

A RESOLUTION

24-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2021

To provide rules of organization and procedure for the Council of the District of Columbia, a Code of Official Conduct for the Council of the District of Columbia, and a Sexual Harassment Policy for the Council of the District of Columbia during Council Period 24.

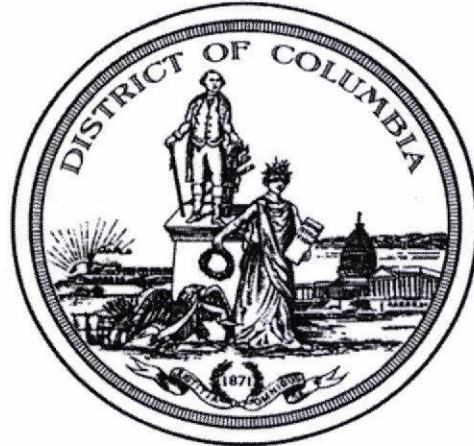
RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 24, Resolution of 2021”.

Sec. 2. The document entitled “Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 24,” 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 24,” 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. The document entitled “Sexual Harassment Policy” attached and made a part of this resolution shall be the Sexual Harassment Policy of the Council of the District of Columbia.

Sec. 5. This resolution shall take effect immediately.



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

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## COUNCIL PERIOD 24

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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, established by section 455 of the Charter (D.C. Official Code § 1-204.55).

(3) “BEGA” means the 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).

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

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

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

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

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

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

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

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

(12) “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.

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(13) "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.

(14) "Council website" means the website with the domain name of dccouncil.us, or other authorized domain name.

(15) "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)).

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

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

(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 may be incurred by the District as a result of the enactment of a measure in the current fiscal year and over the 4-year financial plan.

(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 General Counsel that shows that a measure has been reviewed by the Office of the General Counsel and determined to be legally sufficient.

(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, 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, or 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 the purposes of Rules 371 through 376, the formal convening of a committee or the Council, other than solely for the purpose of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

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

(28) "Official action" shall have 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) "Racial equity" shall have the same meaning as provided in section 101 of the Racial Equity Achieves Results (REACH) Amendment Act of 2020, enacted on December 7, 2020 (D.C. Act 23-503; 67 DCR 14390).

(31) "Racial Equity Impact Assessment" means a statement prepared by the Director of Racial Equity that includes an assessment of the potential impact on racial equity of enacting a bill or resolution.

(32) "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.

(33) "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 of each year, December 23rd through December 31st of each year, April 9th through April 16th, 2021, and April 8 through April 15th, 2022.

(34) "Register" means the *District of Columbia Register*.

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

(36) "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.*).

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

(38) "Resolution" shall have the same meaning as provided in section 412(a) of the Charter (D.C. Official Code § 1-204.12(a)).

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

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

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

(42) "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, 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 the Councilmember 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 AND COUNCIL POLICIES.

(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. In connection with the performance of official duties, Councilmembers and staff shall strive to act solely in the public interest and not for any direct and tangible personal gain and shall not 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.

(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 and employees, including those relating to conduct, conflicts of interest, gifts, disclosures, campaign finance, political activity, and freedom of information. Councilmembers and staff shall specifically adhere to the Code of Official Conduct of the Council of the District of Columbia.

(c)(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 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.

(d) Councilmembers and staff shall adhere to the Sexual Harassment Policy. A violation of the Sexual Harassment Policy shall constitute a violation of these rules.

(e) All Councilmembers and employees shall complete mandatory trainings as follows:

(1) Ethics training with the Office of the General Counsel within 2 months after beginning employment with the Council, and on an annual basis thereafter; and

(2) Equal employment opportunity training on an annual basis, which shall include training on sexual harassment and retaliation.

## **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.**

At the beginning of each Council Period or the next Legislative session after the position is vacated, the Chairman shall nominate one Councilmember as Chairman Pro Tempore who shall 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 if 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 shall not increase the quorum requirement for the committee or subcommittee.

**223. VACANCIES.**

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

**224. DISTRIBUTION OF RESPONSIBILITY.**

No individual Member may permanently 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, at its first meeting, not inconsistent with these Rules or other applicable law, to govern its procedures. The committee rules shall incorporate the following requirements:

## COUNCIL RULES, PERIOD XXIV

(1) The scheduling of regular meeting days for conducting business, which shall not conflict with the time of other committees' regular meetings;

(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 chairing 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;

(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 Director or other Committee staff, 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)(7), a comparative print, unless at least 4 members of the committee agree, in a written record, to a shorter notice; and

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

(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 and posted on the Council website.



**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 during that Council Period. 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, including amendments, additions, or supplements to the budget and any revised, supplemental, or deficiency 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 self-determination and statehood; matters affecting the Freedom of Information Act; 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; all matters related to public education, including matters exclusively concerning the University of the District of Columbia or the Community College of the District of Columbia; District employees' retirement; the development of the Comprehensive Plan and other matters pertaining to land use; revision and codification of Title 49 of the D.C. Official Code; 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. 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, or recommit the measure.

(c)(1) Except as provided in Rule 314, each measure reported by the committees of the Council identified in Rules 232 to 240 shall be referred to the Committee of the

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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 a legislative meeting.

(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 chairperson of the committee or by another member of the committee designated by the chairperson of the committee. In the absence of the chairperson of the committee and the designation of a member of the committee, the Chairman shall 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.

(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 for the Condemnation of Insanitary Buildings
- Board of Industrial Trades
- Board of Review of Anti-Deficiency Violations
- Board of Zoning Adjustment
- Commemorative Works Committee
- Commission and Office on Out of School Time Grants and Youth Outcomes
- Commission on the Arts and Humanities
- Common Lottery Board
- Community Schools Advisory Committee
- Construction Codes Coordinating Board
- Council of the District of Columbia
- Department of Consumer and Regulatory Affairs, or any successor agency
- District of Columbia Education Research Practice Partnership Review Panel

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District of Columbia Educational Opportunity for Military Children State Council  
District of Columbia Public Charter School Board  
District of Columbia Public Schools  
District of Columbia Retirement Board, including the District of Columbia Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund  
District of Columbia State Athletics Commission  
District Retiree Health Contribution  
Healthy Youth and Schools Commission  
Higher Education Licensure Commission  
Historic Preservation Review Board  
Interagency Coordinating Council  
Interstate Medical Licensure Compact Commission  
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 the District of Columbia Auditor  
Office of Planning  
Office of the Deputy Mayor for Education  
Office of the Ombudsman for Public Education  
Office of the State Superintendent of Education (including Advisory Panel on Special Education, Early Childhood Development Coordinating Council)  
Office of the Statehood Delegation  
Office of the Student Advocate  
Office of Zoning  
Other Post-Employment Benefits Fund Advisory Committee  
Pay-As-You-Go Capital  
Public Charter School Credit Enhancement Fund Committee  
State Board of Education  
Students in the Care of D.C. Coordinating Committee  
Tax Revision Commission  
Tobacco Settlement Financing Corporation  
University of the District of Columbia  
Washington Metropolitan Area Transit Authority  
Washington Metrorail Safety Commission  
Zoning Commission

(f)(1) The Subcommittee on Redistricting, as delegated by the Committee of the Whole, shall be responsible for developing a realignment and reapportionment of the District's political subdivisions based on the 2020 Census.

(2) Any entity created to develop a redistricting proposal shall come within the purview of the Subcommittee on Redistricting.

**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; joint jurisdiction with the Committee on Housing and Executive Administration for New Communities; the regulation of alcoholic beverages; public utilities; the establishment and oversight of business improvement districts (“BIDs”); matters relating to taxation and revenue for the operation of the government of the District of Columbia; industrial-revenue bonds; general-obligation bond acts and revenue anticipation notes; 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, Interior Design, and Landscape Architecture
- Board of Barber and Cosmetology
- Board of Consumer Claims Arbitration for the District of Columbia
- Board of Funeral Directors
- Board of Professional Engineering
- Captive Insurance Agency
- Combat Sports Commission
- Commission on Nightlife and Culture
- Commission to Commemorate and Recognize Charles Hamilton Houston and for His Contributions to the American Civil Rights Movement, Education, and the Legal Profession
- 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
- Destination DC
- For-Hire Vehicle Advisory Council
- Innovation and Technology Inclusion Council
- Kennedy Street NW Economic Development and Small Business Revitalization Advisory Committee
- Multistate Tax Commission
- Office of Lottery and Gaming

Office of Nightlife and Culture  
Office of the Chief Financial Officer (not including the Office of Budget and Planning)  
Office of the People's Counsel  
Public Service Commission  
St. Elizabeth's East Redevelopment Initiative Advisory Board  
Walter Reed Army Medical Center Site Reuse Advisory Committee  
Washington Convention and Sports Authority/Events DC

**233. COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES.**

(a) The Committee on Government Operations and Facilities is responsible for matters relating to the general operation and service of government, including procurement; maintenance of public buildings and property management, including the declaration of government property as no longer required for public purposes; human rights; partnerships and grants management; matters relating to lesbian, gay bisexual, transgender, and questioning affairs; issues related to women; veterans affairs; matters affecting administrative law and procedure; matters regarding Advisory Neighborhood Commissions; and matters regarding returning citizens.

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

Advisory Board on Veterans Affairs for the District of Columbia  
Advisory Committee on Street Harassment  
Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs  
Advisory Neighborhood Commissions  
Commission for Women  
Commission on Fashion Arts and Events  
Commission on Human Rights  
Commission on Re-Entry and Returning Citizen Affairs  
Contract Appeals Board  
Department of General Services  
Emancipation Commemoration Commission  
Interfaith Council  
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 Advisory Neighborhood Commissions  
Office of Community Affairs  
Office of Contracting and Procurement  
Office of Human Rights  
Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs

Office of Partnerships and Grants Services  
Office of Risk Management  
Office of the Chief Technology Officer  
Office of the Inspector General  
Office of Veterans Affairs  
Office on Religious Affairs  
Office on Returning Citizen Affairs  
Office on Women's Policy and Initiatives

**234. COMMITTEE ON HEALTH.**

(a) The Committee on Health is responsible for matters concerning health, including environmental health; and 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  
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  
District of Columbia Health Benefit Exchange Authority  
Health Information Exchange Policy Board  
Health Literacy Council  
Medicaid Reserve  
Mental Health Planning Council  
Metropolitan Washington Regional Ryan White Planning Council  
Not-For-Profit Hospital Corporation  
Office of the Deputy Mayor for Health and Human Services  
Statewide Health Coordinating Council

**235. COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION.**

(a) The Committee on Housing and Executive Administration is responsible for matters relating to the development, maintenance, preservation, and regulation of housing stock, including rental housing and public housing; neighborhood revitalization, development, improvement, and stabilization; joint jurisdiction for the purpose of oversight (not legislation) with the Committee on Business and Economic Development for New Communities; urban affairs; matters related to the Executive Office of the Mayor; and matters related to seniors.

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

Advisory Committee on Community Use of Public Space  
Age-Friendly DC Task Force  
Board of Real Estate Appraisers  
Condominium Association Advisory Council  
Commission on Aging  
Commission on the Martin Luther King, Jr. Holiday  
Department of Aging and Community Living  
Department of Housing and Community Development  
District of Columbia Housing Authority  
Executive Office of the Mayor  
Financial Literacy Council  
Housing and Community Development Reform Commission  
Housing Finance Agency  
Housing Production Trust Fund

Mayor's Office of Legal Counsel  
Office of the City Administrator  
Office of the Secretary of the District of Columbia  
Office of the Senior Advisor  
Office of the Tenant Advocate  
Office-to-Affordable-Housing Task Force  
Real Estate Commission  
Real Property Tax Appeals Commission for the District of Columbia  
Rental Housing Commission

**236. COMMITTEE ON HUMAN SERVICES**

(a) The Committee on Human Services is responsible for matters concerning welfare; social services; homelessness; housing voucher and Department of Human Services programs administered by the District of Columbia Housing Authority in coordination with the Department of Human Services that are targeted for the homeless (jointly for oversight purposes only with the Committee on Housing and Executive Administration); disability services; and government ethics.

