

Vincent C. Gray
Councilmember Vincent C. Gray

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011 to require the retention of electronic recordings of meetings of the Board of Directors of the Not-For-Profit Hospital Corporation (“Board”) for a minimum of 5 years, to require the Board to take all efforts reasonably necessary to recover and preserve electronic recordings of its meetings as of April 1, 2013; and to inform the Council in writing of compliance efforts by April 1, 2018.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Preservation of Electronic Recordings of Meetings Emergency Amendment Act of 2018”.

Sec. 2. Section 5116 of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.05), is amended by adding new subsections (d-1) and (d-2) to read as follows:

“(d-1) Electronic recordings of meetings of the Board shall be preserved for a minimum of 5 years.”

“(d-2)(1) The Board shall immediately undertake all efforts reasonably necessary to recover and preserve electronic recordings of all meetings of the Board that have occurred as of April 1, 2013.

35 “(2) If the current provider of electronic recording services is incapable of
36 preserving electronic meeting recordings for 5 years, then the Board shall immediately utilize an
37 alternate means of making electronic recordings of Board meetings which allow these recordings
38 to be preserved for 5 years.

39 “(3) By April 1, 2018, the Chairperson of the Board shall provide a written update
40 to the Council of the District of Columbia and the Director of the District of Columbia Open
41 Government Office, regarding its progress in complying with paragraphs (1) and (2) of this
42 subsection.”

43 Sec. 3. Fiscal impact statement.

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

47 Sec. 4. Effective date.

48 This act shall take effect following approval by the Mayor (or in the event of veto by the
49 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
50 90 days, as provided for emergency acts of the Council of the District of Columbia in section
51 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
52 D.C. Official Code § 1-204.12(a)).



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Vincent Gray

FROM: Ellen A. Efros, General Counsel EAE

DATE: March 5, 2018

RE: Legal Sufficiency Determination for Bill 22-XXX,
the Preservation of Electronic Recordings of
Meetings Emergency Amendment Act of 2018

The measure is legally and technically sufficient for Council consideration.

The Preservation of Electronic Recordings of Meetings Emergency Amendment Act of 2018 would amend section 5116 of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.05), to require the retention of electronic recordings of meetings of the Board of Directors of the Not-For-Profit Hospital Corporation ("Board") for a minimum of 5 years. Additionally, the measure would require the Board to: (1) take all efforts reasonably necessary to recover and preserve electronic recordings of all of its meetings as of April 1, 2013; (2) immediately utilize an alternate means of making electronic recordings of Board meetings if the current provider of electronic recording services is incapable of preserving electronic meeting recordings for 5 years; and (3) submit a written update by April 1, 2018 to the Council and the Director of the District of Columbia Open Government Office regarding its efforts to comply with these requirements.

I am available if you have any questions.

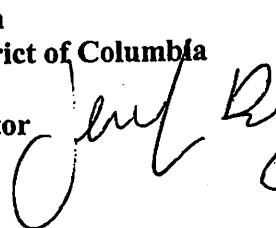
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: March 6, 2018

SHORT TITLE: "Preservation of Electronic Recordings of Meetings
Emergency/Temporary Amendment Act of 2017"

TYPE: Emergency/Temporary

REQUESTED BY: Councilmember Vincent Gray

Conclusion

Funds are sufficient to implement this proposed emergency/temporary legislation because it would have no impact on the District's 2018 budget or four-year financial plan.

Background

This emergency/temporary legislation would modify the "Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011." It would require that the Not-for-Profit Hospital Corporations Board of Directors ("the Board") begin efforts to recover electronic recordings of meetings held from April 1, 2013 through the present. It would require that the Board have in place the means to make electronic recordings of their meetings which can be preserved for five years. The legislation also compels the Board's Chairperson to provide a written update to the D.C. Council on its efforts to comply with this legislation by April 1, 2018.

Analysis of Impact on Spending

This legislation would not impact spending.

Analysis of Impact on Revenue

This legislation would not impact revenue.