being circulated throughout the District for a thirty (30) day notice and comment period. Information about how to submit written comments is set forth at the end of these proposed rules.

Chapter 50, RESIDENCY VERIFICATION FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended in its entirety to read as follows:

CHAPTER 50 STUDENT RESIDENCY

5000 GENERAL PROVISIONS

- 5000.1 The purpose of this chapter is to establish procedures for residency verification and non-resident investigation for all students attending District of Columbia Public Schools ("DCPS") and public charter schools in the District.
- 5000.2 The review of all contested residency cases within DCPS and public charter schools, the promulgation of procedures for residency verification, and the enforcement of residency and tuition payment requirements shall be the sole and exclusive responsibility of the Office of the State Superintendent of Education ("OSSE"), or its designee, as provided in these regulations, effective October 1, 2017.
- 5000.3 Policies and procedures related to residency verification and enrollment shall be available to the public and shall be posted on OSSE and local education agency ("LEA") websites.
- 5000.4 Residency verification and non-resident investigation policies and practices of an LEA or school shall not create barriers to the identification of, or enrollment of, attendance, or success in school of students experiencing homelessness, undocumented students.

5001 ESTABLISHING STUDENT RESIDENCY

- 5001.1 All pre-Kindergarten age and school aged children or eligible adult students who establish bona fide residency in the District of Columbia, may attend a District of Columbia public school or District of Columbia public charter school

(collectively a “District public school”), a publicly funded pre-Kindergarten (“pre-K”) program in a community-based organization, or other school or educational program with funding provided by the District of Columbia, free of charge.

- 5001.2 A resident student shall have priority over a non-resident student seeking admission to a District public school, or other school or educational program with funding provided by the District of Columbia.
- 5001.3 In the absence of evidence to the contrary, residency for students under eighteen (18) years of age and not emancipated shall be presumed to be the bona fide residence of the student’s parents, guardian, custodian or other primary caregiver, as defined in this chapter.
- 5001.4 For the purposes of Sections 5001 to 5005, adult students, self-supporting or the parents, guardians, custodians, or other primary caregiver of a minor student shall be referred to as the person seeking to enroll the student.
- 5001.5 The District of Columbia is the bona fide residence of the person seeking to enroll the student if:
- (a) The person has established a physical presence in the District of Columbia; and
 - (b) The person has submitted valid and proper documentation in accordance with Subsections 5004.2 or 5004.3.
- 5001.6 In the event the student’s parents do not maintain the same residency and do not have a formal custodial agreement entered into by a court of competent jurisdiction, the student shall be presumed to be a resident, if one of the parents has established bona fide residency in the District.
- 5001.7 In the event the student’s parents do not maintain the same residency but do have a formal custodial agreement entered into by a court of competent jurisdiction awarding physical custody and legal custody to one or both parents, the student shall be presumed to be a resident, if:
- (a) The student’s parents share joint physical custody and joint legal custody of the student and at least one parent has established bona fide residency in the District;
 - (b) The student’s parents share joint physical custody even if only one parent is awarded sole legal custody and the parent awarded sole legal custody has not established bona fide residency in the District but the parent not awarded legal custody has established bona fide residency in the District;

- (c) The parent awarded sole physical custody and sole legal custody has established bona fide residency in the District; or
- (d) The student's parents share joint legal custody even if only one parent is awarded sole physical custody and the parent awarded sole physical custody has not established bona fide residency in the District but the parent not awarded physical custody has established bona fide residency in the District.

5001.8 A student experiencing homelessness is not required to establish residency as a condition of enrollment in a District public school. The appropriate school official shall notify OSSE when a student is experiencing homelessness or may be suspected of experiencing homelessness and shall work with OSSE, as appropriate, to ensure proper identification and promptly provide the student with the available services and assistance required by the McKinney-Vento Act, and provide notice of the student's educational rights.

5001.9 An undocumented student is not required to provide proof of immigration status as a condition of enrollment in a District public school. The residency of an undocumented student, who is eligible for admission to a DCPS or public charter school, is established in accordance with Subsection 5004.7.

5001.10 The residency of a ward of the District of Columbia, who is eligible for admission to a DCPS or public charter school, is established in accordance with Subsection 5004.8.

5001.11 The residence of an adult student, who is eligible for admission to a DCPS or public charter school, is not the residence of the adult student's parents, custodian, guardian or other primary caregiver, unless the adult student establishes residency in accordance with Subsection 5004.9.

5001.12 The residency of a child of a minor parent, who is eligible for admission to a DCPS or public charter school, is established in accordance with Subsection 5004.10.

5002 STUDENT RESIDENCY VERIFICATION

5002.1 The residency of each student seeking to attend a District public school or receiving funding from the District of Columbia to attend another school or educational program shall be verified consistent with this chapter, and as described below:

- (a) Upon initial enrollment, the person seeking to enroll the student shall establish residency in the District of Columbia, including an acknowledgement confirming responsibility for tuition payment for any

period of time the student is determined to be a non-resident while enrolled and attending a District public school;

- (b) Each student attending a District public school or receiving funding from the District of Columbia to attend another school or educational program shall establish residency annually; and
- (c) The current LEA of enrollment shall verify each student's residency annually.

5002.2 Except as provided in Subsection 5002.3, annual residency verification of a student's bona fide residence by the current LEA of enrollment shall include:

- (a) Completion of a residency verification form provided by OSSE;
- (b) Submission and review of documentation demonstrating physical and legal presence to establish District residency as provided in either Subsections 5004.2 or 5004.3; and
- (c) Submission and review of other primary caregiver documentation, as required.

5002.3 Annual residency verification of a school age student, as defined in this chapter, whose bona fide residence was verified by the current LEA of enrollment in a prior school year and who maintains bona fide residence in the District of Columbia, may be limited to the submission of a residency verification form, as provided by OSSE and completed by the person seeking to enroll the student, which shall include the following:

- (a) Written confirmation that affirms that student's bona fide residence in the District has remained the same;
- (b) Appointment of OSSE, or another specifically designated District agency identified by OSSE, such as the Office of Tax and Revenue, as the representative authorized to verify student's residency status through an interagency data-sharing process; and
- (c) Consent to random verification of student's residency status through an interagency data-sharing process.

5002.4 Even if annual residency verification is completed pursuant to Subsection 5002.3, OSSE may, if it concludes that additional information is needed, seek further documentation to verify the student's residency or otherwise investigate the residency status of the student.

- 5002.5 Even if annual residency verification is completed pursuant to Subsection 5002.3, school official(s), if they reasonably conclude that additional information is needed, seek further documentation to verify the student's residency or otherwise investigate the residency status of the student.
- 5002.6 An adult student, self-supporting student, or parent(s), guardian(s), custodian(s) or other primary caregiver of a minor student attending a District public school or receiving funding from the District of Columbia to attend another school or educational program shall re-establish residency in the District if the student's address of residency changes after October 5th of the school year and the current LEA of enrollment has completed the student's annual residency verification.
- 5002.7 A LEA shall verify District residency of a student who is funded to attend a school or educational program outside the District of Columbia public school system annually and as necessary, in accordance with this Chapter. Nothing in this subsection shall prevent the placement of a student during the pendency of the residency verification.
- 5002.8 The residency of a student who attends a school or educational program other than a public school in the District of Columbia and whose tuition is paid by the District of Columbia, shall be verified in conformance with the procedures set forth in this chapter.
- 5002.9 At the time a student transfers from a District public school to another District public school, the receiving LEA shall be responsible for verifying residency and collecting the residency verification documents from the sending LEA, or from the student, student's parents, guardian, custodian or other primary caregiver directly if residency verification documentation submitted is not available from the sending LEA. The receiving LEA shall maintain the student's residency verification documentation.
- 5002.10 A student shall be permitted to attend and remain enrolled in a school while his or her residency verification status is pending.

5003 STUDENT RESIDENCY VERIFICATION: TIMING

- 5003.1 The residency of each student enrolled in a District public school shall be verified by the current LEA of enrollment, or its designee, not earlier than the date results of the District's Common Lottery system are released and not later than October 5th, or ten (10) days of initial enrollment, whichever is later, for the school year that begins on or after July 1st of each year.
- 5003.2 An LEA may require students to submit residency verification prior to OSSE's October 5th deadline, but not later than OSSE's October 5th deadline, unless the student has enrolled in the school after October 5th, in which case the student shall submit residency verification within ten (10) days of initial enrollment.

5003.3 OSSE, or its designee, may investigate the residency status of a student or take other steps to verify the student's residency status if student fails to provide adequate documentation to establish residency by October 5th of the current school year or (10) days following enrollment, whichever is later.

5003.4 A student matched to the LEA through the Common Lottery system shall establish residency in the District of Columbia by the deadline set by the Common Lottery system for the school year that begins on or after July 1st of that same year. If the person enrolling the student is not able to establish residency by the LEA's initial enrollment deadline, the LEA may consider the student's space forfeited.

5004 STUDENT RESIDENCY VERIFICATION: METHODS

5004.1 A person seeking to enroll the student shall provide documentation in compliance with this chapter and all relevant District of Columbia laws in order to establish residency.

5004.2 One (1) of the following items shall demonstrate both physical presence and legal presence to establish District residency for the purposes of this chapter:

- (a) Proof of payment of District personal income tax, in the name of the person seeking to enroll the student, for the tax period closest in time to the consideration of District residency;
- (b) A pay stub issued less than forty-five (45) days prior to consideration of residency in the name of the person seeking to enroll the student that shows his or her District residency and evidence of the withholding of District income tax;
- (c) Current official documentation of financial assistance received by the person seeking to enroll the student, from the District Government including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;
- (d) Confirmation, based upon completion and submission of a tax information authorization waiver form, by the District Office of Finance and Revenue of payment of District income taxes by the person seeking to enroll the student;
- (e) Current official military housing orders showing residency in the District of the person seeking to enroll the student; or

- (f) A currently valid court order indicating that the student is a ward of the District.