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

Advisory Committee on Child Abuse and Neglect  
Board of Ethics and Government Accountability  
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  
Developmental Disabilities State Planning Council  
Interagency Council on Homelessness  
Office for the Deaf, Deafblind, and Hard of Hearing  
Office of Disability Rights  
Office of the Ombudsperson for Children  
State Rehabilitation Council  
Statewide Independent Living Council

**237. 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; matters affecting decedents' estates and fiduciary affairs; matters affecting criminal law and procedure; juvenile justice; elections; 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 Supervision 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  
 Clemency Board  
 Commission on Judicial Disabilities and Tenure  
 Comprehensive Homicide Elimination Strategy Task Force  
 Concealed Pistol Licensing Review Board  
 Corrections Information Council  
 Criminal Code Reform Commission  
 Criminal Justice Coordinating Council  
 Department of Corrections  
 Department of Forensic Sciences  
 Developmental Disabilities Fatality Review Committee  
 District of Columbia Board of Elections  
 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  
 Maternal Mortality Review Committee  
 Metropolitan Police Department  
 Motor Vehicle Theft Prevention Commission  
 Office of Campaign Finance  
 Office of Neighborhood Safety and Engagement  
 Office of Police Complaints  
 Office of the Attorney General for the District of Columbia  
 Office of the Chief Medical Examiner  
 Office of the Deputy Mayor for Public Safety and Justice  
 Office of Unified Communications  
 Office of Victim Services and Justice Grants  
 Police Complaints Board

Police Officers Standards and Training Board  
Science Advisory Board  
Uniform Law Commission  
Use of Force Review Board  
Violence Fatality Review Committee

**238. 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.

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

Adult Career Pathways Task Force  
Apprenticeship Council  
Department of Employment Services  
Department of Human Resources  
Employees' Compensation Fund  
Labor/Management Partnership Council  
Occupational Safety and Health Board  
Office of Employee Appeals  
Office of Labor Relations and Collective Bargaining  
Public Employee Relations Board  
Unemployment Compensation Fund  
Unemployment Insurance Trust Fund  
Universal Paid Leave Fund  
Workforce Investment Council  
Workforce Investment Fund  
Youth Apprenticeship Advisory Committee

**239. COMMITTEE ON RECREATION, LIBRARIES, AND YOUTH AFFAIRS.**

(a) The Committee on Recreation, Libraries, and Youth Affairs is responsible for public libraries; public parks and recreation; cable television and entertainment; matters relating to Caribbean, Latino, African, African American, and Asian and Pacific Islander affairs; and youth affairs (other than juvenile justice).

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

Advisory Commission on Caribbean Community Affairs  
Board of Library Trustees  
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  
Department of Parks and Recreation  
Department of Youth Rehabilitation Services  
District of Columbia Public Library System  
District of Columbia Public Library Trust Fund  
Juvenile Abscondence Review Committee  
Office of Cable Television, Film, Music and Entertainment  
Office of East of the River Services  
Office on African Affairs  
Office on African American Affairs  
Office on Asian and Pacific Islanders Affairs  
Office on Caribbean Affairs  
Office on Fathers, Men, and Boys  
Office on Latino Affairs  
Public Access Corporation  
Serve DC

**240. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.**

(a) The Committee on Transportation and the Environment is responsible for matters relating to environmental protection; highways, bridges, traffic, vehicles, and other transportation issues; maintenance of public spaces; recycling; waste management; and water supply and wastewater treatment.

(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 Motor Vehicles  
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  
Green Finance Authority  
Leadership Council for a Cleaner Anacostia River  
Major Crash Review Task Force  
Multimodal Accessibility Advisory Council  
Office of the Deputy Mayor for Operations and Infrastructure

Pedestrian Advisory Council  
Public Space Committee  
Recreational Trails Advisory Committee  
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

**241. SPECIAL COMMITTEE ON COVID-19 PANDEMIC RECOVERY.**

(a) The Special Committee on COVID-19 Pandemic Recovery is responsible for coordinating the legislative response and conducting oversight of matters related to the District's COVID-19 pandemic recovery initiatives; and making recommendations to the Council to support the District's recovery from the COVID-19 pandemic.

(b) The responsibilities of the Special Committee shall be to investigate and study, in coordination with other standing committees when feasible:

(1) Proposals to ensure that the recovery from and continued response to the adverse health, education, transportation, and economic impacts of the COVID-19 pandemic ensures equitable outcomes for populations disproportionately affected by the pandemic, including workers, families, small businesses, and direct service providers;

(2) How additional infrastructure investments can address inequities exposed by the COVID-19 pandemic, including equitable access to high-speed broadband internet access, high quality early childcare, reliable transit options, and a continuum of healthcare services;

(3) The implementation or effectiveness of any law applied, enacted, or under consideration to address the pandemic and prepare for future pandemics;

(4) Policy proposals to ensure the recovery of large systems that were closed or operating at diminished capacity for long periods during the COVID-19 pandemic, including the court system and public transportation;

(5) How federal pandemic recovery funds can be directed to address inequitable impacts of the COVID-19 pandemic; and

(6) Any other issues related to the COVID-19 pandemic recovery efforts.

(c) The special committee is authorized to hold hearings, including joint hearings with any other standing committee, on any matters related to its purpose as described in this section. Hearings shall be coordinated by the co-chairs of the special committee pursuant to these Rules.

(d) The special committee shall not mark-up any legislation.

(e) The special committee shall conclude its business and expire on January 1, 2022, or the date the special committee issues its final report, whichever occurs first.

**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 and those of the standing committee of which it is a subcommittee.

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

**251. SPECIAL COMMITTEES.**

The Council may, by resolution, establish a special committee to consider investigations, ethics, or other matters. The resolution shall set forth the jurisdiction, size, duration, subpoena authority pursuant to Rules 601(a) and 611, and date for final action of the special committee.

**252. 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.**

(a) 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. The Secretary shall only disburse funds for the direct operating expenses in the office of a Member or Officer.

(b) There is established a Council Office of Racial Equity under the Secretary to the Council, which shall be managed by a Director of Racial Equity. The Council Office of Racial Equity shall:

(1) Produce racial equity training materials and provide ongoing racial equity training for Councilmembers and staff;

(2) Issue Racial Equity Impact Assessments pursuant to Rule 311;

(3) Coordinate and collaborate with the Judicial and Executive branches, including the Office of Racial Equity within the Office of the City Administrator and the Racial Equity Advisory Board, on matters of advancing racial equity; and

(4) Accept public comment on any aspect of its duties or on matters related to racial equity before the Council.

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

(a) The General Counsel is responsible for providing legal advice as provided in subsection (b) of this section; providing representation for the Council in any pending legal action to which the Council is a party or in which the Chairman determines that the Council has a significant interest; initiating lawsuits on behalf of the Council upon authorization by resolution of the Council; providing legal representation for a Member or employee consistent with subsection (c) of this section for actions taken within the scope of the Member or employee's official duties and in which the Chairman determines that the Council has a significant interest; retaining and supervising outside counsel as appropriate to conduct investigations and provide legal advice or representation to the Council, its Members, or employees; apprising the Council of developments in the law relating to Council legislation; supervising the publication of the District of Columbia Official Code; preparing technical-amendment and enactment bills; providing legislative-drafting assistance to all Members and staff; engrossing and enrolling measures, including making necessary technical and conforming changes; ascertaining the legal sufficiency of legislation and preparing legal sufficiency determinations pursuant to Rule 310; identifying legislative concerns and providing Members with alternative policy options to solve those concerns; advising the Council on matters of parliamentary procedure; compiling and, from time to time, publishing the parliamentary precedents of the Council; and providing support to the Law Revision Commission. The General Counsel, following consultation with the Chairman, may make a request of the Office of the Attorney General for legal representation for a Member or employee for actions taken within the scope of the Member or employee's official duties or for matters in which the Council has a significant interest.

(b) The General Counsel and the attorneys within the Office of the General Counsel ("OGC") shall, as a general matter, maintain confidentiality with respect to their discussions with Members and Council employees regarding legislation, legal advice on issues related to Council business, and ethics guidance. However, an

attorney-client relationship exists only between the General Counsel/OGC and the Council as a body, and not between the General Counsel/OGC and any individual Member or Council employee. Accordingly, the Council, by resolution, may direct the General Counsel to reveal otherwise confidentially held discussions or information, including ethics advice, shared between the General Counsel or any OGC attorney and any individual Member or Council employee, if the Council finds that the discussions or information are integral to an investigation of or allegation against a Councilmember or Council employee.

(c) The General Counsel shall not represent a Member or Council employee whenever the alleged conduct with regard to which the Member or employee desires representation does not reasonably appear to have been performed within the scope of his or her official duties, such as conduct that is the subject of criminal proceedings or proceedings before the Board of Ethics and Accountability or the Office of the Inspector General.

(d) The General Counsel shall serve as Ethics Counselor for the Council.

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

The Budget Director is responsible for advising Councilmembers on budget-related matters; coordinating the development of the annual budget and financial plans, and related legislation, including any proposed revised, supplemental, or deficiency budget; certifying committee budget reports pursuant to Rule 703(b)(2); and issuing fiscal impact statements pursuant to Rule 309. The Budget Director also is responsible for issuing policy and economic impact analyses pursuant to Rule 308 and conducting research on matters of interest to the Council. The Budget Director serves as a resource for all Councilmembers and committees.

### **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 titles 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.

(d) In the case of a vacancy in the Office of a Councilmember who chairs a committee, the committee staff may be transferred to the supervision of the Chairman.

**273. COUNCILMEMBERS' PERSONAL STAFF.**

(a) Each Councilmember may assign, remove, and determine the remuneration for the Councilmember's personal staff, subject to appropriations and positions allocated by the Council.

(b) In the case of a vacancy in the Office of a Councilmember, the employees of the Councilmember's personal office may be transferred to the supervision of the Chairman.

**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 authorize severance pay as provided 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 the nomination. Unless the General Counsel advises against doing so to maintain the separation of powers under the District Charter, a Council appointee shall report to the Council on a periodic basis and 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 or designate an individual to a board or commission, the Councilmember shall make the appointment or designation 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; provided, that such personal information is not required in the resolution;

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

(6) The term of the appointment or designation.

### **277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.**

Each member of a District board or commission who is appointed under Rule 275 or 276, if not already a resident of the District, shall become one 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;

(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)(1) A Councilmember shall also file an electronic copy in Word format of the following documents with the Secretary by uploading to the Council’s intranet in a file under the name of the Councilmember:

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

(B) A committee print and report;

(C) Amendments; and

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

(2) The text of any committee report uploaded to the Council’s intranet in pdf format must be made text-readable prior to its upload.

(c) When an electronic copy is required under subsection (b) of this section, the document shall not be considered as filed pursuant to subsections (a) and (b) of this section until the electronic copy is filed. No measure may be noticed for a hearing or

roundtable or added to the agenda of the Committee of the Whole unless an electronic copy, in Word format, of the measure has been uploaded to the Council's intranet.

(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, an electronic 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) Any document that is required to be circulated by a rule or law shall be distributed electronically to all Members and staff and posted on the Council's website.

(c) A Councilmember may elect to receive a hard copy of any document that is required to be circulated by the Secretary or 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 and Code of Official Conduct, 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 or an election year. 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.

(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 in hard-copy 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 in hard-copy with the Secretary a written notice that a special legislative meeting shall 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, including on the Council website. 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 shall constitute a quorum for the lawful convening of a meeting and for the transaction of business, except as provided in Rule 502.

(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.

(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 recessed or adjourned.

### **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; provided, 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, and a committee may hold a public hearing and take official action on the proposed contract.

