

  
Chairman Phil Mendelson

1  
2  
3  
4  
5  
6  
7  
8 A RESOLUTION  
9

10  
11  
12  
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
14  
15  
16  
17  
18  
19

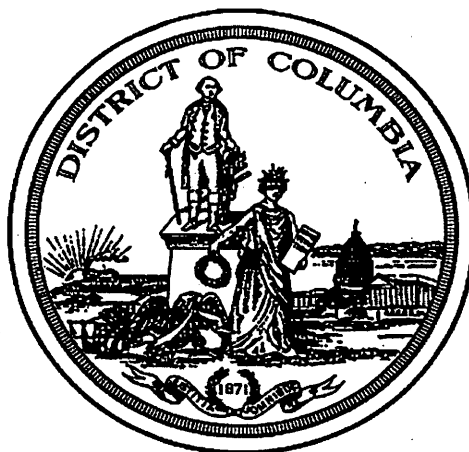
20 To provide rules of organization and procedure for the Council of the District of Columbia  
21 during Council Period 23 and to provide a Code of Official Conduct for the Council of  
22 the District of Columbia during Council Period 23.  
23

24 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
25 resolution may be cited as the "Rules of Organization and Procedure for the Council of the  
26 District of Columbia, Council Period 23, Resolution of 2019".

27 Sec. 2. The document entitled "Rules of Organization and Procedure for the Council of  
28 the District of Columbia, Council Period 23," attached and made a part of this resolution, shall  
29 be the rules of the Council of the District of Columbia.

30 Sec. 3. The document entitled "Council of the District of Columbia, Code of Official  
31 Conduct, Council Period 23," attached and made a part of this resolution shall be the Code of  
32 Official Conduct of the Council of the District of Columbia.

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



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

---

## COUNCIL PERIOD 23

### TABLE OF CONTENTS

<b>ARTICLE I—DEFINITIONS.....</b>	<b>9</b>
101. DEFINITIONS.....	9
<b>ARTICLE II—ORGANIZATION.....</b>	<b>12</b>
<b>A. OATH OF OFFICE AND OFFICIAL CONDUCT.....</b>	<b>12</b>
201. OATH OF OFFICE.....	12
202. CODE OF OFFICIAL CONDUCT.....	12
<b>B. EXECUTIVE OFFICERS OF THE COUNCIL.....</b>	<b>13</b>
211. CHAIRMAN.....	13
212. CHAIRMAN PRO TEMPORE.....	13
213. VACANCY IN OFFICE OF CHAIRMAN.....	13
<b>C. COMMITTEE MEMBERSHIP.....</b>	<b>13</b>
221. SELECTION.....	13