5004.3 If person enrolling the student is unable to provide one (1) of the items in Subsection 5004.2, the person enrolling the student shall provide two (2) of the following items to demonstrate both physical presence and legal presence to establish residency in the District:

- (a) A current motor vehicle registration in the name of the person seeking to enroll the student and evidencing District residency;
- (b) A valid unexpired lease or rental agreement in the name of the person seeking to enroll the student, and paid receipts or canceled checks (for a period within two (2) months immediately preceding consideration of residency) for payment of rent on a District residence in which the student actually resides;
- (c) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the person seeking to enroll the student; and
- (d) Utility bills (excluding telephone bills) and paid receipts or cancelled checks (from a period within the two (2) months immediately preceding consideration of residency) in the name of the person seeking to enroll the student that show a District residence address.
- (e) An LEA shall not accept any other documentation to establish or verify residency from a person seeking to enroll the student, unless except as authorized under procedures approved by OSSE pursuant to D.C. Official Code § 38-311 or any superseding statute.

5004.4 Documentation to establish residency may be presented in the following manner:

- (a) Provided to the school principal or his or her designee by the person seeking to enroll the student, in person or by that person's appointed representative;
- (b) Subject to implementation of an interagency data sharing process, pursuant to such a process with the consent of the person seeking to enroll the student; or
- (c) Pursuant to other District-wide policies or procedures approved by OSSE.

5004.5 The principal or the principal's designated employee may conduct a home visit to determine residency of the person seeking to enroll the student if:

- (a) The person seeking to enroll the student is unable to produce the documentation to establish District residency as required in Subsections 5004.2 or 5004.3; and
 - (b) The person seeking to enroll the student provides written consent in a manner approved by OSSE.

- 5004.6 A home visit to determine residency shall be limited to obtaining evidence that verifies the person seeking to enroll the student and the student reside at the District address.

- 5004.7 An undocumented student may establish residency through one of the following:
 - (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the undocumented student's parent(s), custodian, guardian or other primary caregiver;
 - (b) A home visit pursuant to Subsection 5004.5; or
 - (c) OSSE's McKinney-Vento Act documentation if the student is an unaccompanied student.

- 5004.8 A ward of the District of Columbia, including a foster child, may establish residency through one of the following:
 - (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the ward's parent(s), custodian, guardian or other primary caregiver;
 - (b) A home visit pursuant to Subsection 5004.5; or
 - (c) A court order or official documentation from the District's Child and Family Services Agency providing that the child is a ward of the District of Columbia.

- 5004.9 An adult student may establish residency at the residence of his or her parent(s), custodian, guardian or other primary caregiver through one of the following:
 - (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the adult student or his or her parent(s), custodian, guardian or other primary caregiver;
 - (b) A home visit pursuant to Subsection 5004.5; or

- (c) A signed statement, sworn under penalty of perjury, that an individual is the parent, custodian, guardian or other primary caregiver of the adult student and the adult student resides with him or her.

5004.10 A minor parent seeking to enroll a child may establish District residency of the child at the residence minor parent's parent(s), custodian, guardian or other primary caregiver through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the minor parent or his or her parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A signed statement, sworn under penalty of perjury, that an individual is the parent, custodian, guardian or other primary caregiver of the minor parent and the minor parent resides with him or her.

5004.11 A student living on embassy property in the District of Columbia shall establish residency in the District of Columbia through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the student or his or her parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A dated statement, signed by an appropriate embassy official and including the official embassy seal, issued within the twelve (12) month period before the date of the statement, stating the name of the person seeking to enroll the student and stating that the person (i) currently lives on embassy property in the District of Columbia or (ii) will reside on that embassy property, and that the embassy will confirm this during the relevant school year.

5004.12 A self-supporting student seeking to enroll his or her self may establish District residency through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the self-supporting student;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A court order or official documentation providing that the minor student who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

5005 STUDENT RESIDENCY VERIFICATION: OTHER PRIMARY CAREGIVER

- 5005.1 In addition to establishing his or her residency status, a primary caregiver, other than the student's parent, guardian or custodian, seeking to enroll a student in a District public school shall provide documentation that establishes his or her status as the student's other primary caregiver.
- 5005.2 A minor student's residency may be based upon that of an other primary caregiver if:
- (a) The student resides with the other primary caregiver;
 - (b) The other primary caregiver provides both (1) care or control; and (2) substantial support, for the student; and
 - (c) The student's parents, guardians, or custodians have abandoned the child; or
 - (d) The student's parents, guardians, or custodians are unable to provide both care or control, and substantial support due to adverse consequences such as serious family hardship.
- 5005.3 The status as an other primary caregiver of each person seeking to enroll a student in a school shall be established through one of the following:
- (a) Previous school records indicating that the student is in the care of the caregiver;
 - (b) Immunization or medical records indicating that the student is in the care of the caregiver;
 - (c) Proof that the caregiver receives public or medical benefits on behalf of the student;
 - (d) A signed statement, sworn under penalty of perjury, that he or she is the primary caregiver for the student; or
 - (e) An attestation from a legal, medical or social service professional attesting to the caregiver's status relevant to the student.
- 5005.4 Documentation to establish or verify the status of other primary caregiver pursuant to Subsection 5005.3(d) or 5005.3(e) shall be in the form provided by OSSE.

- 5005.5 An LEA shall not accept any other documentation to establish or verify the status of other primary caregiver from a person seeking to enroll the student, unless approved by OSSE pursuant to D.C. Official Code § 38-311, or any superseding statute.
- 5005.6 Notwithstanding Subsection 5005.3, in limited exceptional circumstances, OSSE may determine that a child is a resident upon the written request of an LEA or person seeking to enroll a student, pursuant to D.C. Official Code § 38-302(d), if OSSE finds:
- (a) That the care or control and the substantial support are supplied by the person or persons with whom a child is residing and the parent, guardian or custodian of such child is unable to supply such care or control and substantial support; or
 - (b) That such child is self-supporting.

5006 STUDENT RESIDENCY VERIFICATION: MONITORING

- 5006.1 OSSE may monitor a District public school to ensure proper verification of student residency. OSSE's monitoring may include scheduled and unscheduled visits to the District public school or local education agency.
- 5006.2 A District public school shall fully cooperate with authorized representatives of the Government of the District of Columbia, including OSSE, during a monitoring visit and shall provide them access to facilities, staff, records, and other information related to the verification of student residency, upon request.

5007 NON-RESIDENT STUDENTS

- 5007.1 A non-resident student enrolled in a District public school shall pay non-resident tuition consistent with provisions of this chapter.
- 5007.2 An LEA may enroll a non-resident student after a determination is made by the LEA that space is available at a District public school because no qualified District resident is seeking admittance during the same period of time for the same grade at the relevant school location.
- 5007.3 Current non-resident students who have been approved to attend a District public school may remain until the terminal grade of that school without re-application if:
- (a) The current non-resident student has paid in full the total non-resident tuition by July 15th of each school year that the non-resident student has been in attendance; and

- (b) The current non-resident student's initial enrollment in the school was in accordance with all applicable policies, regulations and laws, and not based on false or fraudulent information.

5007.4 Upon completion of a terminal grade of a school, current non-resident students who have been approved to attend a District public school are not guaranteed a space at a feeder or other District public school for the following grade. All non-resident students who wish to attend a feeder or other District public school for the following grade shall apply to enroll in the feeder or other District public school.

5007.5 The following categories of non-resident students may be approved to attend a District public school even though the school is not otherwise open to non-resident students (subject to their payment non-resident tuition) in order to provide for continuity of instruction:

- (a) A student who is enrolled and attending the final grade level of a school who becomes a non-resident student during that school year; and
- (b) A student who would have re-enrolled in the final grade level of a school in September, but who became a non-resident student during the school year or summer prior to that final grade year.

5007.6 A ward of the District of Columbia who is no longer a ward because he or she was permanently placed in a permanent care and custody outside of the District shall be approved to attend the District public school that he or she attended before being permanent placed, until the terminal grade of that school and is not required to pay non-resident tuition.

5007.7 Except for those non-resident students covered under Subsections 5007.3, 5007.5, and 5007.6, all non-resident students who wish to continue to attend a District public school shall reapply to the school each year and the LEA shall determine each year whether space is available and whether the student may attend as provided for in this section.

5007.8 Upon request, the head of an LEA, a principal of a school, or the designee of any of them, shall provide to OSSE, or its designee, all waiting lists that were in effect or established during the time period(s) that a non-resident student attended or was enrolled at its school or campus.

5007.9 A non-resident student attending a District public school shall be officially enrolled at the school and reported on the school's roster as a non-resident student.

5008 NON-RESIDENT STUDENTS: INVESTIGATIONS

- 5008.1 Upon request, the head of an LEA, a principal of a school, or his or her designee shall provide to OSSE, or its designee, any and all documentation necessary to facilitate non-residency investigations within five (5) business days.
- 5008.2 OSSE, or its designee, may investigate the residency status of a student or take other steps to verify the student's residency status if the student fails to provide adequate documentation to establish residency by October 5th of the current school year or (10) days following enrollment, whichever is later.
- 5008.3 Proof of District residency which appears to be satisfactory does not prevent OSSE or school officials, with reasonable basis, from seeking further information to verify the student's residency or the other primary caregiver status of the adult enrolling the student; nor does it prevent OSSE, or its designee, from investigating the residency of the student or the residency or other primary caregiver status of the adult.
- 5008.4 Upon request, the person seeking to enroll a student shall provide to OSSE or an appropriate school official, or the designee of either, documentation to establish residency in accordance with the requirements set forth in Section 5004 or any other documentation necessary to facilitate non-residency investigations within ten (10) days of the request.
- 5008.5 OSSE or its designee shall investigate allegations of non-residency and summarize the results of the investigation in a written report within a reasonable timeframe.
- 5008.6 OSSE shall make the results of an investigation available to the LEA, the person seeking to enroll the student, the District of Columbia Office of the Inspector General and the District of Columbia Office of the Attorney General, upon request.