(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 the recess; except, that this paragraph 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.

### **307. COUNCIL REVIEW OF CONTRACTS.**

(a) There is a 4.00 p.m. filing deadline for all proposed contracts required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51). The Secretary shall ensure that a copy of the proposed contract or contract modification is designated as urgent and circulated electronically or otherwise to the office of each member of the Council, the General Counsel, and the Budget Director within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt by the Secretary.

(b) 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 legal holidays) following receipt by the Secretary of the proposed contract or contract modification.

(c) 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, 2021, and July 15, 2021, or between July 5, 2022, and July 15, 2022.

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

(e) 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.

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

### **308. POLICY AND ECONOMIC IMPACT ANALYSES.**

(a) The Budget Director may prepare a policy and economic impact analysis of a permanent bill.

(b) The purpose of a policy and economic impact analysis is to offer Councilmembers an independent, data and evidence-based resource for weighing the policy implications and economic costs and benefits of legislation. The analysis may include research on the District's existing legal framework, policy choices made by other jurisdictions, a review of the academic literature on the subject, consideration of demographic data, and the estimated costs or benefits to the District's economy.

(c) If the Budget Director prepares a policy and economic impact analysis for a permanent bill, it shall be circulated no later than noon on the business day before the legislative meeting at which the permanent bill is to be considered.

(d) A Councilmember may request that the Budget Director develop a policy and economic impact analysis outside of the legislative process.

(e) 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.

### **309. FISCAL IMPACT STATEMENTS.**

(a)(1) Except as provided in paragraph (2) of this subsection, a fiscal impact statement is required for each measure, as provided in subsections (b) and (c) of this section.

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

(b)(1) Pursuant to subsection (a) of this section, a fiscal impact statement issued by the Chief Financial Officer is required at the time of consideration of a bill or resolution being marked up by a committee, except as provided in subsection (c)(6) of this section.

(2) A committee shall not mark up a bill or resolution unless a fiscal impact statement has been circulated to all Councilmembers before the measure is considered at markup.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, a fiscal impact statement shall not be required at the Committee of the Whole markup of the Local Budget Act or the Budget Support Act; except, that the Chief Financial Officer shall issue a fiscal impact statement for the Local Budget Act, Federal Portion Budget Request Act, and Budget Support Act by second reading of those measures.

(c) A fiscal impact statement provided by the Budget Director or the Chief Financial Officer is required at the time of consideration of:

(1) A proposed amendment to a resolution or a bill being marked up by a committee;

(2) A proposed amendment to a resolution or a bill that is moved at first, second, or any subsequent reading of the Council;

(3) An emergency resolution or bill;

(4) A temporary bill;

(5) A revenue bond resolution; and

(6) If a bill or resolution has been sequentially referred pursuant to Rule 404(c), a bill or resolution being marked up by the first committee in a sequential referral.

(d) A Councilmember requesting a fiscal impact statement from the Budget Director shall endeavor to make the request:

(1) For a measure listed in subsection (c)(1) through (5) of this section, at least 48 hours prior to the time of consideration, unless the request is for an amendment to a measure that was circulated less than 48 hours before a scheduled vote; and

(2) For a measure listed in subsection (c)(6) of this section, at least 10 days before the markup. Notwithstanding the term "endeavor", the Councilmember shall notify the Budget Director at least 10 days before a markup of the intent to mark up the measure and shall provide a draft of the measure.

### **310. LEGAL SUFFICIENCY DETERMINATIONS.**

(a) Except as provided in subsection (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) A resolution retained by the Council;

(3) An emergency resolution or bill;

(4) A temporary bill; and

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

(b) A Councilmember requesting a legal sufficiency determination from the General Counsel pursuant to subsection (a) of this section shall endeavor to make the request:

(1) For a measure listed in subsection (a)(1) of this section, at least 10 days before the markup. Notwithstanding the term "endeavor", the Councilmember shall notify the General Counsel at least 10 days before a markup of the intent to mark up the measure and shall provide a draft of the measure.

(2) For a measure listed in subsection (a)(2) through (5) of this section, at least 48 hours prior to the time of consideration, unless the request is for an



amendment to a measure that was circulated less than 48 hours before a scheduled vote.

(c) A legal sufficiency determination is not required for:

(1) An emergency declaration resolution;

(2) A ceremonial resolution;

(3) A sense of the Council resolution;

(4) A resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or otherwise pertaining to the internal operation or organization of the Council;

(5) A resolution listed in this subsection that is moved on an emergency basis;

(6) An amendment to a resolution listed in this subsection; or

(7) An amendment to a budget measure that contains only adjustments to a dollar amount or other budget numbers.

### **311. RACIAL EQUITY IMPACT ASSESSMENTS.**

(a) Beginning on the day the framework for the Racial Equity Impact Assessment is published pursuant to subsection (f) of this section, except as provided in subsection (b) of this Rule, a Racial Equity Impact Assessment is required at the time of consideration of a resolution or bill being marked up by a committee.

(b) This rule shall not apply to:

(1) Symbolic public space designations;

(2) Street or Alley closures, or highway plan amendments;

(3) Confirmation or appointment resolutions;

(4) Sense of the Council resolutions;

(5) General-obligation bond acts and revenue anticipation notes acts;

(6) Revenue bond resolutions;

(7) Interstate compacts;

(8) Transfers of jurisdiction;

(9) Resolutions approving or disapproving proposed rules;

(10) The Local Budget Act, the Budget Support Act, or the Federal Portion Budget Request Act; or

(11) Enactment legislation or technical-amendment legislation.

(c)(1) Each Racial Equity Impact Assessment shall include a statement of the bases for the estimated impact and shall describe the sources, assumptions, and methodologies used in arriving at the assessment.

(2) Where a Racial Equity Impact Assessment identifies a negative impact on racial equity, the Council Office of Racial Equity may recommend policy proposals to mitigate such negative impact.

(3) The findings of a Racial Equity Impact Assessment shall not be binding and shall not prevent the Council or committee from considering the resolution or bill.

(d) A Councilmember requesting a Racial Equity Impact Assessment from the Director of Racial Equity shall endeavor to make the request at least 10 days before the markup. Notwithstanding the term “endeavor”, the Councilmember shall notify the Director of Racial Equity at least 10 days before a markup of the intent to mark up the measure and shall provide a draft of the measure.

(e) The Council Office of Racial Equity may, at the request of a committee chair, conduct a Racial Equity Impact Assessment on any matter under the requesting committee’s jurisdiction; provided, that such assessment does not inhibit the issuance of Racial Equity Impact Assessments under subsection (a) of this Rule.

(f) The framework for the Racial Equity Impact Assessment shall be developed by the Director of Racial Equity, or the Director’s designee, in close consultation with individuals and organizations with expertise in racial equity analysis, and published on the Council website.

### **312. PRESENTATION OF LEGISLATION TO THE COUNCIL.**

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

### **313. PRESENTATION OF CEREMONIAL RESOLUTIONS.**

(a)(1) A ceremonial resolution that has been adopted by the Council at a previous legislative meeting may be presented from the well of the Chamber during a legislative meeting by the Councilmember who introduced the resolution or by 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, a Councilmember may present for no more than 30 minutes cumulatively, and not more than 8 ceremonial resolutions, except that a Councilmember may yield the Councilmember's right to present a ceremonial resolution under this section to another Councilmember.

(c) No recipient of a ceremonial resolution may present a display or performance during the presentation of the ceremonial resolution.

(d) No more than one recipient for each ceremonial resolution shall be permitted to speak during the presentation of the ceremonial resolution.

### **314. EXPEDITED OPTIONAL PROCEDURE FOR REVENUE BONDS AND REVIEW RESOLUTIONS.**

(a) This section shall apply to:

(1) Revenue bonds resolutions; and

(2) Resolutions regarding agency rules, confirmations, and other actions

that:

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

(B) 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.

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

**315. 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 adopted ceremonial resolutions;
- (5) Secretary's report on the filing of reports by committees, unless the formal reading of the report is waived by the Council;
- (6) Secretary's report on the introduction of new measures filed with that office, unless the formal reading of the report is waived;
- (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, except for contracts placed on the consent agenda;
- (12) Reading by short title and vote on temporary legislation;
- (13) Official communications received from the Mayor or an agency; and
- (14) Other business.

**316. 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.

### **317. 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.

(b) In debate, a Councilmember shall confine remarks to the pending question and avoid the 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 or on any virtual platform with the intent or effect of impeding or disrupting the orderly conduct of business.

(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, other than Council staff 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 or any area where a public hearing is being conducted. 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, emblems, badges, or other articles 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, potentially causing 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 proceeding or 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 Council staff, shall be allowed in the anterooms of the Chamber during the course of any hearing or other proceeding of the Council or any committee of the Council, except upon invitation of the Chairman or the chairperson 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 the Councilmember's time provided by this section to another Councilmember.

(d) The Chairman may, in the Chairman's 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. APPEAL.**

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

**335. 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.

**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 or the General Counsel 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.

**E. MOTIONS.**

**341. MOTIONS RECOGNIZED DURING DEBATE.**

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

- (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 certain time;
- (8) To recommit to committee;
- (9) To amend;
- (10) To postpone indefinitely;
- (11) To discharge; or
- (12) To take from the table.

**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 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 368.

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



(c)(1) A committee chairperson may, without a vote, recess a hearing or roundtable and reconvene the hearing or roundtable at a future time, day, or place.

(2) If a hearing or roundtable is recessed without specifying the future time, day, or place for the hearing or roundtable, the chairperson of that committee shall 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 signed or vetoed by the Mayor, or before it has been deemed approved by operation of section 404 of the Home Rule Act.

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

(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 shall 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 shall not be 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.**

(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 motion to lay on the table may be applied to main motions only.

(c) A committee chairperson may carry over a measure reported by that committee from Council consideration until the next regular legislative meeting (or additional meeting, with the Chairman's concurrence) in this Council Period. If a measure has been sequentially referred, the committee chairperson of the last-reporting committee may carry over a measure under this subsection.

**347. MOTION TO MOVE THE PREVIOUS QUESTION.**

(a) A Councilmember may limit debate by making 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.

(b) A Motion to move the previous questions is not debatable.

**348. MOTION TO CLOSE DEBATE.**

(a) A Councilmember also may limit debate by making a motion to close debate, which is not debatable.

(b) A motion to close debate 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.

**349. POSTPONE TO A CERTAIN TIME.**

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

(b) A motion to postpone to a certain time may be applied to main motions only.

**350. RECOMMIT.**

A Councilmember 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 404(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.

**351. AMEND.**

A Councilmember may move to amend a measure pursuant to Part F of this Article.

**352. POSTPONE INDEFINITELY.**

(a) 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 debate the merits of the underlying question.

(b) A motion to postpone indefinitely requires a vote of the majority of Councilmembers present and voting.

(c) 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 motion to postpone indefinitely may be applied to main motions only.

**353. 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 recommit the measure to another committee.

**354. 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 tabled during a previous legislative meeting.

(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.

(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.

**F. AMENDMENTS.**

**355. AMENDMENTS TO BE WRITTEN.**

(a) Councilmembers shall endeavor to file with the Secretary amendments to pending measures by 6:00 p.m. on the business day before the legislative meeting at which they are to be moved. The Secretary shall circulate links to the amendments shortly after 6:00 p.m.

(b)(1) If a Councilmember has not filed an amendment with the Secretary in accordance with subsection (a) of this section, the Councilmember shall circulate copies 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.

(c) Notwithstanding any other rule, if an oral amendment is made before a vote on a measure, such oral amendment shall be reduced to writing and read by the General Counsel, and made available for public inspection as soon as practicable.

(d) 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.

(e) As required by Rule 310, no amendment 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.

**356. GERMANE AMENDMENTS.**

(a) 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.

(b) 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.

(d) Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the main measure to be amended.