COUNCIL RULES, PERIOD XXIII

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

223. VACANCIES. .... 14

224. DISTRIBUTION OF RESPONSIBILITY..... 14

225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS..... 14

226. RULES OF COMMITTEES..... 14

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

D. STANDING COMMITTEES..... 15

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

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

233. COMMITTEE ON EDUCATION. .... 18

234. COMMITTEE ON FACILITIES AND PROCUREMENT..... 19

235. COMMITTEE ON FINANCE AND REVENUE..... 20

236. COMMITTEE ON GOVERNMENT OPERATIONS. .... 20

237. COMMITTEE ON HEALTH..... 21

238. COMMITTEE ON HUMAN SERVICES..... 23

239. COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION.  
..... 23

240. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY. .... 24

241. COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT. .... 25

242. COMMITTEE ON RECREATION AND YOUTH AFFAIRS. .... 25

243. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT. .... 26

E. CREATION OF SUBCOMMITTEES..... 26

245. SUBCOMMITTEES..... 26

F. SPECIAL COMMITTEES AND SPECIAL PROJECTS..... 27

251. CREATION OF SPECIAL COMMITTEES..... 27

252. USE OF SUBPOENAS BY SPECIAL COMMITTEE..... 27

253. SPECIAL PROJECTS..... 27

G. APPOINTED OFFICERS OF THE COUNCIL..... 27

261. APPOINTMENT OF OFFICERS..... 27

262. SECRETARY..... 27

263. GENERAL COUNSEL..... 27

264. BUDGET DIRECTOR..... 28

H. COUNCIL PERSONNEL AND APPOINTMENTS..... 28

271. SUBORDINATE STAFF OF APPOINTED OFFICERS..... 28

272. COMMITTEE STAFF..... 28

273. COUNCILMEMBERS' PERSONAL STAFF..... 29

## COUNCIL RULES, PERIOD XXIII

274. SEPARATION PAY AND BUDGET ACCOUNTING.....	29
275. COUNCIL APPOINTMENT TO OTHER BODIES.....	29
276. APPOINTMENT BY COMMITTEES AND MEMBERS.....	29
277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.....	30
<b>I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS.....</b>	<b>30</b>
281. COMPUTING TIME.....	30
282. FILING WITH THE SECRETARY.....	31
283. CIRCULATION TO MEMBERS AND COMMITTEES.....	32
<b>ARTICLE III—PROCEDURES FOR MEETINGS.....</b>	<b>32</b>
<b>A. LEGISLATIVE MEETINGS.....</b>	<b>32</b>
301. ORGANIZATIONAL MEETING.....	32
302. REGULAR MEETINGS.....	32
303. ADDITIONAL AND SPECIAL MEETINGS.....	32
304. QUORUM.....	33
305. HEARING THE MAYOR.....	33
306. RECESS.....	34
307. COUNCIL REVIEW OF CONTRACTS.....	34
308. POLICY AND ECONOMIC IMPACT ANALYSES.....	35
309. FISCAL IMPACT STATEMENTS.....	36
310. LEGAL SUFFICIENCY DETERMINATIONS.....	36
311. PRESENTATION OF LEGISLATION TO THE COUNCIL.....	37
<b>B. ORDER OF BUSINESS FOR MEETINGS.....</b>	<b>37</b>
312. ORDER OF BUSINESS FOR REGULAR MEETINGS.....	37
313. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.....	38
314. PROCEEDING OUT OF ORDER.....	38
<b>C. RULES OF DECORUM.....</b>	<b>38</b>
321. DECORUM OF MEMBERS.....	38
322. DECORUM OF MEMBERS OF THE PUBLIC.....	39
<b>D. RULES OF DEBATE.....</b>	<b>39</b>
331. OBTAINING THE FLOOR.....	39
332. TIME LIMITS FOR DEBATE.....	40
333. PERSONAL PRIVILEGE.....	40
334. POINT OF ORDER.....	40
335. APPEAL.....	40
336. PARLIMENTARY INQUIRY.....	40
337. RECOGNITION OF NON-MEMBERS.....	41