5009 NON-RESIDENT STUDENTS: FINDING OF NON-RESIDENCY AND NOTIFICATION

- 5009.1 Based on the information gathered from an investigation, the residency verification process or otherwise, OSSE may issue a finding that a student is not a resident of the District of Columbia.
- 5009.2 When OSSE issues a finding that a student is not a resident of the District of Columbia, OSSE shall provide the adult student, the self-supporting student, or the parent, guardian, custodian or other primary caregiver of the minor student written notification of the finding and an opportunity for review as specified in this chapter. The written notification shall be delivered by OSSE through the following methods:

- (a) By mail to the last known home, work or school address on file with the LEA for the student and to the out-of-District address of record, if any; and
- (b) By email, to the last known e-mail address of the person seeking to enroll the student, if known to OSSE.

5009.3 The written notification shall:

- (a) Include the basis for finding that the student is a non-resident;
- (b) Notify the student or student's parent, guardian, custodian or other primary caregiver that they have ten (10) business days from the date the written notification is issued to request an administrative review of the non-residency finding by an impartial party or office assigned by OSSE to review such matters and render a final decision;
- (c) Explain that the student may remain enrolled at that he or she is attending school until a final administrative decision is made;
- (d) Explain that unless OSSE receives a request for administrative review of the non-residency finding within ten (10) business days after the date of the written notification, the non-resident finding will become the final administrative decision, the student will be disenrolled from school, and tuition will be owed for period of time in which the student was enrolled but was not a District resident; and
- (e) State that if the student is voluntarily or involuntarily disenrolled from school before a final decision is made that the student was or is in fact not a District resident, the District shall calculate the a pro-rated amount of non-resident tuition owed, reflecting the student's time at the school while he or she was a non-resident, how and by when payment should be made, and that OSSE may take any authorized action to collect this amount.

5010 NON-RESIDENT STUDENTS: ADMINISTRATIVE REVIEW OF CONTESTED RESIDENCY CASE AND FINAL DECISION

5010.1 Requests for an administrative review of an OSSE non-resident finding shall be filed with OSSE not later than ten (10) business days after the date the written notification of the non-resident finding is issued. If a request for review is not received within a timely manner, and no corrective actions are confirmed to have been taken on behalf of the student, the finding of non-residency, and the proposed decisions to disenroll the student from school and assess tuition, shall become the final administrative decision of the agency.

- 5010.2 OSSE shall refer a request for review of a contested residency case to an impartial hearing officer or administrative review office for a final administrative decision. Any hearing shall be conducted pursuant to Section 10 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-509 (2016 Supp.)).
- 5010.3 OSSE shall refer a request for review of a contested residency case to the designated hearing officer or administrative review office by filing a copy of the request for review that it received, along with a statement that OSSE requests the hearing officer or administrative review office to hear and decide the case.
- 5010.4 In all contested residency cases, the hearing officer or administrative review office assigned to hear the case shall set the hearing date and issue the hearing notice.
- 5010.5 The presiding hearing officer or Administrative Law Judge shall issue a final decision in all contested residency cases assigned to him or her. The hearing officer or Administrative Law Judge's final decision shall be in writing and shall be the final administrative decision of OSSE. The statement of appeal rights required by Section 5011 shall be attached to or included in the written final administrative decision.
- 5010.6 In contested residency cases, the adult student, self-supporting student, or ward, or the parent, custodian, or guardian of the minor student who is claiming District of Columbia residency has the burden of proving residency status for the purpose of establishing whether the student may enroll in and attend a District public school tuition-free.
- 5010.7 The presiding hearing officer or Administrative Law Judge shall be governed by the Office of Administrative Hearings Rules at 1 DCMR §§ 2905-2909, that are used in DCPS residency cases to address procedural issues, to the extent possible and as appropriate to encourage consistency across District public schools in the residency verification process. Where the Office of Administrative Hearings ("OAH") rules for DCPS residency cases do not address a procedural issue, the hearing officer or Administrative Law Judge shall be guided by the OAH Rules of Practice and Procedure. Where the OAH Rules of Practice and Procedure do not address a procedural issue, the hearing officer or Administrative Law Judge shall be guided by the District of Columbia Superior Court Rules of Civil Procedure to decide the issue.
- 5010.8 The office assigned by OSSE to hear contested residency cases may establish written standard operating procedures to guide parties in contested residency cases through the process of an administrative review before a hearing officer.

5010.9 In all contested residency cases, the currently enrolled student shall be allowed to continue to attend school without prepayment of tuition, pending the final administrative decision.

5011 NON-RESIDENT STUDENTS: APPEAL RIGHTS

5011.1 Every appealable decision issued by a hearing officer or Administrative Law Judge in a contested residency case shall include a statement of the appeal rights described in this section.

5011.2 A party to a contested residency case who is aggrieved by a decision of the hearing officer or Administrative Law Judge assigned to his or her case has thirty (30) calendar days from the date the decision was issued to file an appeal to the D.C. Court of Appeals.

5011.3 The filing of an appeal or a petition for review will not automatically stay (or delay) the date a final decision goes into effect.

5011.4 Any party may file a motion to stay a final decision pending appeal. Any party may file a motion to stay the effective date of a final decision that has been issued. A motion for a stay shall include the reasons for granting the stay.

5011.5 In determining whether to grant a stay, the hearing officer or Administrative Law Judge may consider the following factors: whether the party filing the motion is likely to succeed on the merits, whether denial of the stay will cause irreparable injury, whether and to what degree granting the stay will harm other parties, and whether the public interest favors granting a stay.

5012 NON-RESIDENT STUDENTS: ACTION UPON FINAL DECISION

5012.1 OSSE shall provide notice of a final administrative decision in a matter involving non-residency to the LEA.

5012.2 Upon receiving notice from OSSE that a final administrative decision has been made that a student is a non-resident and an appeal of the final administrative determination has not been timely requested, the LEA shall:

- (a) Update the student records to reflect his or her appropriate residency, tuition, and enrollment status, including the following systems as appropriate: the LEA data systems; state level reporting and data systems including without limitation, the Student Longitudinal Educational Data system and the Specialized Education Data System; and Public Charter School Board data system;

- (b) Notify OSSE if the student voluntarily or involuntarily un-enrolls from the school, so that the District may take action, including legal action, to collect tuition owed; and
- (c) Ensure that any action requiring withdrawal of a non-resident student with an Individual Education Program shall be consistent with the requirements of the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§ 1400 *et seq.* and other applicable federal and local laws and regulations.

5012.3 A matter involving non-residency shall be referred by OSSE to the Office of the Attorney General and may be referred to the Office of Inspector General for appropriate legal action if there is evidence that an individual knowingly supplied false information in connection to residency verification.

5013 NON-RESIDENT STUDENTS: TUITION PAYMENTS

5013.1 Adult non-resident students or the parents, guardians, custodians or other primary caregiver of a minor non-resident student attending a District funded school shall be subject to and responsible for non-resident tuition payments consistent with this chapter.

5013.2 Non-resident tuition payments shall be made payable to “*D.C. Treasurer*” and delivered to OSSE in a timely manner in accordance with OSSE’s tuition collection process or policy, or the applicable tuition payment agreement if one exists. OSSE shall provide the responsible individual with confirmation that it has received the non-resident tuition payments.

5013.3 If the tuition payment of a current non-resident student who has been approved to attend a District public school is delinquent for a period of ninety (90) days or more, OSSE may exclude the non-resident student from attending a District public school based on non-payment.

5013.4 In the event a District public school has already received Uniform Per Student Funding Formula (“UPSFF”) funding for a student found to be as a non-resident, the District may withhold a portion of the school’s subsequent funding, equal to the amount of UPSFF funding previously distributed to the LEA for the student found as a non-resident.

5013.5 All agreements regarding the tuition payment for the non-resident student shall be in writing.

5013.6 A LEA shall maintain in a student’s permanent file, tuition payment agreement and a written record of tuition payments, if available, to be made available during the annual enrollment audit and upon request by OSSE, or another government agency, for each non-resident student.

5013.7 A matter involving tuition payments for non-residents may be referred by OSSE to the Office of the Attorney General for collection of tuition payments.

5014 NON-RESIDENT STUDENTS: TUITION RATES

5014.1 OSSE shall establish non-resident tuition rate determinations that reflect the amount necessary to cover all expenses incurred by the District public school as a result of the student's use of the school's services or the amount paid by the District of Columbia to fund the student's services received at a school or educational program with funding provided by the District of Columbia.

5014.2 Non-resident tuition rate determinations shall include the UPSFF amount, which includes all relevant weights associated with the UPSFF, the per pupil facilities allowance for public charter schools or other OSSE approved allowances as appropriate, and any other supplemental allocations.

5014.3 OSSE may establish non-resident tuition rate determinations that exceed the UPSFF but shall be the amount necessary to cover all expenses described in Subsection 5014.1.

5014.4 The rates may be pro-rated to reflect the portion of the school year during which the non-resident student will be enrolled.

5099 DEFINITIONS

5099.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

Adult Student – A student who is eighteen (18) years of age or older, or who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

Appointed Representative – An individual acting on behalf of a person, pursuant to his or her written authorization, in presenting to school or chartering authority officials documentation to establish or verify the District residency of the person seeking to enroll the student

Care or Control – A parent, custodian, guardian, other primary caregiver, or person with whom a child is residing with is exercising primary responsibility to provide the child with guidance, maintenance, and physical care as follows:

Guidance is participation in the responsibility for the child's development on a daily basis. Such participation includes, but is not limited to, attending school conferences, disciplining the child, participating in

decisions concerning the child's well-being and involvement in the child's extracurricular activities;

Maintenance is providing necessities such as food, clothing and shelter; and

Physical care is providing continuous care for the child by performing tasks required in the child's daily life. Such tasks include, but not limited to, bathing, feeding, dressing, assuring medical attention will be received by the child, preparing meals, supervising the child's activities and assisting with other physical care needs.

Chartering Authority – A District of Columbia entity authorized to grant charters for the establishment of public charter schools, pursuant to either the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1802.01 *et seq.* (2012 Repl. & 2016 Supp.)), or the Public Charter School Act of 1996, effective May 29, 1996 (D.C. Law 11-135; D.C. Official Code §§ 1701.01 *et seq.* (2012 Repl. & 2016 Supp.)), as amended.

Child – A person who is less than eighteen (18) years of age.