(e) A non-germane amendment to a permanent bill requires 2 readings and must be approved by 2/3rds of the Members present and voting.

**357. 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.

**358. 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 explain the rationale and the mover's reasoning for the amendment and 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.

(c) Notwithstanding subsection (a) of this section, if the Council is closed for a legal holiday on the day before a legislative meeting, the notice and accompanying amendment shall be filed and circulated no later than close of business on the business day before the legislative meeting.

## **G. 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 measure is approved or disapproved by voice vote, the Secretary shall record all Members present as voting on the prevailing side, unless there has been a request to be recorded as having voted "YES", "NO", or "PRESENT", or a Member has recused themselves 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 visible or in the Chamber when a vote is taken. Voting records are official records of the Council.

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

### **366. TAX ABATEMENT FINANCIAL ANALYSIS (TAFA)**

Where a TAFA issued by the Chief Financial Officer states that an abatement or tax relief is not necessary, a measure authorizing such abatement or tax relief shall, at first reading, require approval of 2/3rds of the Councilmembers present and voting.

### **367. 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; except, that remote voting for the purpose of voting or obtaining a quorum may be allowed during a public emergency and until such time as the Council resumes full in-person operations at the Chairman's discretion.

### **368. 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.

## **H. OPEN MEETINGS.**

### **371. OPEN MEETINGS, GENERALLY.**

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

(b) The Council or a committee shall not keep the number of attendees below a quorum to avoid the requirements of this section.

(c) For the purposes of this part, the terms:

(1) "Meeting of a committee" means a gathering of a quorum of a committee of the Council, whether informal or formal, regular, special, additional, or emergency, at which the Councilmembers consider, conduct, or advise on public business, including gathering information, taking testimony, discussing,

deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. A meeting of a committee shall not include:

(A) A chance or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

(B) Press conferences.

(2) "Meeting of the Council" means a gathering of a quorum of the Council, including hearings and roundtables, whether informal or formal, regular, special, additional or emergency, at which the Councilmembers consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. A meeting of the Council shall not include:

(A) A chance meeting or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

(B) Press conferences.

### **372. MEETINGS DEEMED OPEN.**

A meeting of the Council or a meeting of a committee is deemed open if the:

(1) Public is permitted to be physically present;

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

(3) Meeting is televised; or

(4) Meeting otherwise complies with section 405(a) of the Open Meeting Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(a)).

### **373. NOTICE OF MEETINGS.**

(a)(1) 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 is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary 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 in the John A. Wilson Building, except during a period for which a public emergency has been declared pursuant to section 5 of the District of Columbia Public



Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304), and on the website of the Council.

(c) A notice for a meeting of the Council or a meeting of a committee 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 a meeting of a committee, or any portion of a meeting, is expected to be closed, the notice shall include a statement of the intent to close the meeting, including the reasons for the closure.

(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.

(f) Notice for hearings or roundtables shall be provided pursuant to Rule 421.

### **374. RECORD OF MEETINGS.**

(a) Except as provided in subsection (c) of this section, all meetings, whether open or closed, shall be recorded electronically. In accordance with Rule 807 and 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) If a meeting is open:

(1) Copies of the records shall be provided to the public or any requester at his or her expense;

(2) A copy of the draft minutes shall be made available to the public or requester no more than 3 business days after the meeting; and

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

(c) 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, or a portion of a meeting, may be closed for the following reasons:

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(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 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;

(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; and

(15) Any other reason provided in section 405(b) of the Open Meeting Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(b)).

### **376. CLOSED MEETINGS**

(a)(1) Before a meeting or portion of a meeting may be closed, the Council or committee shall meet in public session at which a majority of the members present vote, upon good cause shown, in favor of closure.

(2) The presiding officer shall make a statement providing the reason for closure, including citations from Rule 375, and the subjects to be discussed. A copy of the roll call vote and the statement shall be provided in writing and made available to the public.

(3) 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, the record of a closed meeting, including testimony taken and evidence received in a closed meeting, shall be confidential and may not be released to the public.

(c)(1) Upon good cause shown and, if applicable, after the 10-day period described in paragraph (3) of this subsection, a majority of the Council or committee may approve the release of the record, including testimony taken or evidence received in a closed meeting.

(2) Ten days before the release of testimony taken or evidence received in a closed meeting, 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.

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 in Word format, on the Council's intranet.

(b)(1) Proposed legislation transmitted to the Council by the Mayor, the Uniform Law Commission, or an independent agency shall be submitted in Word format, shall be complete, and shall comply with these Rules. It shall be introduced by the Chairman, at the request of the Mayor (or as submitted by 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 requests 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 on 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, the Uniform Law Commission, 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 Word format copy of the proposed legislation on the Council's intranet.

(4) Legislation transmitted under this subsection shall be filed with the Secretary during normal business hours.

(5) The Secretary shall determine whether the proposed legislation is in the appropriate form, complete, and complies with these Rules, and may return any proposed legislation that is not in the appropriate form or complete to the Mayor, the Uniform Law Commission, or the independent agency.

**402. MANNER OF INTRODUCTION.**

(a) A Councilmember may introduce a measure by filing the signed original of the measure with the Secretary during normal business hours.

(b) An introduced measure may be accompanied by a Statement of Introduction at the time of filing, which shall be available on LIMS and made part of the official record of the measure.

(c) Co-introduction of a measure shall be evidenced by the signature of the co-introducer on the face of the measure at the time of filing. Co-sponsorship shall be permitted by a memo to the Secretary pursuant to Rule 802(b).

(d) A Councilmember may withdraw as a co-introducer or a co-sponsor by filing a notice of withdrawal with the Secretary.

(e) 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) of this section.

(f) 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, or the Mayor if the measure is introduced at the request of the Mayor, shall provide the Secretary with the last-known address of the recipient.

(g) Proposed legislation transmitted for introduction by the Mayor, the Uniform Law Commission, 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.

(h) 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. 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 Rules 401 and 402 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 404.

(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.

(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.

#### **404. COMMITTEE REFERRAL.**

(a) When a measure is introduced, 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 403.

(b)(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 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.

(c) The Chairman may re-refer a measure and the new referral shall become official at the next legislative meeting or Committee of the Whole work session.

(d) A committee may not consider a measure unless the Chairman has made an official referral, although a hearing or roundtable notice may be filed in the meantime.

#### **405. 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.

#### **406. 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) Except as provided above in subsection (a) of this Rule, a proposer may withdraw any measure he or she introduced before a vote has been taken by the committee to which the measure has been referred. 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.

#### **407. COMMITTEE APPROVAL**

(a) Each committee may take action on any measure referred to the committee, except as provided 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.

(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.

#### **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. 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 a 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 315 or 316, 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 approved 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 the District, its residents, its businesses, or other persons or entities 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 circumstances which 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. Official Code § 1-204.12(a)), an emergency act shall be effective law for no more than 90 days.

(d) 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.

(e) 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.

(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. At first reading, 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.

#### **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.

**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 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. 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) No prior notice by publication in the Register 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 otherwise pertaining to the internal operation or organization of the Council.

(c) 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.

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

(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.

(e)(1) Notice of a roundtable on a resolution or an oversight roundtable shall be filed with the Secretary and circulated to Councilmembers at least 24 hours before the roundtable.

(2) Notwithstanding the requirements of paragraph (1) of this subsection, when a committee elects to conduct a roundtable on a confirmation resolution, 5 calendar days' notice is required before the conduct of the roundtable, such notice to be filed with the Secretary and circulated to Members. The notice shall also be posted on the Council website.

(f) 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.

#### **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;

- (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)(1) When an emergency measure is to be considered, a notice that includes the following 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:

(A) A statement of the circumstances making it necessary that the measure be considered on an emergency basis, which shall comply with Rule 412(b);

(B) A statement of the intended effect of the emergency measure;

and

(C) A draft of the emergency measure and emergency-declaration resolution.

(2) If the nature of the emergency precludes the notice required by paragraph (1) of this subsection, 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) In addition to the provisions of subsection (a) of this section, public notice of intended emergency action shall be given by the Council 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 fiscal impact; the completion of the record; and a determination made of the fiscal-impact.

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

(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. 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;

(5) A motion to override a Mayoral veto; or

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

#### **430. NOTICE OF COMMITTEE MEETINGS.**

(a) A committee shall file and circulate notice, which shall be made publicly available at least 24 hours before a meeting, of the date, hour, and place of a committee meeting. Such notice shall include a copy of the agenda and a draft, including a comparative print when required by Rule 803(e)(7), of any measures to be considered at the meeting.

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

(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 shall not be 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.

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

#### **502. QUORUM.**

One Councilmember, for the Council, or one member of a committee, for the committee, shall constitute a quorum 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.

#### **504. WITNESSES AT A PUBLIC HEARING.**

(a) 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.

(b) A person who fails to comply with the requirements of this section 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 their remarks to the question under discussion and shall avoid making negative personal comments.

(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.**

(a) Each witness testifying on behalf of the Executive Branch, including an agency, entity, board, commission, or independent agency of the Executive Branch must submit written testimony to the chair of the committee before which the witness is to testify at least 48 hours before the commencement of a hearing or roundtable. This requirement may be waived by the presiding chairperson if the presiding chairperson determines there is good cause.

(b) 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 if timely submitted. The presiding member may permit the witness to read the witness's 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 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 in the hearing notice or stated at the hearing, the record for a hearing or roundtable shall close 10 business days after the hearing or roundtable. A committee may not mark-up a measure within its jurisdiction until after the official close of the record on such measure.

**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.

(b) In order to use subpoenas to obtain testimony or documents, a standing committee, an ad hoc committee, or, if authorized by the resolution establishing it, a special committee, shall adopt a resolution of the committee authorizing an investigation. This resolution shall be filed in the Office of the Secretary.

(c) To afford witnesses adequate notice of the scope of the inquiry, a resolution authorizing an investigation under this section shall delineate the purpose of the investigation and the subject matter to be investigated.

**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 after 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 vote of the Members present and voting, may vote not to release all or part of its report. The Council, by a majority vote 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.

**B. SUBPOENAS.**

**611. ISSUANCE OF SUBPOENAS.**

The Council, any standing committee of the Council, an ad hoc committee, 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, an ad hoc 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 the witness by claiming the witness's Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the presiding member shall inquire into the witness'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 the witness's 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 the witness's 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. REPRIMAND, CENSURE, AND EXPULSION PROCEDURES.**

**651. ESTABLISHING AN AD HOC COMMITTEE.**

(a) An ad hoc committee may be established pursuant to subsection (b) or (c) of this section for the purposes of considering allegations of a violation of a law or rule by a Councilmember and making recommendations for further action.

(b) An ad hoc committee shall be established, pursuant to subsection (d) of this section, within 3 business days after:

(1) BEGA censures a Councilmember;

(2) Outside counsel delivers to the Council an investigative report that contains a finding that a Councilmember has violated the Council's sexual harassment policy; or

(3) 5 Councilmembers file with the Secretary a written request for the establishment of an ad hoc committee, which shall include a description of the alleged violation of law or rule that forms the basis of the request.

(c) The Chairman may establish an ad hoc committee pursuant to this section at the Chairman's discretion, regardless of whether one of the events described in subsection (b) of this section has occurred. If the Chairman establishes an ad hoc committee under this subsection, the memorandum filed pursuant to subsection (d) of this section shall include a description of the alleged violation of law or rule committed by the Councilmember whose conduct will be under consideration by the ad hoc committee.

(d) To establish an ad hoc committee, the Chairman shall file a memorandum with the Secretary appointing 3 or more Councilmembers to serve on the ad hoc committee, and designating one of the appointed members to serve as the chairperson. The ad hoc committee shall not include any Councilmember whose conduct is under consideration by the ad hoc committee.

(e) The Secretary shall deliver a copy of the memorandum filed pursuant to subsection (d) of this section to each Councilmember, including the Councilmember whose conduct is under consideration by the ad hoc committee, within 48 business hours of the Secretary's receipt of that memorandum.