COUNCIL RULES, PERIOD XXIII

338. PRESENTATION OF CEREMONIAL RESOLUTIONS..... 41

339. EXPEDITED OPTIONAL PROCEDURE FOR REPROGRAMMINGS,  
REVENUE BONDS, AND REVIEW RESOLUTIONS..... 41

E. MOTIONS..... 42

341. MOTIONS RECOGNIZED DURING DEBATE..... 42

342. WITHDRAWAL OR MODIFICATION OF MOTIONS..... 42

343. ADJOURN..... 42

344. RECESS..... 43

345. RECONSIDER..... 43

346. LAY ON THE TABLE..... 44

348. MOTION TO CLOSE DEBATE..... 44

350. RECOMMIT..... 45

F. AMENDMENTS..... 46

353. AMENDMENTS TO BE WRITTEN..... 46

354. GERMANE AMENDMENTS..... 46

355. FRIENDLY AMENDMENTS..... 47

356. AMENDMENT IN THE NATURE OF A SUBSTITUTE..... 47

G. OTHER MOTIONS..... 47

357. DISCHARGE..... 47

358. TAKE FROM THE TABLE..... 47

H. VOTING..... 48

361. FORM OF VOTE..... 48

362. VOICE VOTES..... 48

363. DEMAND FOR ROLL-CALL VOTE..... 48

364. CALLING THE ROLL..... 48

365. RECORDS OF VOTES..... 48

366. TAX ABATEMENT FINANCIAL ANALYSIS (TAFSA)..... 49

367. PROXY VOTING PROHIBITED..... 49

368. SUMMONS OF MEMBERS..... 49

I. OPEN MEETINGS..... 49

371. OPEN MEETINGS, GENERALLY..... 49

372. MEETINGS DEEMED OPEN..... 50

373. NOTICE OF MEETINGS..... 50

374. RECORD OF MEETINGS..... 51

375. EXCEPTIONS TO OPEN MEETINGS..... 51

<b>ARTICLE IV—LEGISLATION.....</b>	<b>53</b>
A. INTRODUCTION OF LEGISLATION.....	53
401. WHO MAY INTRODUCE.....	53
402. MANNER OF INTRODUCTION.....	54
403. INTRODUCTION OF EMERGENCY LEGISLATION.....	55
404. READING INTRODUCTIONS.....	55
405. COMMITTEE REFERRAL.....	55
406. COMMENTS BY EXECUTIVE.....	56
407. WITHDRAWAL OF LEGISLATION.....	56
408. COMMITTEE APPROVAL.....	57
B. COUNCIL APPROVAL.....	57
411. CONSENT AGENDA.....	57
412. EMERGENCY LEGISLATION.....	58
413. TEMPORARY LEGISLATION.....	59
414. TECHNICAL-AMENDMENT LEGISLATION.....	59
415. ENACTMENT LEGISLATION.....	59
416. VETOED LEGISLATION.....	59
417. TRANSMISSION OF ACTS.....	60
418. EFFECT OF END OF COUNCIL PERIOD.....	60
C. NOTICE AND PUBLICATION OF INTENDED ACTIONS.....	61
421. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS AND HEARINGS.....	61
422. PERSONAL SERVICE OR ACTUAL NOTICE.....	62
423. METHODS OF NOTICE.....	62
424. NOTICE OF EMERGENCY ACTIONS.....	62
425. NOTICE OF TEMPORARY LEGISLATION.....	63
426. NOTICE OF WAIVER OF RULE 231(C).....	63
427. NOTICE OF CEREMONIAL RESOLUTIONS.....	63
428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION.....	63
429. NOTICE OF NEW BUSINESS.....	64
430. NOTICE OF COMMITTEE MEETINGS.....	64
<b>ARTICLE V—HEARING PROCEDURES.....</b>	<b>64</b>
A. PROCEDURES FOR HEARINGS.....	64
501. AUTHORITY TO CALL HEARINGS.....	64
502. QUORUM.....	65
503. PARTICIPATION BY MEMBERS.....	65
504. WITNESSES AT A PUBLIC HEARING.....	65

COUNCIL RULES, PERIOD XXIII

B. RECEIVING TESTIMONY..... 65

511. QUESTIONING WITNESSES..... 65

512. DECORUM OF WITNESSES..... 65

C. RIGHTS OF WITNESSES..... 66

521. RIGHT TO COUNSEL..... 66

522. RIGHT TO MAKE OPENING STATEMENT..... 66

D. RECORD OF HEARINGS..... 66

531. HEARING RECORDS, REQUIRED..... 66

532. CLOSE OF RECORD..... 67

**ARTICLE VI—INVESTIGATIONS AND SUBPOENAS..... 67**

A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS..... 67

601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION..... 67

602. NOTICE OF INVESTIGATION..... 67

603. REPORT OF INVESTIGATION..... 67

604. TESTIMONY UNDER OATH..... 67

605. ISSUING THE OATH..... 68

606. DEPOSITIONS..... 68

B. SUBPOENAS..... 68

611. ISSUANCE OF SUBPOENAS..... 68

612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA..... 68

613. SERVICE OF SUBPOENAS..... 68

614. ENFORCEMENT OF SUBPOENAS..... 68

C. RIGHTS OF WITNESSES..... 69

621. RIGHT TO ASSERT PRIVILEGES..... 69

622. NOTIFICATION OF RIGHTS..... 69

623. RIGHT TO TRANSCRIPT..... 69

624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS... 69

625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS..... 69

D. CENSURE, REPRIMAND, AND EXPULSION PROCEDURES..... 69

651. AD HOC COMMITTEES..... 69

652. AD HOC COMMITTEE INITIATED BY A BEGA CENSURE..... 70

653. AD HOC COMMITTEE BY REQUEST..... 70

654. REPRIMAND..... 72

COUNCIL RULES, PERIOD XXIII

655. CENSURE. .... 72  
656. EXPULSION. .... 72

**ARTICLE VII—BUDGET PROCEDURES..... 73**

A. BUDGET REVIEW PROCEDURES..... 73

701. ROLE OF THE COMMITTEE OF THE WHOLE. .... 73  
702. BUDGET-REVIEW SCHEDULE. .... 73  
703. ROLE OF COUNCIL COMMITTEES..... 73  
704. COMMITTEE OF THE WHOLE CONSIDERATION OF PROPOSED  
BUDGET..... 74  
705. COUNCIL CONSIDERATION OF THE BUDGET..... 74