Common Lottery – a single, random lottery that determines placement for new students at all participating schools, including but not limited to, public charter schools (PK3–12), DCPS out-of-boundary schools (PK3–12), all DCPS PK3 and PK4 programs, including in-boundary school; and DCPS selective citywide high schools (9–12) that is governed by the Common Lottery Board established by the Common Lottery Advisory Board Establishment Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-194 (2012 Repl. & 2016 Supp.)).

Custodian – A person to whom physical custody has been granted by a court of competent jurisdiction.

Formal Custody Agreement – A determination by a court of competent jurisdiction providing for the legal custody and physical custody of a child.

District Funded School(s) – Includes any public school, public charter school, private or public school outside of the District of Columbia receiving funding from the District of Columbia.

District of Columbia Public Schools or DCPS – The District of Columbia Public Schools system, not including public charter schools.

District Public School(s) – Includes any school within the District of Columbia Public Schools system or any District of Columbia public charter school.

Enroll and Enrollment – A process through which a student obtains admission to a public or public charter school that includes, at a minimum the following stages:

- (a) Application by student to attend the school;
- (b) Acceptance and notification of an available slot to the student by the school;
- (c) Acceptance of the offered slot by the student (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form”);
- (d) Registration of the student in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement; and
- (e) Receipt of educational services, which are deemed to begin on the first official school day.

Guardian – A person who has been appointed legal guardian of a student by a court of competent jurisdiction.

Legal custody – A determination by a court of competent jurisdiction that a parent has legal responsibility for a child, which includes the right to make decisions regarding a child’s health, education, and general welfare.

Local Educational Agency or LEA – Pursuant to 20 U.S.C. § 7801(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

McKinney-Vento Act – The McKinney-Vento Homeless Education Assistance Act of 1967 (101 Stat. 482; 42 U.S.C. §§ 11301 *et seq.*).

Office of the State Superintendent of Education or OSSE – The state level agency established by Chapter 26 of Title 38 of the D.C. Official Code.

Orphan – A child who resides in the District of Columbia and who does not have a living parent or guardian.

Other Primary Caregiver – The person other than a parent or court appointed custodian or guardian who is the primary provider of care and support to a child who resides with him or her, and whose parent, custodian, or guardian is unable to supply such care and support and submits evidence that he or she is the primary caregiver of the student in the manner provided in D.C. Official Code § 38-310 and this chapter.

Parent – The natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody.

Pre-K age child – A child who is (i) three (3) years of age on or before September 30th of the program year for which the child is being enrolled; (ii), four (4) years of age; or (iii) five (5) years of age after September 30th of the program year for which the child is being enrolled.

Physical custody – A determination by a court of competent jurisdiction of a child’s living arrangements including where the child resides and any visitation schedule.

Physical presence – The actual occupation and inhabitation of a place of abode with the intent to dwell for a continuous period of time.

Public Charter School – A District of Columbia school authorized to operate by a chartering authority.

School – A public charter school, a school within the District of Columbia Public Schools system, a school in another state or a nonpublic school in the District of Columbia enrolling a student funded by the District of Columbia.

School-age student – A child who is between five (5) years of age on or before September 30 of the current school year and eighteen (18) years of age.

Self-supporting student – A minor student who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

Student experiencing homelessness – An individual who lacks a fixed, regular, and adequate nighttime residence. These individuals shall include pre-K age children, school-age children, or eligible adult students:

- (a) Sharing the housing of other persons due to loss of housing, economic hardship or similar reasons;

- (b) Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodation;
- (c) Living in emergency or transitional shelters, (including D.C. transitional housing);
- (d) In a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation or human habitation;
- (e) Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- (f) Living in a hospital due to abandonment;
- (g) Migratory children, as defined in Section 1309 of the Elementary and Secondary Education Act of 1965, (115 Stat. 1579; 20 U.S.C. § 6399), who qualify as homeless because they live in circumstances described above; or
- (h) Unaccompanied youth, including youths who are not in physical custody of a parent or guardian, who qualify as homeless because they live in circumstances described above.

Serious Family Hardship – Death, incarceration, serious illness, abuse or neglect by parent, active military assignment, drug addiction or loss of habitability of a parent, guardian, or custodian.

Support – A parent, custodian, guardian, other primary caregiver, or person with whom a child is residing who is exercising primary responsibility to provide the child with financial resources for the child's livelihood.

Uniform Per Student Funding Formula or UPSFF – The amount of funding provided for each student attending a public school in the District of Columbia pursuant to Section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1804.01).

Waiting List – A roster of students maintained by the LEA or school of students seeking enrollment.

Ward – A child who is a District of Columbia foster child, either living in or outside of the District, or a child who is in the custody of a District of Columbia public child welfare agency or juvenile justice system.

Chapter 51, NON RESIDENTS ATTENDING DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS, is hereby deleted in its entirety.

Chapter 20, ADMISSIONS OF STUDENTS, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2000, GENERAL ADMISSION POLICY, is amended as follows:

Subsections 2000.2, 2000.4, and 2000.5 are deleted in their entirety.

Section 2002, ADMISSION AND REGISTRATION PROCEDURES, is amended as follows:

Subsections 2002.11, 2002.15, and 2002.16 are deleted in their entirety.

The following sections are deleted in their entirety:

Section 2006, ADMISSION OF NON-RESIDENT STUDENTS;

Section 2007, PAYMENT OF NON-RESIDENT TUITION;

Section 2008, COMPUTATION OF NON-RESIDENT TUITION RATES;

Section 2009, REVIEW OF CONTESTED RESIDENCY CASES; and

Section 2099, DEFINITIONS.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: Residency Verification and Investigations, 810 First Street, N.E. 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-001
January 4, 2017

SUBJECT: Appointments — Food Policy Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.)), pursuant to section 4 of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-313) (2016 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **ALEXANDRA ASHBROOK**, pursuant to the Food Policy Council Alexandra Ashbrook Confirmation Resolution of 2016, effective July 12, 2016 R21-0563 is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2017.
2. **CHRISTOPHER BRADSHAW**, pursuant to the Food Policy Council Christopher Bradshaw Confirmation Resolution of 2016, effective July 12, 2016 R21-0564, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2017.
3. **CAESAR LAYTON**, pursuant to the Food Policy Council Caesar Layton Confirmation Resolution of 2016, effective July 12, 2016 R21-0565, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2017.
4. **ALEXANDER MOORE**, pursuant to the Food Policy Council Alexander Moore Confirmation Resolution of 2016, effective July 12, 2016 R21-0566, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2018.
5. **PAULA REICHEL**, pursuant to the Food Policy Council Paula Reichel Confirmation Resolution of 2016, effective July 12, 2016 R21-0567, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2018.
6. **JOELLE ROBINSON**, pursuant to the Food Policy Council Joelle Robinson Confirmation Resolution of 2016, effective July 12, 2016 R21-0568, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2018.


- 7. **TAMBRA RAYE STEVENSON**, pursuant to the Food Policy Council Tambra Raye Stevenson Confirmation Resolution of 2016, effective July 12, 2016 R21-0569, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2017.

- 8. **ERIC KESSLER**, pursuant to the Food Policy Council Eric Kessler Confirmation Resolution of 2016, effective December 6, 2016 R21-0671, is appointed as a voting member of the Food Policy Council, for a term to end March 1, 2017.

- 9. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-002
January 4, 2017

SUBJECT: Appointment — District of Columbia Commission on Aging

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl. and 2016 Supp.), it is hereby **ORDERED** that:

1. **DANILO PELLETIERE** is appointed as an *ex-officio*, non-voting District government member of the Commission on Aging, representing the Department of Housing and Community Development, filling a vacant seat, and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-003
January 6, 2017

SUBJECT: Appointment — Director to End Homelessness


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance to section 31a of the Homeless Services Reform Act of 2005, effective October 22, 2005, D.C. Law 16-35; D.C. Official Code § 4-756.03 (2016 Supp.), and pursuant to the Director to End Homelessness Kristy Greenwalt Confirmation Resolution of 2016, effective November 1, 2016, Res. 21-640, it is hereby **ORDERED** that:

1. **KRISTY GREENWALT** is appointed as Director to End Homelessness, and shall serve in that capacity at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 1, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-004
January 6, 2017

SUBJECT: Appointment — Mayor's Office of Community Relations and Services

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), it is hereby **ORDERED** that:

1. **TOMMIE JONES, JR.** is appointed Director of the Mayor's Office of Community Relations and Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2016-91, dated June 8, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-005
January 6, 2017

SUBJECT: Appointment – Director, Mayor's Office of Religious Affairs


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), it is hereby **ORDERED** that:

1. **THOMAS BOWEN** is appointed Director, Mayor's Office of Religious Affairs, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-006
January 6, 2017

SUBJECT: Appointment – Director, Office of Policy and Legislative Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), it is hereby **ORDERED** that:

1. **ALANA INTRIERI** is appointed Director, Office of Policy and Legislative Affairs, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-30, dated January 8, 2015.
3. **EFFECTIVE DATE:** This Order shall be *nunc pro tunc* to January 3, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-007
January 10, 2017

SUBJECT: Delegation of Authority - State Superintendent of Education - Promulgation of Rules Under the District of Columbia Nonresident Tuition Act


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and pursuant to the District of Columbia Nonresident Tuition Act (“Act”), approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-301 *et seq.* (2012 Repl.)), it is hereby **ORDERED** that:

1. The State Superintendent of Education (“**Superintendent**”) is delegated the Mayor’s authority under section 16 of the Act (D.C. Official Code § 38-313) to promulgate rules to implement the Act.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2017 Projects, Events and Festivals (3rd Cycle)**

The DC Commission on the Arts and Humanities (CAH) announces the availability of a third cycle for its Projects, Events and Festivals grants program for fiscal year 2017. Grants supporting arts and humanities organizations will be available during this period for projects occurring before September 30, 2017.

Organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES) and possess clean hands certification at the time of application.

Organizations participating in the FY17 DC Heritage Grant Program (HGP) are required to submit a one (1) page letter detailing how the unique nature of the project to be submitted falls out of the scope of work submitted and awarded via the FY17 DC Heritage Grant Program. Projects should remain within the mission of the organization and previously unscheduled during the time of the submitted FY17 DC HGP application. Letters of request to apply are due Friday, February 3, 2017 at 4:00 p.m. and may be addressed to the Commission. Notification of the status of the request will be sent Wednesday, February 8, 2017.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Arts and Humanities Content, 2) Assessed DC Impact and Engagement, and 3) Project Feasibility. All activities funded by the grant must occur between March 1, 2017 and be completed by September 30, 2017.