(f) No sanction pursuant to Rule 655 shall be imposed unless:

(1) First recommended by an ad hoc committee; and

(2) A proceeding is held pursuant to Rule 653.

(g) The ad hoc committee's proceedings may be conducted in executive session in accordance with Rule 375, except that its recommendation for further action shall be made public. In connection with any action taken under this part, the Council shall take all reasonable steps to protect the identity of any complainant who alleges sexual harassment, as defined in the Sexual Harassment Policy. Such actions may include voting to close meetings under Part H of Article III and withholding or redacting identifying information in written documents.

(h) For the purposes of this part, the term "Chairman" means, if the Chairman is the Councilmember whose conduct is under consideration by the ad hoc committee, the Chairman Pro Tempore.

## **652. AD HOC COMMITTEE PROCEDURES.**

(a) An ad hoc committee established pursuant to Rule 651 shall:

(1) In the case of an ad hoc committee established pursuant to Rule 651(b)(1) or (2), consider BEGA's findings or outside counsel's investigative report;

(2) In the case of an ad hoc committee established pursuant to Rule 651(b)(3), consider the description of the alleged violation of law or rule in the written request filed pursuant to Rule 651(b)(3);

(3) In the case of an ad hoc committee established pursuant to Rule 651(c), consider the description of the alleged violation of law or rule in the memorandum filed pursuant to Rule 651(d);

(4) Permit testimony from the Councilmember whose conduct is under consideration by the ad hoc committee;

(5) Except as provided in subsection (b) of this section, collect more evidence, as needed, including by authorizing an investigation pursuant to Rule 601(b); except, that the Chairman, pursuant to an authorizing resolution, may appoint any person to perform the actions described in this paragraph in lieu of the ad hoc committee;

(6) Consider the findings of any other investigation of the conduct that is under consideration by the ad hoc committee; and

(7) File a report, as described in subsection (c) of this section, with the Secretary within:

(A) In the case of an ad hoc committee established pursuant to Rule 651(b)(1) or (2), 45 days after the ad hoc committee is established; or

(B) In the case of an ad hoc committee established pursuant to Rule 651(b)(3) or (c), 90 days after the ad hoc committee is established.

(b) An ad hoc committee created pursuant to Rule 651(b)(2) may not engage in additional fact finding and shall rely on the findings of outside counsel for the purposes of the report required by subsection (a)(7) of this section.

(c)(1) The report required by subsection (a)(7) of this section shall:

(A) Summarize the actions taken by the ad hoc committee;

(B) Describe the findings of the ad hoc committee, including identifying the law or rule that has been violated and summarizing the evidence in support of those findings; and

(C) Recommend sanctions, if any, including reprimand, censure, or expulsion.

(2)(A) If the report required by subsection (a)(7) of this section recommends a sanction that would require a resolution of the Council to implement, the chairperson of the ad hoc committee or the Chairman shall introduce such resolution at the same time the report is filed; except, that, if the report recommends multiple actions, including censure or expulsion, the resolution of censure or expulsion shall be introduced as a separate measure.

(B)(i) A resolution of censure or expulsion introduced pursuant to this paragraph shall identify specific charges against the accused.

(ii) Each charge shall set forth an offense of which the accused is alleged to have committed, including a citation to the law or rule alleged to have been violated.

(iii) Each charge shall be accompanied by at least one specification, which shall state what actions the accused is alleged to have taken, which, if true, would constitute an instance of the offense indicated in the charge, and a description of the evidence supporting the specification.

(iv) The resolution(s) introduced pursuant to this paragraph shall be retained by the Council.

(d) Failure of an ad hoc committee to file its report by the deadline provided in subsection (a)(7) of this section shall be construed as having failed to reach a decision.

### **653. COUNCIL CONSIDERATION OF REPORT.**

(a)(1) If an ad hoc committee recommends censure or expulsion, the Chairman, or another Councilmember designated by the Chairman, shall hold a proceeding within 45 days after the ad hoc committee files its report pursuant to Rule 652.

(2) At least 30 days before the proceeding, the Secretary shall provide written notice of the proceeding to the accused or the accused's Council office, which shall include a copy of the report and resolution filed pursuant to Rule 652.

(3)(A) The Chairman, or another Councilmember designated by the Chairman, shall preside over the proceeding. At the beginning of the proceeding, the Chairman shall:

(i) Read the charges and specifications listed in the resolution filed pursuant to Rule 652(c)(2); and

(ii) Ask the accused how the accused answers—admit or deny—first to each specification, and then to each charge.

(B) If the accused admits all charges, no further action at the proceeding shall be required and the Council shall consider the resolution of censure or expulsion at the next legislative meeting.

(C) At the proceeding, the chairperson of the ad hoc committee, or the chairperson's designee, shall be given the opportunity to make an opening and a closing statement, to call witnesses, and to question any witnesses called by the accused; except, that nothing in this paragraph shall be construed to require the chair to present evidence against the accused at the proceeding.

(D) At the proceeding, the accused shall be given the opportunity to make an opening and a closing statement, to call witnesses on the accused's behalf, and to question any witnesses called by the chairperson of the ad hoc committee; except, that the accused shall have no right to have the Council compel the production of evidence or the testimony of witnesses.

(E) The accused may be represented by a person of the accused's choice, whether or not the person is an attorney at law, and may have that representative speak or question witnesses on the accused's behalf.

(F) The questioning or cross-examining of witnesses, if any witnesses testify, may be reasonably limited by the presiding member.

(G) If testimony is taken from witnesses, such testimony shall only be taken from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration.

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



(4) The accused shall have no rights beyond those stated herein and the accused shall not be entitled to any process beyond notice and an opportunity to be heard.

(5)(A) Following the proceeding, the chairperson of the ad hoc committee shall request that the resolution of censure or expulsion be agendized for the next legislative meeting.

(B) During the consideration of a resolution of censure or expulsion, a Councilmember may offer an amendment to the resolution; except, that a resolution of censure may not be amended to impose expulsion.

(6) The accused shall be recused from voting on the resolution of censure or expulsion.

(b) Any other resolution pertaining to sanctions, introduced pursuant to Rule 652(c)(2), shall be placed on the agenda of a forthcoming legislative meeting by the Chairman.

#### **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, or otherwise inappropriate, but is considered to be not sufficiently serious to require censure or expulsion.

(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 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 AND EXPULSION.**

(a)(1) 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 Councilmember committed a violation of a law or rule of a serious nature.

(2) The Council may, by a 2/3rds vote of Councilmembers present and voting, adopt a resolution of censure if it finds, based on substantial evidence contained

in the resolution or presented at the proceeding, that the Councilmember committed a violation of a law or rule of a serious nature.

(b)(1) 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 Councilmember committed a violation of law of the most serious nature, including a violation that substantially threatens the public trust.

(2) The Council may, by a 5/6 vote of Councilmembers, adopt a resolution of expulsion if it finds, based on substantial evidence contained in the resolution or presented at the proceeding, that the Councilmember committed a violation of law that amounts to a gross failure to meet the highest standards of personal and professional conduct.

(c) To protect the exercise of official Councilmember duties and the overriding principle of freedom of speech, the Council shall not impose censure or expulsion on any Councilmember for the exercise of the Councilmember's First Amendment right, no matter how distasteful the expression of that right was to the Council and the District.

(d) For the purposes of this section, the term "substantial evidence" means proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of censure or expulsion.

## **ARTICLE VII—BUDGET PROCEDURES.**

### **A. BUDGET REVIEW PROCEDURES.**

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

The Mayor's annual proposed budget for the District government and any revised, supplemental, or deficiency 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.**

(a) The Budget Director, at the direction of the Chairman, shall prepare a budget-review schedule, including committee hearings; and other budget activities as necessary or appropriate.

(b) The budget-review schedule shall be presented to the Committee of the Whole for approval. The Budget Director 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 proposed budget for agencies within its purview, including:

- (1) Holding public hearings;
- (2) Recommending funding and personnel levels for each agency;
- (3) Identifying additional budget needs not included in the committee's recommendation under paragraph (2) of this subsection, for which funding is sought;
- (4) Identifying legislative actions required to implement the committee's budget recommendations; and
- (5) 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)(1) Each standing committee shall hold a markup of its report of recommendations to the Committee of the Whole for the proposed budget for agencies within its purview, in accordance with report requirements issued by the Budget Director.

(2) The committee report of recommendations shall be balanced. No report shall result in a net increase in the total amount of the budget request for all agencies under its purview unless that report also identifies additional revenue sources, additional budget reductions, or both, within the committee's jurisdiction, sufficient to provide funding for the increase, except where another committee has directed funds to the committee.

(3) Each proposed subtitle in the committee report shall be within the purview of the committee.

(4) No amendment offered at markup shall have the effect of putting the committee budget recommendations out of balance.

(5) No transfers or substantive changes shall be made after the markup that were not approved at the markup.

(c)(1) Each standing committee shall submit its committee report to the Budget Director for certification by close of business the day before the Committee of the Whole working session.

(2) Following certification by the Budget Director, each committee shall file its report with the Secretary.

**704. COMMITTEE OF THE WHOLE CONSIDERATION OF PROPOSED BUDGET.**

(a) The Budget Director upon receipt of committee reports and at the direction of the Chairman, shall prepare a summary of committee recommendations for presentation at a working session of the Committee of the Whole.

(b) Following the working session, the Budget Director, at the direction of the Chairman, shall prepare a draft report and print for the budget measures that includes the Chairman's recommendations. The report shall include a comparison of the budget levels recommended by committees with any changes recommended by the Chairman. The Committee of the Whole shall meet to consider and mark up the draft report and print.

(c) An amendment offered to a budget measure shall be accompanied by a fiscal impact statement and a legal sufficiency determination, as required by Rules 309 and 310, respectively. No amendment shall have the effect of putting the budget out of balance.

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

(a) 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) An amendment offered to a budget measure shall be accompanied by a fiscal impact statement and a legal sufficiency determination, as required by Rules 309 and 310, respectively. No amendment shall be in order if it has the effect of putting the budget out of balance.

**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 for comments to the standing committee having oversight responsibility for the program or agency affected.

**713. CIRCULATION OF REQUESTS.**

The Secretary shall circulate a copy of a reprogramming request or a grant budget modification request within one business day after 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 takes final action on the request, or before it takes 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 or a grant budget modification 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 or a grant budget modification 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 or a grant budget modification request.

**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

(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 part 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)(1) All earmarked grants shall be listed in the Budget Support Act to include the grantee name, grant amount, and purpose of the grant.

(2) 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.

(e) This part shall not apply to funds or grants provided to instrumentalities of the District or entities that are named in the Local Budget Act.

**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.

**733. AUDIT REQUIREMENTS.**

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

(b) The District of Columbia Auditor's report, if applicable, 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 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 and publish 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 are subject to inclusion in the budget and financial plan or subject to appropriation.

**736. REPEAL OF LAWS SUBJECT TO APPROPRIATION.**

(a) A law, or provision of a law, that will be applicable subject to inclusion in a budget and financial plan 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, when the record on a matter is closed post-hearing in accordance with Rule 532, with the Secretary. When records are in the custody of the committee, the committee shall make them available to the public.

#### 802. FORM FOR INTRODUCTIONS.

(a) Each measure shall be introduced in typewritten form, signed by the Councilmember introducing it, include a long title that summarizes 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.

(c) A Councilmember may withdraw as a co-introducer or a co-sponsor pursuant to Rule 402.

