

A RESOLUTION

23-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To authorize the Committee of the Whole to hold certain hearings and roundtables during the Council's summer 2019 recess and to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to authorize the University of the District of Columbia to submit grant budget modifications during the Council's summer 2019 recess; to authorize the Chairman to appoint O'Melveny & Myers to investigate the conduct of Councilmember Jack Evans; to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to abolish the Committee on Finance and Revenue, assign jurisdiction over certain agencies and matters to other Council committees, provide for an ad hoc committee to be established at the request of the Chairman, and permit an ad hoc committee to proceed in closed session; and to amend the Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019 to no longer provide for the membership of the Committee on Finance and Revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 23 Rules and Investigation Authority Amendment Resolution of 2019."

Sec. 2. Recess rules.

(a) The Committee of the Whole is authorized to hold a hearing or roundtable, including a joint hearing or roundtable, on a contract, reprogramming, budget modification, measure, or proposed action by the Mayor during the period from July 15 through September 15, 2019.

(b) The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(1) Section 306(b) is amended by adding a new paragraph (5) to read as follows:

"(5) A request for a budget modification from the University of the District of Columbia for Fiscal Year 2019 grant funds may be transmitted to the Secretary from July 15 through September 15, 2019."

(2) Section 711 is amended as follows:

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

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

“(b) Notwithstanding subsection (a) of this section, a request for a budget modification from the University of the District of Columbia for Fiscal Year 2019 grant funds may be submitted, and the time period for the request may be counted, from July 15 through September 15, 2019.”.

(c) This section shall expire on September 16, 2019.

Sec. 3. Authorization of investigation.

(a)(1) The Council authorizes the Chairman to appoint O’Melveny & Myers (the “Law Firm”) to investigate the conduct of Councilmember Jack Evans in accordance with the scope set forth in paragraph (2).

(2) The scope of the investigation authorized pursuant to paragraph (1) of this subsection shall be whether, from January 1, 2014 to the present, the official and outside activities of Councilmember Jack Evans relating to NSE Consulting LLC (including the establishment of that entity), any client of NSE Consulting LLC, or any other entity by which Councilmember Evans was employed or for which he consulted, violated the Code of Conduct as that term is defined in section 101(7) 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 § 1-1161.01(7)), or the Rules of Organization and Procedure for the Council of the District of Columbia (“Council Rules”), including those provisions of the Code of Conduct or the Council Rules that relate to conflicts of interest, outside activities, use of government resources, or use of confidential information.

(b) In furtherance of the investigation authorized by subsection (a) of this section, the Council authorizes the Law Firm to issue subpoenas on behalf of the Council to compel the attendance of witnesses, to obtain testimony, or to require the production of documents or other information or tangible items. Notwithstanding Council Rule 612, a report to the Secretary to the Council before issuing a subpoena as part of the investigation shall not be required.

(c) The Law Firm may take testimony of witnesses by oral, written, or videotaped depositions.

(d) Notwithstanding Council Rule 306, the Law Firm may conduct any investigative activities, including transmitting any report to the Council, during a period of Council recess.

(e) Upon completion of its investigation, the Law Firm shall file a report containing findings on the allegations investigated pursuant to subsection (a) of this section with the Secretary to the Council, along with all records obtained during the investigation that support the findings.

Sec. 4. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(a) Section 232 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the operation of business improvement districts (“BIDs”) and oversight of BIDs, but not including the establishment of BIDs” and inserting the phrase “the operation of business improvement districts (“BIDs”) and oversight of BIDs; the establishment of business improvement districts; matters relating to taxation and revenue for the operation of the government of the District of Columbia; industrial-revenue bonds” in its place.

(2) Subsection (b) is amended as follows:

(A) Add the following agencies to the list of agencies that come within the purview of the Committee on Business and Economic Development, to be inserted in alphabetical order within the existing list:

“Combat Sports Commission

“Destination DC

“District of Columbia Lottery and Charitable Games

“Multistate Tax commission

“Office of the Chief Financial Officer (not including the Office of Budget and Planning)”.

(B) Remove the following agencies from the list of agencies that come within the purview of the Committee on Business and Economic Development:

“Commission on Fashion Arts and Events

“District of Columbia Boxing and Wrestling Commission

“Office of Cable Television, Film, Music and Entertainment”.

(b) Section 234 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and matters regarding returning citizens” and inserting the phrase “matters regarding returning citizens; and the Washington Metropolitan Area Transit Authority” in its place.

(2) Subsection (b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Facilities and Procurement, to be inserted in alphabetical order within the existing list:

“Washington Metropolitan Area Transit Authority

“Washington Metrorail Safety Commission”.

(c) Section 235 is repealed.

(d) Section 236 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “and matters relating to the general operations and services of government” and inserting the phrase “matters relating to the general operations and services of government; general-obligation bond acts and revenue anticipation notes; and tourism and cultural affairs” in its place.

(2) Subsection (b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Government Operations, to be inserted in alphabetical order within the existing list:

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“Board of Review of Anti-Deficiency Violations

“Commission on Fashion Arts and Events

“Office of Cable Television, Film, Music and Entertainment”.

(e) Section 239(b) is amended by adding the following agencies to the list of agencies that come within the purview of the Committee on Housing and Neighborhood Revitalization, to be inserted in alphabetical order within the existing list:

“Real Property Tax Appeals Commission for the District of Columbia”.

(f) Section 651(b) is amended to read as follows:

“(b) An ad hoc committee shall be established:

“(1) If a Councilmember is censured by BEGA;

“(2) By request of any 5 members of the Council; or

“(3) By request of the Chairman.”.

(g) Section 653 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “members of the Council” and inserting the phrase “members of the Council or by the Chairman” in its place.

(2) Subsection (c) is amended by striking the phrase “in executive session in accordance with Rule 504” and inserting the phrase “in a closed session in accordance with Rules 371 through 376” in its place.

Sec. 5. Section 3(4) of the Council Period 23 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2019, effective January 2, 2019 (Res. 23-2; 66 DCR 398), is repealed.

Sec. 6. This resolution shall take effect immediately.