The Request for Applications (RFA) will be available electronically beginning January 26, 2017 on the DCCA website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is March 13, 2017.

For more information, please contact:

Steven Scott Mazzola
Grants Director
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 671-1361 or steven.mazzola@dc.gov

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2017 Public Art Building Communities Grants II**

The DC Commission on the Arts and Humanities (DCCA) announces the availability grants to support public art projects by individuals and District-based non-profit organizations in the District of Columbia fiscal year 2017.

Individuals must reside in the District of Columbia. Organizations must be a registered non-profit incorporated in the District, be headquartered with a land address in DC and have a federal tax exemption as demonstrated by a 501(c)(3) letter submitted at the time of application in addition to the other eligibility criteria to be listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES) and possess clean hands certification at the time of application.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Artistic Excellence, 2) Community Impact and Engagement, and 3) Capacity and Sustainability. All activities funded by the grant must occur between April 1 and be completed by September 30, 2017.

The Request for Applications (RFA) will be available electronically beginning January 26, 2017 on the DCCA website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is March 31, 2017.

For more information, please contact:

Keona Pearson
Arts Program Coordinator
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 724-56213 or keona.pearson@dc.gov

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2017 Special Arts Initiative - Arts Education Experiences Grant Program

The DC Commission on the Arts and Humanities (CAH) announces the availability of the Arts Education Experiences Grant Program for fiscal year 2017. Grants supporting arts and humanities organizations offering arts education experiences for District of Columbia students in Pre-kindergarten through 21 years of age during this period will be available.

Organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES) and possess clean hands certification at the time of application.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Arts Education experience, 2) Assessed DC Impact and Engagement, and 3) Financial Capacity and Sustainability.

The Request for Applications (RFA) will be available electronically beginning January 26, 2017 on the DCCAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is February 23, 2017. DCCAH will present technical assistance workshops for applicants throughout the month of February.

For more information, please contact:

David Markey
Arts Education Coordinator
DC Commission on the Arts and Humanities
200 I (EYE) St. SE, Washington, DC 20003
(202) 671-1354 or david.markey@dc.gov

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2018 Grant Season**

The DC Commission on the Arts and Humanities (CAH) announces the availability of its general operating support for fiscal year 2018. The general operating support program awards grants for arts, humanities, arts education and service organizations that are headquartered in the District of Columbia and whose sole function is exhibition or presentation in the arts and humanities or arts education or to provide technical assistance for District artists, arts educators and humanities practitioners. Organization distinction into “heritage”, “horizon” and “service” categories and levels of support therein are described in the guidelines for the program.

CAH provides grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the program’s guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES).

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Arts, Humanities and/or Arts Education Content, 2) Assessed DC Impact and Engagement, and 3) Organizational Capacity and Sustainability.

The Request for Applications (RFA) will be available electronically beginning January 26, 2017 on our website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is March 6, 2017.

For more information, please contact:

Steven Scott Mazzola
Grants Director
DC Commission on the Arts and Humanities
200 I (EYE) St. SE,
Washington, DC 20003
(202)724-5613
steven.mazzola@dc.gov

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

On Tuesday, January 11, 2017 at 2pm, the D.C. Criminal Code Reform Commission held a meeting of its Criminal Code Revision Advisory Group (CRAG). The meeting agenda, minutes, and other documents will be available online at <http://www.open-dc.gov/public-bodies/meetings> and at <http://ccrc.dc.gov>.

Notice of future meetings will be published in the *D.C. Register*.

For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

Implementation of Trash Reduction Technologies

The Department of Energy and Environment (the Department) seeks eligible entities to implement structural controls that will remove trash from the Anacostia River and its watershed, typically trash traps, conduct education and outreach, and collect related data. Additional controls may be installed and maintained. The grantee will be required to maintain the controls on a regular basis, and collect and report data, during maintenance events. DOEE expects monitoring data to be collected at least four times per year, with data for each season. This is a three-year project with a three-year budget. The amount available for the project is approximately \$195,000.00. This amount is subject to availability of funding.

Beginning 01/13/2017, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2017trashtechrfa.grants@dc.gov with "Request copy of RFA 2017-1713-SWMD" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Matt Robinson at (202) 442-3204 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Matt Robinson RE:2017-1713-SWMD" on the outside of the envelope.

The deadline for application submissions is 2/13/2017, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2017trashtechrfa.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

DEPARTMENT OF FORENSIC SCIENCES**NOTICE OF PUBLIC MEETING****Science Advisory Board Meeting****Friday, January 13, 2017****9:00 a.m.****Draft Agenda**

On Friday, January 13, 2017, the Department of Forensic Sciences will be hosting the Science Advisory Board Meeting via Web-Based Conferencing (WebEx). The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202-727-8267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

Roll Call, Review of Minutes from last meeting, Approval of Minutes

Introduction of new Science Advisory Board Members: Drs. Bumpus, Fidelia-Lambert and Jordan

Review of Forensic Biology Unit Protocols – Susan Welti

Quality Update – Brittany Graham

Public Health Lab Update – Dr. Anthony Tran

Old Business, New Business

Closing and adjournment

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, January 11, 2017 at 5:30 pm.**

Call in info: 1-650-479-3208

Access code: 732 909 145

Use this link if you are joining by phone and there are slide presentations:

Webex: [Join the meeting](#)

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH
HEALTH REGULATION LICENSING ADMINISTRATION

NOTICE OF MEETING

Board of Chiropractic
January 10, 2017

On January 10, 2017 at 1:30 pm, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed at 4:30 pm to consult with the attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to 2-575(b)(4)(a); Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section 2-575(b)(6); To discuss disciplinary matters pursuant section 2-575(b)(9); To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of the law or regulations, if disclosure to the public would harm the investigation pursuant to section 2-575(b)(14).

The meeting will be open to the public at 1:30 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations at 4:45 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Chiropractic website www.doh.dc.gov/boc and select BOC Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board of Chiropractic – Frank Meyers, JD - (202) 724-8755.

DISTRICT OF COLUMBIA HOUSING AUTHORITY

BOARD OF COMMISSIONERS

2017 Public Meeting Schedule

The regular meetings of the Board of Commissioners of the District of Columbia Housing Authority are held in open session on the second Wednesday of each month. The following dates and times of the meetings are for the Year 2017. All meetings are held at 1133 North Capitol Street, NE, Washington, DC 20002 unless otherwise indicated.

February 8, 2017	DCHA - 1133 North Capitol St., NE	1:00 p.m.
March 8, 2017	DCHA - 1133 North Capitol St., NE	1:00 p.m.
April 12, 2017	Capitol Quarter Community Center 1000 5 th St SE, WDC 20003	1:00 p.m.
May 10, 2017	Riverside Center 5200 Foote St., NE, WDC 20019	1:00 p.m.
June 14, 2017	DCHA - 1133 North Capitol St., NE	1:00 p.m.
July 12, 2017	Ft. Lincoln 3400 Banneker Drive, NE, WDC 20018	1:00 p.m.
August 9, 2017	DCHA - 1133 North Capitol St., NE	1:00 p.m.
September 13, 2017	DCHA - 1133 North Capitol St., NE	1:00 p.m.
October 11, 2017	Montana Terrace 1625 Montana Ave., NE, WDC 20018	1:00 p.m.
November 8, 2017	Woodland Terrace 2311 Ainger Place, SE, WDC 20020	1:00 p.m.
December 13, 2017	Annual & Regular meeting DCHA - 1133 North Capitol St., NE	1:00 p.m.

For questions, contact Chelsea Johnson at (202) 535-2835.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS**

Notice of the 2017 Public Meeting Schedule

The District of Columbia Housing Finance Agency hereby announces that the District of Columbia Housing Finance Agency Board of Directors will hold regularly public meetings in the year 2017, on the second and fourth Tuesday of each month at 5:30 p.m. on the following dates:

January 10, 2017 Annual Meeting	January 24, 2017 Regular Meeting
February 14, 2017 Regular Meeting	February 28, 2017 Regular Meeting
March 14, 2017 Regular Meeting	March 28, 2017 Regular Meeting
April 11, 2017 Regular Meeting	April 25, 2017 Regular Meeting
May 9, 2017 Regular Meeting	May 23, 2017 Regular Meeting
June 13, 2017 Regular Meeting	June 27, 2017 Regular Meeting
July 11, 2017 Regular Meeting	July 25, 2017 Regular Meeting
August 8, 2017 Regular Meeting	August 22, 2017 Regular Meeting
September 12, 2017 Regular Meeting	September 26, 2017 Regular Meeting
October 10, 2017 Regular Meeting	October 24, 2017 Regular Meeting
November 14, 2017 Regular Meeting	November 28, 2017 Regular Meeting
December 12, 2017 Regular Meeting	December 26, 2017 Regular Meeting

The public meetings shall take place at 815 Florida Avenue, NW, Washington, DC 20001.

For additional information, please visit www.dchfa.org to view the more detailed agenda two business days, or 48 hours, whichever is greater, prior to the meeting dates listed above. If you should have any questions, please call 202-777-1600.

IDEA PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Ruppert Landscape for Snow Removal Services**

IDEA Public Charter School intends to enter into a sole source contract with Ruppert Landscape for snow removal services. The total costs to Ruppert are not expected to be exceed \$30,000. The decision to sole source is due to the fact that we currently work with this vendor to provide landscaping services during school year. We would like to continue with Ruppert Landscaping for the duration of the school year with an option to renew annually.