#### 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:

## COUNCIL RULES, PERIOD XXIV

(1) A comprehensive 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

(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 the relevant recommendations 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 roundtable, 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, including whether funds are sufficient to implement the legislation, and, if applicable, a summary of the tax abatement financial analysis conducted pursuant to D.C. Official Code § 47-4701;

(8) A summary of the racial equity impact, if an assessment has been provided pursuant to Rule 311;

(9) A detailed section-by-section analysis of the measure's substantive provisions;

(10) Any additional information that the committee decides to include;

(11) A summary of the committee's markup 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; and

(12) The report adopted by the final committee in cases of a sequential referral may summarize paragraphs (2), (4), and (5) of this subsection, if the previous committee report (in the sequential referral) is included (with or without attachments).

(e) Attached to each report, in the following order, shall be:

(1) The measure, as introduced, along with any 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) The Racial Equity Impact Assessment, if one has been issued pursuant to Rule 311;

(4) As required by Rule 309, a fiscal impact statement;

(5) The tax abatement financial analysis conducted pursuant to D.C. Official Code § 47-4701, if applicable;

(6) As required by Rule 310, a legal sufficiency determination;

(7) 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 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; and

(8) 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 measure or an emergency or temporary measure.

(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 expounds on the intent of that measure and 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";

(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;

(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:

(1) Transcripts and recordings of all legislative meetings;

(2) Audio and video recordings and minutes of all committee meetings;

(3) Audio and video recordings and documents submitted for the record of all legislative hearings;

(4) Audio and video 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; and

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

#### **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.*) (“FOIA”), the General Counsel, or the General Counsel’s designee, shall be the Council’s FOIA Officer.

(b) To ensure accurate and timely compliance with FOIA, if a Councilmember, staff member, or Council office receives a request for information contained in a record or access to a record, the request shall be forwarded to the FOIA Officer within one business day after receipt. The FOIA Officer shall endeavor to provide documents under FOIA to requesters as soon as possible, and within the time period prescribed in D.C. Official Code § 2-532.

(c)(1) Within one business day after receiving a finalized FOIA request, the FOIA Officer shall inform the Councilmember or Council office that is the subject of the request.

(2) For FOIA requests for public records within the control and possession of a Councilmember or Council office, the FOIA Officer shall instruct the subject to put a preservation hold on, to search for, and to provide copies of any public records responsive to the request to the FOIA Officer.

(3) For FOIA requests for public records in any electronic format, the FOIA Officer shall instruct the subject to put a preservation hold on such 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 a public record that is not in the possession of the Council and 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 public 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 public record to the FOIA Officer within the time and in the form prescribed by the FOIA Officer and shall verify in writing that reasonable efforts were made.

(e) Before releasing any documents, emails, or materials, the FOIA Officer shall give the subject 2 business days 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.

(f) The General Counsel shall make the final determination on whether particular public records are responsive to the request and privileged or otherwise subject to disclosure.

(g) For the purposes of this rule, the term “public record” shall have the same meaning as provided in D.C. Official Code § 2-539.

#### **812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT.**

A Council employee, including the Chairman and each Councilmember, shall use only the employee’s government-provided email account, cellular phone, or tablet device to transact public business by email, text or other electronically transmitted message, including official action of any kind, unless the employee takes steps to ensure that any emails, text messages, or other electronically transmitted messages including those designed to disappear after a certain time period, sent or received on an account other than the email account, cellular phone, or tablet device provided by the government are otherwise incorporated into the Council’s records in a text-searchable format.

#### **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, the Office of the General Counsel shall be notified immediately of receipt of any legal correspondence, and such legal correspondence shall be transmitted to the Office of the General Counsel within one business day after 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, in accordance with the budget of the Office of the Auditor, of the Auditor's subordinate staff.

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

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

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

**1001. PARLIAMENTARY AUTHORITY.**

Matters not covered by these Rules 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. The Council recognizes the principle of *stare decisis* in resolving questions of order.

**1002. GENDER RULE OF CONSTRUCTION.**

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

**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 at any other time shall be introduced by the Chairman and shall be noticed and a draft circulated by noon on the third business day before the meeting at which it is to be considered.

(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

COUNCIL OF THE DISTRICT OF COLUMBIA  
CODE OF OFFICIAL CONDUCT  
COUNCIL PERIOD 24

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**I. CONFLICTS OF INTEREST**

- (a) **GENERALLY.** No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
- (b) **WAIVERS.** An employee other than a Councilmember may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if the employee:
  - (1) 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) An employee other than a Councilmember who, in the discharge of the employee's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest and:
  - (A) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and
  - (B) Deliver the statement to the employee's supervisor and to the Ethics Board.

- (2) Upon receipt of the statement provided in paragraph (1) of this subsection, the employee's supervisor shall assign the matter to another employee who does not have a potential conflict of interest.
- (d) RECUSAL STATEMENT.
- (1) A Councilmember who, in the discharge of the Councilmember'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.
  - (2) During a proceeding in which a Councilmember 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 paragraph (1) of this subsection into the record of proceedings; and
    - (B) Excuse the elected official from votes, deliberations, and other actions on the matter.
  - (3) 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.
- (e) SPECIFIC CONFLICT SITUATIONS.
- (1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from any source other than the District government for the employee's performance of official duties.
  - (2) No employee or member of the employee's household may knowingly acquire:
    - (A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence

or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; or

- (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.

(f) DEFINITIONS. For the purposes of this Rule, the term:

- (1) "Affiliated organization" means an organization or entity:
  - (A) In which the employee serves as officer, director, trustee, general partner, or employee;
  - (B) 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;
  - (C) That is a client of the employee or member of the employee's household; or
  - (D) 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;

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- (B) A parent, sibling, or child of the employee or of any person in subparagraph (A) of this paragraph; or
  - (C) A spouse or domestic partner of any person in subparagraph (B) of this paragraph.
- (4) “Particular matter” is limited to deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.
  - (5) “Person closely affiliated with the employee” means a spouse, dependent child, general partner, a member of the employee’s household, or an affiliated organization.



## II. OUTSIDE ACTIVITIES

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

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- (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.

**III. GIFTS FROM OUTSIDE SOURCES**

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

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- (6) Anything that is paid for by the Council or the District or the employee or secured by the Council or the District under contract;
  - (7)(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; and
    - (D) This paragraph shall not apply to gifts of cash, stock, bonds, or certificates of deposit;
  - (8) Gifts given to an employee under circumstances that make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift;
  - (9) 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; or
  - (10) Gifts approved in advance by the employee's supervising Councilmember in exceptional circumstances that are disclosed on Sterling and posted on the Council's website.
- (d) A gift that is solicited or accepted indirectly includes a gift given:

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- (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 under subsection (b)(3) of this Rule.
- (e) **SPECIFIC GIFT RESTRICTIONS.** Except as provided in Rule IV, 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 or
  - (2) Directly or indirectly demand, seek, receive, accept, or agree to receive or accept anything of value personally or for any other person or entity, in return for:
    - (A) Any official act performed or to be performed by the employee;
    - (B) Being influenced in the performance of any official act;
    - (C) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the District of Columbia; or
    - (D) Being induced to do or omit to do any act in violation of the employee's official duty.
- (f) **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.
- (g) **DEFINITIONS.** For the purposes of this Rule, the term:
- (1) "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. Gifts may also consist of training, transportation, local travel, lodgings and meals, whether provided

in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has incurred.

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

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

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

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- (i) At least 25 persons from outside the District government are expected to be in attendance;
  - (ii) Attendance at the event is open to members from throughout a given industry or profession, or to a range of persons interested in an issue; and
  - (iii) Attendance is connected to the attendee's official Council duties.
- (B) Free attendance for one accompanying individual to the event described in subparagraph (A) of this paragraph; and
- (C) A meal that is offered to all attendees as part of the event described in subparagraph (A) of this paragraph.
- (2) For the purposes of this subsection, the term "connected to the attendee's official Council duties" includes participation in the event as a speaker or a panel participant, presenting information related to the Council or matters before the Council, performing a ceremonial function appropriate to the official position of such individual, or attending when otherwise appropriate to the representative function of the Council.
- (c) GIFT BAGS. An employee may not accept a gift bag for an event under subsection (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.
- (d) DONATIONS TO THE COUNCIL.
- (1) An employee may solicit or 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.
- (2)(A) Recognition of Donors. Donors may be recognized for their donations through letters of acceptance and appreciation, press releases, certificates, and other items that commemorate the donation.



(B) Recognition of corporate donations must not give the impression of advertising or commercialization. A short, discreet unobtrusive donor credit line may be used as recognition, but no product names or logos may be used.

(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, disclose on Sterling a list of the following for each event and thing of value:
    - (i) Donor;
    - (ii) Date; and
    - (iii) Estimated value.
  - (B) Disclosures filed pursuant to this subsection shall be published on the Council's website on the first Friday in the first full week of each month or, if the Friday is a holiday, the next business day.
  - (C) Councilmembers who do not attend a qualifying event or accept a donation during the reporting period shall file a report indicating that nothing of value was accepted during the period.
- (3) For the purposes of this subsection, the term "thing of value" shall not include an offer of free attendance to an event if the employee does not attend the event.

**V. GIFTS BETWEEN EMPLOYEES**

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

**VI. USE OF GOVERNMENT RESOURCES**

- (a) **GENERALLY.** Employees shall not:
- (1) Use Council time or government resources for purposes other than official business or other government-approved or government-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 an employee 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) **PRESTIGE OF OFFICE.**
- (1) An employee may not knowingly use the prestige of office or public position for that employee's private gain or that of another.
  - (2) The performance of usual and customary constituent services, without additional compensation, is not prohibited under paragraph (1) of this subsection.
  - (3) Council employees shall not use or permit the use of their position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that the Council sanctions or endorses the personal or business activities of another, unless the Council has officially sanctioned or endorsed the activities.
  - (4) A Councilmember may serve as an honorary chair or honorary member, or speak or appear at 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.

- (5) Notwithstanding any other rule, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), a Councilmember may disseminate information about, and connect constituents with, services and offers, including from for-profit entities, that the Councilmember determines is in the public interest in light of the public health emergency.
- (c) SPECIAL RULES FOR LETTERS OF RECOMMENDATION.
- (1) 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.
- (d) DEFINITIONS. For the purposes of this Rule, the term:

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- (1) "Government Resources" means any property, equipment, or material of any kind, including that acquired through lease, and the personal services of an employee during his or her hours of work.
- (2) "Usual and customary constituent services" includes an employee's representational activities, such as advocacy, communications, inquiry, oversight, and other actions, made on another person's behalf; provided, that the employee does not, directly or indirectly:
  - (A) Threaten reprisal or promise favoritism for the performance or nonperformance of another person's duties; or
  - (B) Request that another person abuse or exceed the discretion available to that person under law.

**VII. USE OF CONFIDENTIAL INFORMATION**

Employees and former employees may not:

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

**VIII. POST-GOVERNMENTAL EMPLOYMENT CONFLICTS  
OF INTEREST**

- (a) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS. No employee, after the termination of his or her service or employment with the Council, shall knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the District of Columbia, on behalf of any other person (except the District of Columbia) in connection with a particular matter:
- (1) In which the District of Columbia is a party or has a direct and substantial interest;
  - (2) In which the person participated personally and substantially as such officer or employee; and
  - (3) Which involved a specific party or specific parties at the time of such participation.
- (b) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY. No employee shall, within 2 years after the termination of his or her service or employment with the Council, knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the Council, on behalf of any other person (except the District of Columbia), in connection with a particular matter:
- (1) In which the District of Columbia is a party or has a direct and substantial interest;
  - (2) Which the person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of one year before the termination of his or her service or employment with the Council; and
  - (3) Which involved a specific party or specific parties at the time it was pending.