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING**DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL****NOTICE OF PUBLIC MEETING**

The Members of the District of Columbia Financial Literacy Council (DCFLC) will hold a meeting 3:00 PM, Thursday, February 16, 2017. The meeting will be held at the DC Department of Insurance, Securities and Banking, 810 First St, NE, 7th Floor Conference Room, Washington, D.C. 20002. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Insurance, Securities, and Banking's website at <http://disb.dc.gov>. Please RSVP to Idriys J. Abdullah, idriys.abdullah@dc.gov, for additional information call (202) 442-7832 or e-mail idriys.abdullah@dc.gov

DRAFT AGENDA

- I.** Call to Order
- II.** Welcoming Remarks
- III.** Minutes of the Previous Meeting
- IV.** Unfinished Business
- V.** New Business
- VI.** Executive Session
- VII.** Adjournment

DISTRICT DEPARTMENT OF PARKS AND RECREATION

NOTICE OF FUNDING AVAILABILITY

A GRANT FOR
FORT DUPONT ICE ARENA PROGRAMMING
IN THE DISTRICT OF COLUMBIA

The District of Columbia District Department of Parks and Recreation (“DPR”) will be accepting applications from nonprofit organizations to provide programming for low-income children at Fort Dupont Ice Arena. This funding opportunity is in accordance with the “Fort Dupont Ice Arena Programming Temporary Amendment Act of 2016”.

Beginning Friday, January 6, 2017, the full text of the Request for Applications (“RFA”) will be available online at DPR’s web site. *Download*, by visiting DPR’s website, www.dpr.dc.gov.

The deadline to submit an application for funding, is Monday, February 6, 2017, at 4:30 p.m. A complete electronic copy must be e-mailed to laschelle.owens@dc.gov prior to the deadline for consideration.

Eligibility: A nonprofit 501(c)(3) organization in good standing, with a focus on programs involving ice skating. The grantee shall have demonstrated experience in providing programming to low-income children at the For Dupont Ice Arena and shall not charge a participation fee to low-income residents.

Period of Award: A one-time grant shall be awarded to a single grantor to cover FY17 (October 1, 2016 – September 31, 2017) programming.

Available Funding: This will be a one-time grant in the amount of \$235,000.00.

For additional information regarding this RFA, please contact DPR as instructed in the RFA document, or after reviewing the document, at www.dpr.dc.gov.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**2017 BOARD MEETING SCHEDULE (Corrected)**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, of PCSB’s intent to hold a public meeting at 6:30pm on the following dates:

Monday, January 23, 2017

Monday, February 27, 2017

Monday, March 20, 2017

Monday, April 24, 2017

Monday, May 15, 2017

Monday, June 19, 2017

Monday, July 17, 2017

Monday, August 21, 2017

Monday, September 18, 2017

Monday, October 16, 2017

Monday, November 20, 2017

Monday, December 18, 2017

For questions, please call 202-328-2660. An agenda for each meeting will be posted 48 hours in advance of the meetings on www.dcpsb.org. The location for all meetings is currently to be determined.

PUBLIC SERVICE COMMISSION**NOTICE OF PROPOSED TARIFF****FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF UNIVERSAL SERVICE STANDARDS AND A UNIVERSAL SERVICE TRUST FUND FOR THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code § 34-802 (2001), and D.C. Official Code § 34-2003 (2016 Supp.) hereby gives notice of its intent to act upon the Application of Verizon Washington, DC Inc. (“Verizon DC”)¹ in the above-captioned matter. Pursuant to D.C. Official Code § 2-505 (2001), the Commission will act upon the Application in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (“NOPT”) in the *D.C. Register*.

2. On December 30, 2016, Verizon DC filed an application requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201
Section 1A, 10th Revised Page 3**

3. Verizon DC identifies the proposed tariff amendment as an update to its District of Columbia Universal Service Trust Fund (“DC USTF”) surcharge, which is required by Chapter 28 of the Commission’s Rules of Practice and Procedure. The surcharge is being updated to true up the 2015-2016 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2017 assessment. Verizon DC provides confidential calculations in its Attachment 1. Verizon DC notes that its calculations in Attachment 1 are based on an implementation date of April 1, 2017. Any differential will true-up in the next DC USTF surcharge filing pursuant to 15 DCMR § 2815.4.²

4. With the approval of this Application, the monthly per line surcharge will be \$0.07 per non-Centrex line and \$0.01 per Centrex line. Verizon DC represents that this Application increases the surcharge \$0.07 for non-Centrex lines and \$0.01 for Centrex lines. Verizon DC requests approval of this tariff by mid-March, so that this tariff would become effective April 1, 2017.³

5. The complete text of this Application is on file with the Commission. The proposed tariff revision is on file with the Commission and may be reviewed at the Office of the

¹ *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, District of Columbia Universal Service Trust Fund Surcharge Compliance Filing for 2015 (“Verizon DC Application”), filed December 30, 2016.

² Verizon DC Application at 2.

³ Verizon DC Application at 2.

Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, NW, Suite 800, Washington, DC 20005 between the hours of 9:00 am and 5:30 pm, Monday through Friday. Copies of Verizon DC's Application may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on the "Search database" and input "FC 988" as the case number and "1150" as the item number. Copies of the Verizon DC Application may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or psc-commissionsecretary@dc.gov.

6. All persons interested in commenting on Verizon DC's Application may submit written comments and reply comments not later than 30 and 45 days, respectively, after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. After the comment period has expired, the Commission will take final action on Verizon DC's Application.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

**AMENDED NOTICE OF INTENT TO HOST SMART LIGHTING PROJECT
INDUSTRY FORUM – JANUARY 24-25, 2017**

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), in coordination with the District Department of Transportation (“DDOT”) and the Office of the Chief Technology Officer (“OCTO”), hereby gives notice of its intent to host an Industry Forum (“Forum”) regarding the Smart Lighting Project (“Project”) on **January 24-25, 2017 at One Judiciary Square, 441 4th Street NW, Washington, DC 20001**. The Project will modernize the District’s more than 70,000 streetlights by converting them to LED technology, installing a remote monitoring system, and deploying Smart City technology to expand broadband coverage and install sensors to better serve residents. The Forum will be an opportunity for potential bidders of all sizes and types to learn about the goals and process of an upcoming procurement for this Project and share their feedback.

Interested parties should visit <http://op3.dc.gov/streetlights> for more information and to register to attend the Forum. **A Request for Information has been posted on this site to provide more information about the scope of the Project, format of the event, and information being sought by the District, which can be viewed at <http://op3.dc.gov/streetlights/RFI>.**

For additional information, please contact Judah Gluckman, Deputy Director and Counsel of DC OP3, at StreetlightP3@dc.gov or (202) 724-2128.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETINGS

Regular Meetings of the Board of Trustees - 2017

Wednesday, February 22, 2017 – 5:00 p.m.

Wednesday, April 19, 2017 – 5:00 p.m.

Tuesday, June 6, 2017 – 5:00 p.m.

Tuesday, September 19, 2017 – 5:00 p.m.

Tuesday, November 14, 2017 – 5:00 p.m.

All meetings will be held in the Board Room, Third Floor, Building 39 at the University of the District of Columbia, Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Information regarding the meetings, including the final agenda, will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2017 MEETING SCHEDULE

Audit Committee

The regular quarterly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Audit Committee Meetings are held in open session on the fourth Thursday. The following are dates and times for the regular quarterly meetings to be held in 2017. All meetings are held in the Board Room (4th floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website (www.dcwater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 26, 2017	9:30 a.m.
Thursday, April 27, 2017	9:30 a.m.
Thursday, July 27, 2017	9:30 a.m.
(Board recess in August)	
Thursday, October 26, 2017	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, January 26, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|------------------|
| 1. | Call to Order | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2017 MEETING SCHEDULE

Environmental Quality and Sewerage Services

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Environmental Quality and Sewerage Services Committee Meetings are held in open session on the third Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2017. All meetings are held in the Board Room (4th floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website (www.dewater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 19, 2017	9:30 a.m.
Thursday, February 16, 2017	9:30 a.m.
Thursday, March 16, 2017	9:30 a.m.
Thursday, April 20, 2017	9:30 a.m.
Thursday, May 18, 2017	9:30 a.m.
Thursday, June 15, 2017	9:30 a.m.
Thursday, July 20, 2017	9:30 a.m.
(Board recess in August)	
Thursday, September 21, 2017	9:30 a.m.
Thursday, October 19, 2017	9:30 a.m.
Thursday, November 16, 2017	9:30 a.m.
Thursday, December 21, 2017	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, January 19, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|-------------------------------|--|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Assistant General Manager,
Plant Operations |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Chief Engineer |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items | Chief Engineer |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Emerging Items/Other Business | |
| 7. | Executive Session | |
| 8. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2017 MEETING SCHEDULE

Finance and Budget Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Finance and Budget Committee Meetings are held in open session on the fourth Thursday of each month, or as indicated below. The following are dates and times for the regular monthly meetings to be held in 2017. All meetings are held in the Board Room (4th floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website (www.dewater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, February 23, 2017	11:00 a.m.
Thursday, March 23, 2017	11:00 a.m.
Thursday, April 27, 2017	11:00 a.m.
Thursday, May 25, 2017	11:00 a.m.
Thursday, June 22, 2017	11:00 a.m.
Thursday, July 27, 2017	11:00 a.m.
(Board recess in August)	
Thursday, September 28, 2017	11:00 a.m.
Thursday, October 26, 2017	11:00 a.m.
Tuesday, November 14, 2017	11:00 a.m.
Tuesday, December 19, 2017	11:00 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, January 26, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---------------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | December 2016 Financial Report | Director of Finance & Budget |
| 3. | Agenda for February Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2017 MEETING SCHEDULE

DC Retail Water and Sewer Rates Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Retail Water and Sewer Rates Committee Meetings are held in open session on the fourth Tuesday of each month, or as indicated below. The following are dates and times for the regular monthly meetings to be held in 2017. All meetings are held in the Board Room (4th floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Tuesday, February 21, 2016	9:30 a.m.
Tuesday, March 28, 2017	9:30 a.m.
Tuesday, April 25, 2017	9:30 a.m.
Tuesday, June 27, 2017	9:30 a.m.
Tuesday, July 25, 2017	9:30 a.m.
(Board recess in August)	
Tuesday, September 26, 2017	9:30 a.m.
Tuesday, October 24, 2017	9:30 a.m.
Tuesday, November 14, 2017	9:30 a.m.
Tuesday, December 19, 2017	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2017 MEETING SCHEDULE

Water Quality and Water Services Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Water Quality and Water Services Committee Meetings are held in open session on the third Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2017. All meetings are held in the Board Room (4th floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website (www.dcwater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 19, 2017	11:00 a.m.
Thursday, February 16, 2017	11:00 a.m.
Thursday, March 16, 2017	11:00 a.m.
Thursday, April 20, 2017	11:00 a.m.
Thursday, May 18, 2017	11:00 a.m.
Thursday, June 15, 2017	11:00 a.m.
Thursday, July 20, 2017	11:00 a.m.
(Board recess in August)	
Thursday, September 21, 2017	11:00 a.m.
Thursday, October 19, 2017	11:00 a.m.
Thursday, November 16, 2017	11:00 a.m.
Thursday, December 21, 2017	11:00 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, January 19, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. Water Quality Monitoring | Assistant General Manager, Consumer Ser. |
| 3. Action Items | Assistant General Manager, Consumer Ser. |
| 4. Emerging Issues/Other Business | Assistant General Manager, Consumer Ser |
| 5. Executive Session | |
| 6. Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19388 of Hope and a Home, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF-use requirements of Subtitle U § 320, to operate a community service center in the cellar of an existing flat in the RF-1 Zone at premises 1236 Columbia Road N.W. (Square 2853, Lot 51).

HEARING DATE: December 21, 2016

DECISION DATE: December 21, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 9.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 13, 2016, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 27.) ANC 1A Vice Chairperson Dotti Love Wade, in whose Single Member District ("SMD"), ANC 1A11, the Applicant's property is located, testified in support of the application.

The Office of Planning ("OP") submitted a timely report, dated December 9, 2016 (Exhibit 31), and testified at the hearing in support of the application. The District Department of Transportation ("DDOT") submitted a timely report, dated December 7, 2016, expressing no objection to the approval of the application. (Exhibit 30.)

Four nearby residents testified in opposition to the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the RF-use requirements of Subtitle U § 320, to operate a community service center in the cellar of an existing flat in the RF-1 Zone. No parties appeared

at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 320, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 4.**

VOTE: **4-0-1** (Frederick L. Hill, Anthony J. Hood, Anita Butani D'Souza, and Carlton E. Hart, to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 30, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION

BZA APPLICATION NO. 19388

PAGE NO. 2

FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19397 of KHP IV DC, LLC, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the RA-accessory use requirements of Subtitle U § 410.1(d), to permit the conversion of an existing ground-floor office area into a café and add new signage to an existing hotel in the RA-10 Zone at premises 1515 Rhode Island Avenue, N.W. (Square 195, Lot 149).

HEARING DATE: December 21, 2016

DECISION DATE: December 21, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 14, 2016, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 44.)

The Office of Planning ("OP") submitted a timely report dated December 9, 2016, recommending approval of the application. (Exhibit 41.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 38.)

An email from a neighbor in support of the application was submitted into the record. (Exhibit 39.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for an area variance from the RA-accessory use requirements of Subtitle U § 410.1(d), to permit the conversion of an existing ground-floor office area into a café and add new signage to an existing hotel in the RA-10 Zone. The only parties to the case were the ANC and the

Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR Subtitle U § 410.1(d), the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 34A – PLANS.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Anita Butani D’Souza, and Anthony J. Hood to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 29, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING

BZA APPLICATION NO. 19397

PAGE NO. 2

THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 08-06H
Z.C. Case No. 08-06H
(Text Amendment – 11 DCMR)
Technical Corrections to Z.C. Order No. 08-06A
November 12, 2016**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03H**

Z.C. Case No. 11-03H

Wharf District Master Developer, LLC

(Minor Modification to Second-Stage PUDs @ Southwest Waterfront, Parcels 2 & 4)

October 17, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on October 17, 2016. At the meeting, the Commission considered an application from Wharf District Master Developer, LLC, an affiliate of Hoffman-Struever Waterfront, LLC ("Applicant") for a modification to an approved second-stage planned unit development ("PUD") for Parcel 4 of the Southwest Waterfront redevelopment project ("Application"). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that the Application was properly before it under the provisions of 11-C DCMR § 1504.3 and 11-Z DCMR § 703 of the 2016 Zoning Regulations of the District of Columbia ("ZR16").

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 11-03, dated October 17, 2011, effective December 16, 2011, the Commission approved the first-stage PUD and related map amendment for the Southwest Waterfront redevelopment project ("Stage 1 PUD").
2. The Southwest Waterfront redevelopment project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC, which entered into a land disposition agreement for redevelopment of the Southwest Waterfront.
3. The Southwest Waterfront redevelopment project site is generally bounded by the Maine Avenue Municipal Fish Market and Francis Case Memorial Bridge (part of the 14th Street bridge complex) to the northwest, Maine Avenue to the northeast, the Washington Channel to the southwest, and N and 6th Streets, S.W. on the southeast.
4. Pursuant to the Stage 1 PUD approval, the Commission approved the development parameters for the Southwest Waterfront redevelopment project. Overall, the Commission approved a maximum landside density of 3.87 floor area ratio ("FAR"), excluding private rights-of-way, or a combined gross floor area ("GFA") of approximately 3,165,000 square feet. Waterside uses were approved for a maximum potential density of 0.68 FAR, or approximately 114,000 square feet of GFA. (See Z.C. Order No. 11-03, Condition Nos. A.1 and A.2 at p. 33.)
5. Pursuant to Z.C. Order No. 11-03A(3), dated January 14, 2013, effective February 15, 2013 ("Parcel 4 Order"), the Commission approved a second-stage PUD for Parcel 4, Capital Yacht Club, Capital Yacht Club Piazza, Piazza Mews, Jazz Alley, and 7th Street Park, and adjacent spaces ("Parcel 4 PUD").
6. According to the Parcel 4 Order, Parcel 4 will be developed with a 12-story, mixed-use building containing residential and retail uses ("Parcel 4 Building"). The Parcel 4

Building will have a maximum height of 130 feet, not including the penthouse, and parking will be provided in the below-grade, shared-use garage located below Parcels 1-5. The ground level and second floor will include retail uses, and the remainder of the structure will be devoted to residential uses, including affordable and workforce rental housing. As initially approved by the Commission, the Parcel 4 Building contained penthouse mechanical space and approximately 1,845 GFA of penthouse habitable space that was devoted to providing access to private rooftop terraces belonging to dwelling units on the floor below.

7. As part of its approval of the Parcel 4 Building, the Commission granted flexibility from the penthouse setback, parking, and loading requirements. In addition, the Commission granted flexibility to vary the number of residential units shown on the approved plans by plus or minus 10%, and granted other areas of flexibility typical of a PUD that pertain to, among others, the interior and exterior design of the Parcel 4 Building, the landscape plan, design of retail frontages, and building signage. (See Z.C. Order No. 11-03A(3), Condition A.9 at p. 22.)
8. By letter dated July 20, 2016 (Exhibit ["Ex."] 1), the Applicant requested minor modifications to the Parcel 4 Building to increase the amount of penthouse habitable space within the previously approved Parcel 4 Building penthouse, and to make related minor modifications to the Parcel 4 Building penthouse façades to accommodate the increased penthouse habitable space. The architectural drawings showing the proposed minor modifications are included in the case record ("Minor Modification Plans"). (Ex. 2B.)
9. As required under 11-C DCMR 1504.4(c), the Applicant provided verification that Advisory Neighborhood Commission ("ANC") 6D was notified of the Application by providing the ANC with a copy of the Application, and by providing an information presentation at the ANC's meeting held on March 14, 2016.
10. Pursuant to 11-Z DCMR § 703.13, the Applicant informed the Gangplank Slipholders Association ("GPSA") and the Capital Yacht Club ("CYC"), both of which were parties in support of the Parcel 4 PUD, of the requested modification by serving the GPSA and the CYC with a copy of the Application. The GPSA and the CYC did not submit any comments to the Commission.
11. The Applicant proposes to modify the design and use of the Parcel 4 Building penthouse by adding approximately 4,085 GFA of penthouse habitable space, for a total of approximately 5,930 GFA. The expanded penthouse habitable space will continue to be devoted to the dwelling units located on the floor below, but will now include habitable rooms in addition to providing access to the private rooftop terraces.
12. To accommodate the additional penthouse habitable space, the Applicant is proposing minor modifications to the overall penthouse footprint. Despite the minor changes to the penthouse footprint, the penthouse will continue to meet the one-to-one setback

requirement in all areas where the setback requirement was satisfied in the plans approved under the Parcel 4 PUD. In addition, the extent of setback flexibility previously granted by the Commission along the south and west façades will not be increased, and no new areas of setback flexibility are required.

13. The Applicant is also proposing minor refinements to the design of the south, east, and west façades of the Parcel 4 Building penthouse, which include changes to the extent and location of the glass storefront façade system to increase natural light. As shown in the Minor Modification Plans, the materials proposed for the revised penthouse façades are consistent with the materials approved under the Parcel 4 PUD. No design changes are proposed to the north penthouse façade facing Maine Avenue, S.W.
14. As shown in the Minor Modification Plans, the Applicant is also proposing to modify the configuration of the private rooftop terraces to provide fewer terraces that are larger in size. The private rooftop terraces will consist of typical roof pavers, and will not contain any permanent rooftop elements such as a trellis or similar type of shade structure.
15. ANC Single Member District (“SMD”) Commissioner Andy Litsky, SMD 6D04, submitted a letter dated April 14, 2016, noting, in relevant part, that on March 14, 2016, the Applicant provided an information presentation to the ANC on its proposed plans to add penthouse habitable space to the previously approved building located on Parcel 4. (Ex. 5.) Commissioner Litsky further noted that the height of the Parcel 4 penthouse structure remains the same as previously approved by the Commission, and the penthouse footprint is either the same as previously approved, or where it may have changed slightly, still maintains the required one-to-one setback. The full ANC did not submit a formal written recommendation to the Commission.
16. The Office of Planning (“OP”) submitted a report dated September 2, 2016, in support of the Application. (Ex. 6.) In its report, OP stated that the Application consists of only minor changes to the original appearance of the Parcel 4 Building. However, OP noted that other changes made to the Parcel 4 Building since the Parcel 4 PUD approval appeared to require additional flexibility from the Commission, and further modification of the Parcel 4 PUD. Specifically, OP noted that the current permitted number of dwelling units in the Parcel 4 Building was outside the overall range of dwelling units approved under the Parcel 4 Order. OP also noted that the current permitted number and distribution of affordable dwelling units (“ADUs”) in the Parcel 4 Building was changed from what is stated in the Parcel 4 Order. While OP did not object to the lower overall number of dwelling units, and stated that the proposed number and distribution of ADUs in the Parcel 4 Building was acceptable, OP nonetheless stated it could not recommend approval until the Applicant amended the Application to request further modification of the Parcel 4 PUD and additional flexibility from the Commission, as necessary.
17. On September 8, 2016, the Applicant amended the Application to include technical corrections to the Parcel 4 Order relating to the overall number of dwelling units, and the number and distribution of ADUs within the Parcel 4 Building to accurately reflect

changes made to these specific aspects of the building since the Parcel 4 PUD approval. (Ex. 7.) The changes made since the Parcel 4 PUD approval are a result of refinements made during further design development of the Parcel 4 Building to improve the interior layout and circulation of the building, improve building amenities, and to provide a greater number of larger-sized dwelling units in both the market-rate and affordable categories while maintaining the correct proportional balance between market-rate units and ADUs, as required by the Parcel 4 Order.