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



**IX. POLITICAL ACTIVITIES**

- (a) PROHIBITIONS. No Council employee shall:
- (1) Use his or her 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;
  - (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; or
  - (5) Knowingly direct, or authorize anyone else to direct, that any subordinate employee participate in an election campaign or request a subordinate to make a political contribution.
- (b) No Council employee shall:
- (1) 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; or

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- (2) Coerce, explicitly or implicitly, any subordinate employee to engage in political activity.
- (c) DESIGNATED EMPLOYEES. Each member of the Council may designate one employee while on annual or unpaid leave to perform any of the functions described in subsection (a)(2) of this Rule; provided, that:
  - (1) The employee shall not perform the functions in the circumstances described in subsection (b) of this Rule;
  - (2) The employee may only perform the functions for a principal campaign committee, exploratory committee, or transition committee;
  - (3) Any designation pursuant to this subsection shall be made in writing by the member of the Council to the Secretary to the Council; and
  - (4) Any designated employee shall file a report, in a form as prescribed by the Ethics Board, with the Ethics Board within 15 days after being designated.
- (d) DEFINITIONS. For the purposes of this Rule, the term:
  - (1) "Employee" shall not include members of the Council.
  - (2) "Political activity" means an activity that is regulated by the District directed toward the success or failure of a political party, candidate for partisan political office, partisan political group initiative, referendum, or recall. For the purposes of subsection (b) of this Rule, political activity is not limited to activities regulated by the District.
- (e) 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) or subsection (b) of this Rule.

**X. OFFICIAL MAIL RULES**

- (a) DEFINITIONS. For the purposes of this rule, the term:
- (1) “Electronic newsletter” means more than 500 substantially identical newsletters or similar types of materials, transmitted through the internet at public expense, 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 more than 100 substantially identical newsletters or similar types of material, transmitted through the mails, during any 30-day period, but shall not include a response to a communication initiated by a constituent.
  - (3) “Newsletter” 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. The term “newsletter” includes a news release.
  - (4) “Official mail” means correspondence, including newsletters or similar types of materials, 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) PERMITTED CATEGORIES OF OFFICIAL MAIL. Except as otherwise provided in this Rule, an employee may not mail, as official mail, any matter, article, material, or document for any reason other than the following:
- (1) A request for a matter, article, material, or document that has been previously received by the Council;

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- (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.
- (c) OFFICIALLY MARKED ENVELOPES. An envelope or other material that is used to enclose official mail shall bear on its face the name and address of the Council and the words "official business." Envelopes and other materials shall not be used to enclose materials, documents, or other articles except those enumerated in subsections (b) and (e) of this Rule or other materials not prohibited by subsection (d) of this Rule.
- (d) 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, newsletters; provided, that these materials do not contain any of the following:
    - (A) Autobiographical articles;
    - (B) Political cartoons;
    - (C) Reference to past or future campaigns;
    - (D) Announcements of filings for reelection;
    - (E) Announcements of campaign schedules;
    - (F) Announcements of political or partisan meetings;

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- (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; or
  - (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.
- (e) AUTHORIZED USES OF OFFICIAL MAIL. The provisions of subsection (d) of this Rule do not prohibit a Councilmember or the Councilmember's staff from mailing, as official mail, any of the following:
- (1) The whole or part of a record, speech, debate, or report of the Council or a committee of the Council;
  - (2) The tabulation of a Councilmember's vote or explanation of the vote;
  - (3) An expression of condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public

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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; or
  - (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.
- (f) USE OF ELECTRONIC NEWSLETTERS.
- (1) A Councilmember or Council employee shall not transmit an electronic newsletter within the 90-day period immediately before a primary, special, or general election in which the Councilmember is a candidate for office, unless the electronic newsletter conforms with the following requirements:
    - (A) The recipients have individually subscribed to receive the electronic newsletter;
    - (B) The electronic newsletter contains a clear and conspicuous notice of the method by which a recipient can request not to receive future electronic newsletters; and
    - (C) The proposed newsletter has been submitted for review by the General Counsel or the Office of Campaign Finance.
  - (2) An electronic newsletter shall comply with the requirements of subsection (d)(2) of this Rule.

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- (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; and
  - (B) Is directly related to a Councilmember's official legislative or representative duties.
  
- (g) 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; or
  - (6) A photograph that does not relate to, illustrate, or explain the accompanying text.

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- (h) 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.
  - (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.
- (i) 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.
- (j) GENERAL COUNSEL REVIEW. The General Counsel shall be available to Councilmembers and their staff to review materials intended to be mailed as official mail to ensure that the materials comply with the laws and rules governing official mail. Upon written request of a Councilmember, the General Counsel shall provide a written opinion concerning whether the materials, submitted by the Councilmember and intended to be mailed as official mail, comply with the laws and rules governing official mail.



**XI. DEFINITIONS, FINANCIAL DISCLOSURES, AND ETHICS COUNSELING**

- (a) DEFINITIONS. For the purposes of the Code of Official 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) 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.
- (c) ETHICS COUNSELING AND SAFE HARBOR.
  - (1) The General Counsel shall provide at the request of an employee confidential advice about compliance with the Code of Official 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 Official Conduct, shall not, subject to subparagraph (B) of this paragraph, be found to have violated the provisions of the Code of Official Conduct.

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

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

**XII. DECORUM OF COUNCILMEMBERS**

- (a) **GENERALLY.** During any meeting of the Council that is open to the public, as defined by section 405 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575), a Councilmember shall treat other Councilmembers with dignity and respect and refrain from using profane, indecent, or abusive language directed at another Councilmember or the Council as an institution.
- (b) **REMOVAL OF COUNCILMEMBERS.**
  - (1) The Chairman shall maintain order during any meeting of the Council. The Chairman may order the removal of a Councilmember from a meeting if:
    - (A) The Chairman determines that:
      - (i) The Councilmember has violated subsection (a) of this Rule; and
      - (ii) 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.



COUNCIL OF THE DISTRICT OF COLUMBIA THE  
WILSON BUILDING

Office Of The Secretary  
(202) 724-8080 (Voice)  
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SEXUAL HARASSMENT POLICY

Policy Statement

It is the policy of the Council of the District of Columbia ("Council") to provide a work environment free from sexual harassment. Sexual harassment of any employee has a debilitating impact on employee morale and productivity and violates the law. This policy also prohibits retaliation against employees who report sexual harassment or participate in a sexual harassment complaint. If the Council receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, it will take necessary steps to ensure that any harassing conduct immediately ceases and that the matter is promptly addressed. The Council is committed to taking remedial action when it learns of possible sexual harassment, even if the purported target of the harassment does not wish to file a complaint.

This policy serves as the Council's official policy and supersedes any other existing policy. Personnel authorities within the Council may individually adopt a sexual harassment policy, but to the extent there is a conflict with other policies, this policy shall prevail.

**I. SCOPE**

This policy governs the conduct of the Council's employees, Councilmembers, and third parties doing business with or carrying out the goals and objectives of the Council, e.g., vendors, employees of District agencies, and other persons visiting or working at the Council's worksite.

All Council employees and Councilmembers are required to comply with this policy. Employees and Councilmembers are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official duties. Further, all

employees and Councilmembers are expected to take appropriate measures to prevent sexual harassment. Additionally, all employees and Councilmembers are encouraged to report incidents of perceived sexual harassment so that any target of alleged sexual harassment may gain access to available support. All Council employees and Councilmembers must take steps to stop unwelcome behavior of a sexual nature before it becomes severe or pervasive and rises to a violation of law.

## **II. DEFINITIONS.**

### **Complainant**

A Council employee who files a complaint under this policy. A complainant may be the target of sexual harassment or a witness to sexual harassment.

### **Officer**

For the purposes of this policy, the term "Officer" means the Secretary, Budget Director, General Counsel, or Chief Technology Officer of the Council.

### **Sexual Harassment**

#### **(a) Quid Pro Quo Sexual Harassment.**

Quid pro quo sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following criteria is present:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual.

#### **(b) Hostile Work Environment Sexual Harassment.**

(1) Sexual harassment creates a hostile work environment when the conduct is unwelcome in nature and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(2) The following, although not an exhaustive list, are examples of conduct that may create a hostile work environment in violation of this policy, including during work-related travel, events, and social gatherings:

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- (A) Sex acts;
- (B) Display of sexual organs;
- (C) Giving a preference to a third party who is engaged in a sexual or romantic relationship, to the disadvantage of an employee who is not engaged in a sexual relationship with a supervisor, hiring official, or person exercising authority over the disadvantaged party (described legally as a “paramour preference”);
- (D) Using sexually oriented or sexually degrading language describing an individual or his/her body, clothing, hair, accessories or sexual experiences;
- (E) Sexually offensive comments or off-color language, jokes, or innuendo that a reasonable person would consider to be of a sexual nature, or belittling or demeaning to an individual or a group's sexual orientation or gender identity;
- (F) “Sexting” or seeking or sending pictures of intimate body parts, or taking or displaying pictures of body parts meant to be covered up (such as “upskirting” pictures), including by sending messages of a suggestive nature on self-destructing messaging apps where evidence of the written word or images is difficult to document;
- (G) The display or dissemination of sexually suggestive objects, books, magazines, photographs, music, cartoons, or computer internet sites or references;
- (H) Unnecessary and inappropriate touching or physical contact, such as brushing against a colleague's body, touching or brushing a colleague's hair or clothing, massaging, groping, patting, pinching, or hugging, that a reasonable person would consider to be of a sexual nature;
- (I) Lascivious leering or sexually suggestive gestures or sounds, e.g. whistling or kissing noises;
- (J) Sexual comments, conduct, displays, and suggestions in the workplace between two willing parties that would cause a reasonable third party to be offended;
- (K) Making inquiries about someone’s private sex life or describing one’s own sex life;
- (L) Any unwanted repeated contact, including but not limited to in-person or telephonic contact, for romantic or sexual purposes;
- (M) Sexual assault, stalking, trapping someone such that they are not free to leave and a sexual encounter is expected or threatened, threats of bodily harm relating

to sex or the refusal to have sex, or crimes related to egregious acts of sexual harassment.

(c) Anyone, regardless of sex, gender, or sexual orientation may be the target or perpetrator of sexual harassment.

(d) Sexual harassment is not limited to inappropriate exercise of authority by persons in power over an employee. It can occur by an employee toward a co-worker, by an employee toward a supervisor, or by a non-employee toward an employee.

#### **Sexual Harassment Officer**

A Sexual Harassment Officer (“SHO”) is one of two individuals designated by the Secretary to the Council and specially trained to receive complaints of sexual harassment and to conciliate complaints of sexual harassment under this policy.

#### **Sexual Consent**

Sexual consent is positive, unambiguous, and voluntary agreement to engage in specific activity throughout an encounter involving sexual activity. Consent should not be inferred from the absence of a “no”. Consent to some activity does not constitute consent to others, nor does past consent to a given activity constitute present or future consent. Consent can be revoked at any time and cannot be obtained by threat, coercion, or force.

### **III. CONSENSUAL RELATIONSHIPS**

(a) Sexual/intimate relationships between employees and supervisors in the employee's chain of command are strongly discouraged. The existence of a sexual/intimate relationship between an employee and a supervisor will be a factor in any proceeding in which the relationship is alleged to have contributed to a hostile work environment and/or adversely affected the terms and conditions of employment.

(b) Employees who engage in a limited consensual relationship with a supervisor or colleague, such as going out to dinner or on dates, remain free to refuse further sexual overtures and have the right to demand that sexual or sexually harassing conduct going beyond that which was consented to must stop. Alternatively, they also may seek the assistance of a supervisor or manager or the Council’s SHOs to demand that sexually harassing conduct cease.

(c) Conduct that was once welcome or consensual may become unwelcome. Once the conduct is no longer welcome, conduct of a sexually harassing nature must cease.

**IV. REPORTING AND REMEDYING SEXUAL HARASSMENT**

This policy provides several avenues an employee may pursue in response to witnessing or experiencing sexual harassment. All complaints of sexual harassment will be treated with the same rigor and gravity, regardless of the complaint avenue the complainant elects. All complaints of sexual harassment by a Councilmember will generate an investigation by outside counsel.