18. On September 12, 2016, the Commission held a public meeting to consider the Application. At the meeting, the Commission requested the Applicant to modify its request for technical corrections to the Parcel 4 Order to more explicitly state the actual number of overall dwelling units that will be in the Parcel 4 Building. In addition, based upon a recommendation made by OP at the meeting, the Commission requested the Applicant further amend the Application to include technical corrections to Z.C. Order No. 11-03A(1) (the "Parcel 2 Order") to reflect adjustments made to the number, distribution, and gross floor area of ADUs in the Parcel 2 Building. The Commission also requested the Applicant to submit a drawing that shows the areas where the Commission previously granted flexibility from the penthouse setback requirements in relation to the modified penthouse plan proposed as part of the Application, and an estimate of the affordable housing production trust fund ("HPTF") contribution for the proposed addition of penthouse habitable space.
19. In response to the requests made by the Commission at the September 12, 2016, public meeting, the Applicant further amended the Application to revise its request to make technical corrections to the Parcel 4 Order to more explicitly state the actual number of overall dwelling units in the Parcel 4 Building. (Ex. 8.) The Applicant also requested technical corrections to the Parcel 2 Order to reflect the current permitted number, distribution, and gross floor area of ADUs in the Parcel 2 Building. With respect to the Commission's request for an estimate of the HPTF contribution, the Applicant provided a response stating that the proposed addition of penthouse habitable space is not subject to the HPTF contribution requirement since the Parcel 4 Building is exempt from the inclusionary zoning ("IZ") regulations, as certified by the District of Columbia Department of Housing and Community Development ("DHCD") in its letter to the Zoning Administrator (Ex. 2C, 8A). Finally, the Applicant submitted the information requested by the Commission related to the previously granted penthouse setback flexibility. (Ex. 8B.)
20. On September 26, 2016, the Commission held a public meeting to consider the Application. At the meeting, the Commission requested the Applicant to submit additional detail on the current permitted distribution of affordable, workforce, and market-rate residential uses within the Parcel 2 and Parcel 4 Buildings compared to the initial second-stage PUD approval for Phase 1 of the Southwest Waterfront redevelopment project. The Commission also requested additional information regarding the relationship between the Parcel 4 Building's exemption from the IZ regulations and

the proposed penthouse habitable space. On October 3, 2016, the Applicant submitted the supplemental information requested by the Commission. (Ex. 9.)

21. On October 17, 2016, the Commission held a public meeting to consider the Application. At the meeting, based upon the supplemental information submitted by the Applicant, OP recommended approval of the Application. (Z.C. Transcript, 10/17/2016 at p. 14.) Following a discussion of the requested modification to the Parcel 4 PUD and requested technical corrections to the Parcel 4 Order and Parcel 2 Order, the Commission voted to approve the Application.
22. Based upon the information included in the Applicant's initial application for the subject modification to the Parcel 4 PUD, and the additional information submitted by the Applicant in response to Commission requests, the Commission finds that the requested modification to the Parcel 4 PUD, as depicted in the plans included as Ex 2B of the record, is minor, and further finds that approval of the modification is appropriate and not inconsistent with the plans approved for the Parcel 4 Building in Z.C. Order No. 11-03A(3).
23. The Commission also finds that the requested technical corrections to the Parcel 4 Order and Parcel 2 Order are minor, and further finds that the technical corrections are necessary to ensure that the Parcel 4 and Parcel 2 Orders accurately reflect the current permitted overall number of dwelling units, and the number and distribution of ADUs within the Parcel 4 and Parcel 2 Buildings.

CONCLUSIONS OF LAW

Upon consideration of the record in this Application, the Commission concludes that the requested modification is consistent with the intent of the Commission's approval of the Parcel 4 PUD (Z.C. Order No. 11-03A(3)), and is not inconsistent with the Comprehensive Plan. The Commission further concludes that the requested modification to the Parcel 4 PUD, and the requested technical corrections to the Parcel 4 Order and the Parcel 2 Order, do not change the material facts upon which the Commission based its original approval.

The Commission concludes that approving the requested modification to the Parcel 4 PUD, and the requested technical corrections to the Parcel 4 Order and Parcel 2 Order, is appropriate and not inconsistent with the intent of 11-X DCMR § 311.9 or 11-Z DCMR § 703. Moreover, the Commission finds that the Application meets the filing requirements of 11-C DCMR §§ 1504.3 and 1504.4, which permit penthouse habitable space to be added to a building approved by the Commission as a PUD prior to January 8, 2016.

The Commission concludes that its decision to approve the requested modification to the Parcel 4 PUD, and the requested technical corrections to the Parcel 4 Order and Parcel 2 Order, is in the best interest of the District of Columbia, and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

Finally, the Commission concludes that the requested modification does not affect the essential elements of the Parcel 4 PUD approval, including use, height, bulk, parking, or lot occupancy. In addition, collectively the requested modification to the Parcel 4 PUD and the requested technical corrections to the Parcel 4 Order and Parcel 2 Order are minor, such that consideration as a Consent Calendar item without public hearing is appropriate.

The Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP. OP recommended approval of the Application as a minor modification, and the Commission concurs in this recommendation.

The Commission is required under §13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The ANC did not submit a formal written recommendation to the Commission.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the Application for a modification to the Parcel 4 PUD, and technical corrections to the Parcel 4 Order and Parcel 2 Order, such that Condition Nos. A.1, A.3, A.9(a), and B.5 of Z.C. Order No. 11-03A(3), and Condition Nos. B.2 and B.3 of Z.C. Order No. 11-03A(1), are modified to read as follows with additional text shown in **bold** and underlined text and deleted text shown in ~~striketrough~~ text:

For the Parcel 4 Order (Z.C. Order No. 11-03A(3)):

- A.1. The Parcel 4 PUD shall be developed substantially in accordance with the Parcel 4 and related plans (Volume III) prepared by Perkins Eastman Architects, dated August 21, 2012, marked as Exhibit 205A in the record, **and as revised by the plans dated July 20, 2016, marked as Exhibit 2B of the record in Case No. 11-03H**; and as modified by the guidelines, conditions, and standards herein.
- A.3. Parcel 4 shall be developed with a residential building that includes retail and service uses on the first two floors, with an overall maximum height of 130 feet. **The residential portion of the building will consist of approximately 260 units with approximately 306,627 square feet of GFA. The nonresidential portion of the building will consist of approximately 68,160 square feet of retail and service GFA.** ~~The residential portion of the building will contain 287,654 square feet of GFA, and the retail uses will comprise 77,241 square feet of GFA.~~
- A.9. The Applicant shall have flexibility with the design of the PUD in the following areas:

- a. To provide a range in the number of residential units on Parcel 4 of plus or minus ~~10%~~ **5%** from the number depicted on the plans stated in Condition A.3 of this Order;

B.5. During the life of the project, the Parcel 4 will include the following types of **leased** units that will be distributed according to the approximate square footages and unit counts stated below:

30% AMI	10,642 5,823 sf GFA (48 8 units)
60% AMI	15,096 14,789 sf GFA (25 19 units)
100% AMI	10,792 10,905 sf GFA (17 14 units)
120% AMI	4,715 4,927 sf GFA (7 6 units)
Market	78,927 84,123 sf GFA (101 units)

For the Parcel 2 Order (Z.C. Order No. 11-03A(1)):

- B.2. During the operation of the project, the Applicant shall provide in the Parcel 2A residential building the following level of affordable, workforce, and market-rate units with the approximate square footages **and unit** counts shown:

Affordable (30% AMI)	21,546 21,888 SF of GFA (29 26 units)
Affordable (60% AMI)	26,800 23,397 SF of GFA (35 26 units)
Workforce (100% AMI)	12,150 10,332 SF of GFA (15 13 units)
Workforce (120% AMI)	7,776 13,138 SF of GFA (10 15 units)
Market	163,069 166,505 SF of GFA (192 188 units)

- B.3. During the operation of the project, the Applicant shall provide in the Parcel 2B residential building the following level of affordable, workforce, and market-rate units with the approximate square footages **and unit** counts shown:

Affordable (30% AMI)	16,317 21,067 SF of GFA (22 28 units)
Affordable (60% AMI)	13,163 17,259 SF of GFA (16 24 units)
Workforce (100% AMI)	11,565 13,724 SF of GFA (16 19 units)
Workforce (120% AMI)	5,942 1,835 SF of GFA (8 2 units)
Market	120,540 123,897 SF of GFA (146 160 units)

On October 17, 2016, upon the motion of Commissioner May, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, and Peter G. May to approve; Michael G. Turnbull to approve by absentee ballot; Third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of 11-Z DCMR § 604.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is on January 13, 2016.

District of Columbia REGISTER – January 13, 2017 – Vol. 64 - No. 2 000130 – 000418