Any employee who believes he or she has been the target of sexual harassment can inform the offending person orally or in writing that such conduct is unwelcome and offensive and ask the offending person to stop the offensive conduct. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee should report the sexual harassment.

**(a) Reporting Harassment by a Council Employee.**

Sexual harassment by a Council employee, if reported, shall be reported through the channels described below. Complaints to supervisors will not automatically initiate an investigation by outside counsel, whereas complaints to an SHO will.

(1) Target complaints to supervisors.

(A) An employee who believes they are the target of sexual harassment from another Council employee may make a complaint to the employee's supervisor orally or in writing. The complainant's supervisor should reduce the complaint to writing and provide the complainant with section VII (External Reporting and Resources) of this policy. Upon receipt of the complaint, the complainant's supervisor must inform the alleged harasser to cease all offending conduct (if the alleged harasser is not in the supervisor's chain-of-command, the supervisor must enlist the assistance of an SHO or a supervisor in the alleged harasser's chain of command to inform the alleged harasser to cease all offending conduct). The supervisor shall promptly seek to resolve the complaint in a manner that ensures the offending conduct will not recur and take corrective action appropriate to the severity of the offense. If a supervisor cannot resolve the complaint, the supervisor must inform the complainant and encourage the complainant to make a complaint to an SHO. Supervisors are encouraged to seek advice in resolving complaints from an SHO or the General Counsel. A supervisor's consultation or request for assistance from an SHO is not considered a complaint to an SHO and will not automatically initiate an investigation by outside counsel.



In appropriate circumstances, a complaint to a supervisor may be resolved through conciliation. Conciliation is an informal method of alternative dispute resolution in which an SHO works with the complainant and alleged harasser to end the harassment and reach a resolution that is mutually agreeable to both parties. A complainant may initiate conciliation by informing the complainant's supervisor, who shall inform an SHO, of the complainant's desire to conciliate. Participation in conciliation is voluntary and requires the cooperation of both the target and alleged harasser. Ultimately, an SHO will make a case-by-case determination of whether a complaint is appropriate for conciliation.

Upon resolution of a complaint, or in the event a supervisor cannot resolve a complaint, the supervisor must provide a written report to an SHO and the General Counsel, which identifies the parties involved, the nature of the complaint, and steps taken to resolve the complaint. The SHOs and the General Counsel will evaluate the report to determine whether further action, including further investigation or corrective action, is warranted. The report shall be kept confidential consistent with the terms of this policy.

(B) If an employee chooses not to complain to a supervisor or is unsatisfied with the results of a complaint to a supervisor, the employee may make a complaint to an SHO.

(2) Anonymous and Witness Complaints.

(A) The Council encourages all employees to report instances of sexual harassment they witness to their supervisors, through the Council's online complaint portal, or directly to an SHO.<sup>1</sup> A supervisor who receives a complaint of sexual harassment from a witness should follow the procedures described above in subsection (a)(1)(A) to resolve and report the complaint's resolution or refer the matter to an SHO for resolution in accordance with subparagraph (C) of this paragraph.

(B) An employee, whether a target or a witness of sexual harassment, may anonymously report sexual harassment through the Council's online complaint portal by selecting the anonymous complaint option. An anonymous complaint through the Council's complaint portal will be transmitted to the SHOs.

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<sup>1</sup> Instructions for accessing the online complaint portal will be provided once the portal is operational.

(C) An SHO who receives a witness or anonymous complaint will perform an initial assessment of the facts of the complaint, including interviewing the alleged target and harasser, to determine what further action, including investigation by outside counsel, is possible, desired, or warranted given the nature and severity of the complaint.

(3) Target complaints to SHOs.

(A) A person who is sexually harassed may make a complaint directly to an SHO. A complaint made directly to an SHO may be oral or written; the SHO who receives an oral complaint shall reduce the complaint to writing. Complaints made through the Council's online complaint portal will be transmitted to the SHOs.

(B) Upon receipt of a complaint under this policy, the SHO who receives the complaint shall provide the complainant with section VII (External Reporting and Resources) of this policy.

(C) The SHO shall notify the alleged harasser, in writing, that a complaint has been made against him or her and direct the individual to cease all offending conduct.

(4) Investigation of Target Complaints to SHOs.

(A) Upon receipt of a complaint from a target of sexual harassment, the SHO shall inform the General Counsel, who shall contact outside counsel to investigate the complaint. Supervisors of the alleged target and harasser will be notified of the investigation, unless the target requests confidentiality, in which case, no supervisor shall be notified until the investigation is complete, unless the imposition of interim measures or the nature of the investigation necessitates notification.

(B) The SHOs will recommend interim measures to ensure no further apparent or alleged harassment occurs pending completion of an investigation. Supervisors and Councilmembers agree to abide by and implement the interim measures recommended by the SHOs. The following interim measures may be appropriate to ensure cessation of alleged harassment during the pendency of an investigation:

- (i) Administrative leave with pay;

- (ii) Physical separation, including the use of available swing space or shifting workspaces between physical offices;
- (iii) Working from home; or
- (iv) Other measures that limit contact between the target and alleged harasser.

Acceptable interim measures are administrative in nature and are not per se an adverse employment action to either party. Where a target of harassment requests separation from the alleged harasser, the SHO must require the target of harassment to make the request in writing.

(C) During the investigation, the SHO will be the point of contact for the complainant's or the alleged harasser's questions or concerns related to the complaint.

(D) Outside counsel has responsibility for investigating alleged sexual harassment in a prompt, thorough, and impartial manner.

(E) Outside counsel's investigation may take up to 30 days. If the investigation is not completed during that time, the complainant may elect to pursue remedies outside the Council, as further described in section VII (External Reporting and Resources).

(5) Resolving Target Complaints to SHOs.

(A) At the end of the investigation, outside counsel shall submit a written report of its findings and any recommendations of corrective action to the SHOs and the General Counsel.

(B) If outside counsel does not find that harassment occurred, an SHO shall notify the complainant and the alleged harasser of the result. No further action shall be taken.

(C)(i) If the outside counsel does find that harassment has occurred, the report shall also be submitted to:

- (I) The Councilmember for whom the alleged harasser works; or
  - (II) The Officer for whom the alleged harasser works.
- (ii) Councilmembers and Officers agree to take, at minimum, the corrective action recommended in the report from outside counsel, up to and including termination of the alleged harasser.

**(b) Reporting Harassment by a Non-Council Employee.**

A Council employee who experiences sexual harassment from a non-Council employee may make a complaint to a supervisor or an SHO through the avenues described above. The supervisor or SHO shall handle the complaint in the same manner as described above, including, if the complaint is to a supervisor, by providing a written resolution report to an SHO and the General Counsel that identifies the parties involved, the nature of the complaint, and steps taken to resolve the complaint. The Council's ability to resolve or investigate the complaint may be limited by lack of control over the alleged harasser. Resolution of a complaint of harassment against a non-Council employee may include the following:

- (1) Instituting a no-contact policy between the alleged harasser and the target, including barring the alleged harasser from the personal or committee offices of a Councilmember, as appropriate; and
- (2) Notifying the alleged harasser's employer of the alleged conduct and requesting the employer take appropriate action.

**(c) Reporting Harassment by a Councilmember**

(1) If an employee is sexually harassed by a Councilmember, the target or witness may make a complaint to an SHO. Except as otherwise provided in this subsection, all complaints against Councilmembers, including anonymous complaints, shall follow the same investigation and reporting steps outlined in subsection (a)(4) and (5) of this section, including investigation by outside counsel, imposition of interim measures, and submission of a written report by outside counsel.

(2) If outside counsel finds that the Councilmember engaged in conduct that violates this policy:

- (A) The report shall not include recommendations for corrective action; but shall include information and findings sufficient for members of an ad hoc committee to recommend penalties, if any, against the offending member, pursuant to Council Rule 652.
- (B) The report shall be submitted to:
  - (i) The General Counsel;
  - (ii) The SHOs; and
  - (iii) The Chairman.

(C) If the Chairman is the subject of the complaint, the Chairman pro tempore shall receive the report with no redactions.

(D) An ad hoc committee shall be established pursuant to Council Rule 651 within 3 business days after the investigative report is received from outside counsel. Members of the ad hoc committee shall receive unredacted versions of outside counsel's investigative report and shall protect the identities of individuals named in the report to the greatest extent possible. Based on the findings in the report, the ad hoc committee may recommend penalties against the member in accordance with Council Rule 652.

**(d) Confidentiality**

All reports of sexual harassment received pursuant to this policy shall be treated as confidential consistent with the procedural mandates of this policy. Recipients of sexual harassment complaints and those involved in any conciliation, investigation, or resolution of a complaint have an obligation to protect the identities of the complainant, alleged target, alleged harasser, and other witnesses to the fullest extent possible in light of the nature of any investigation conducted and remedial action sought or pursued. Disclosure of facts related to the complaint to an alleged target and alleged harasser's supervisor or Councilmember, the Office of General Counsel, outside counsel, and the Council as a body, in the case of a complaint against a Councilmember, may be necessary to achieve appropriate remedial action.

**(e) Rights of the Alleged Harasser**

Persons accused of sexual harassment deserve the full protections afforded to them under the law in administrative matters, including, but not limited to, the right to respond to allegations of sexual harassment, to counsel and representation, and the presumption of innocence. The right to counsel does not include the right to have counsel paid for by the government or Council.

**V. TRAINING**

The Council will provide training on sexual harassment to all Councilmembers and employees at least one time per year, which shall include training on retaliation. Annual sexual harassment training is mandatory for all Councilmembers and employees.

**VI. RETALIATION**

It is a violation of this policy to retaliate against someone who has reported possible sexual harassment.

Retaliation is conduct that punishes a person for exercising rights under this policy or discourages a reasonable person from engaging in activity protected under this policy. Such protected activity includes making a complaint under this policy, aiding or encouraging any other person to make a complaint under this policy, participating in the investigation or resolution of a complaint under this policy, opposing sexual harassment, refusing to follow orders that would result in sexual harassment, or intervening to protect others from sexual harassment.

Retaliatory behavior may include, but is not limited to, termination, unwarranted reprimands, intimidation, threats, unfairly downgrading personnel evaluations, transfers to less desirable positions, verbal or physical abuse, altered and more inconvenient work schedules, or coercion intended to pressure an individual to participate, not participate, or provide false or misleading information in a complaint or investigation under this policy.

The Council will take necessary steps to protect from retaliation employees who, in good faith, report incidents of potential sexual harassment and participate in investigations under this policy. Employees found to have engaged in retaliatory behavior shall be recommended for discipline, up to an including termination.

## **VII. EXTERNAL REPORTING AND RESOURCES**

The remedies and procedures available under this policy are in addition to the legal remedies available under District and federal law. A target of sexual harassment, or a person acting on the target's behalf with or without the target's consent, may report sexual harassment within one year of the alleged harassment or its discovery to the District of Columbia Office of Human Rights ("OHR") (D.C. Official Code § 2-1403.04(a)); a target of sexual harassment may also file a charge with the U.S. Equal Employment Opportunity Commission ("EEOC") within 300 days of the alleged harassment (42 U.S.C. 2000e-5(e)).<sup>2</sup> Filing a complaint under this policy does not extend the time a target has to file a complaint or charge with OHR or the EEOC.

In addition to the remedies under this policy, the target is encouraged to report sexual harassment that rises to the level of criminal misconduct, such as sexual assault, kidnapping, stalking, and threats to do bodily harm, to a law enforcement agency, including the Metropolitan Police Department (MPD).

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<sup>2</sup> The timelines for filing with administrative agencies are accurate as of January 4, 2021.

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Victims of sexual assault or other possible crimes may choose to call the DC Victim Hotline at 1-844-443-5732. The Hotline is available 24/7 by telephone, text, or online chat to connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. Victims may be matched with an advocate who can help them decide whether to pursue a matter through the criminal justice process.