B. REPROGRAMMING POLICY ACT PROCEDURES..... 74

711. EFFECT OF RECESS ON PROCEDURES. .... 74  
712. COMMITTEE REFERRAL OF REQUESTS. .... 75  
713. CIRCULATION OF REQUESTS..... 75  
714. PUBLICATION OF NOTICE. .... 75  
715. WITHDRAWAL OF REPROGRAMMING REQUESTS..... 75  
716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS..... 75  
717. AUTOMATIC APPROVAL OF REQUESTS..... 75  
718. TRANSMITTAL TO MAYOR. .... 76

C. FUNDS CONTROL ACT PROCEDURES..... 76

[RESERVED]..... 76

D. SPECIFIED FUNDING ALLOCATION PROCEDURES. .... 76

730. REQUIRED INFORMATION PRIOR TO APPROVAL..... 76  
731. PROHIBITION ON CONSECUTIVE ALLOCATIONS..... 77  
732. LIMITS ON AWARD AMOUNTS. .... 78  
733. AUDIT REQUIREMENTS..... 78  
734. DISCLOSURE REQUIREMENTS..... 78

E. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND  
FINANCIAL PLAN..... 78

735. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND  
FINANCIAL PLAN..... 78  
736. REPEAL OF LAWS SUBJECT TO APPROPRIATIONS..... 78

COUNCIL RULES, PERIOD XXIII

**ARTICLE VIII—COUNCIL RECORDS..... 78**

    A. COUNCIL RECORDS. .... 78

        801. RESPONSIBILITY FOR RECORDS..... 78

        802. FORM FOR INTRODUCTIONS..... 79

        803. REPORTS ON LEGISLATION. .... 79

        804. SUPPLEMENTAL COMMITTEE REPORT..... 82

        805. IDENTIFICATION OF COUNCIL DOCUMENTS. .... 82

        806. LEGISLATIVE FILES. .... 83

        807. OTHER OFFICIAL RECORDS. .... 83

        808. RECORDS OF LEGISLATIVE MEETINGS..... 84

        809. COMMITTEE RECORDS..... 84

    B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS..... 84

        811. FOIA PROCEDURES. .... 84

        812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT... 85

        813. SERVICE OF PROCESS. .... 85

**ARTICLE IX—AUDITOR..... 86**

    901. SELECTION..... 86

    902. TERM AND COMPENSATION. .... 86

    903. VACANCY. .... 86

    904. STAFF..... 86

    905. REPORTS AVAILABLE TO THE PUBLIC..... 86

**ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF  
RULES. .... 86**

    1001. PARLIAMENTARY AUTHORITY. .... 86

    1002. GENDER RULE OF CONSTRUCTION. .... 86

    1003. SUSPENSION OF RULES..... 87

    1004. AMENDMENT OF RULES. .... 87

    1005. EFFECTIVE PERIOD..... 87



ARTICLE I—DEFINITIONS.

101. DEFINITIONS.

For the purposes of these Rules, the term:

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

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

(3) “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. A ceremonial resolution may be adopted only by unanimous consent.

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

(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 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.

(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.

## COUNCIL RULES, PERIOD XXIII

(14) "Council website" means the website with the domain name of dccouncil.us.

(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. .

(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 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 the measure has been reviewed by the Office and determined 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 as established by section 421 of the Charter (D.C. Official Code § 1-204.21).

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

(26) "Meeting" means, except for purposes of Rules 371 through 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.

## COUNCIL RULES, PERIOD XXIII

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

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

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

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

(31) “Recess of the Council” or “Council Recess” means periods of time during which regularly scheduled meetings of the Council are not held; i.e., July 15<sup>th</sup> through September 15<sup>th</sup>, December 23<sup>rd</sup> through December 31<sup>st</sup> of each year, and April 12<sup>th</sup> through April 19<sup>th</sup>, 2019 and simultaneous with the District of Columbia Public Schools Spring Break in 2020.

(32) “Register” means the *District of Columbia Register*.

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

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

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

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

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

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

(39) “Subpoena” means *subpoena ad testificandum* or *subpoena duces tecum*, or both.

(40) “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 he or she has been duly certified as having been elected or selected for the position.

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

202. CODE OF OFFICIAL CONDUCT.

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

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

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

(d)(1) The Council shall proactively review the District's overall ethics program, including structure, training, enforcement, and overall ethics culture, and work to

comply with national standards for the creation of effective compliance and ethics programs.

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

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

**211. CHAIRMAN.**

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

**212. CHAIRMAN PRO TEMPORE.**

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 shall nominate a Councilmember to fill the vacancy, and the Council shall, by resolution, act on the Chairman's nomination.

**224. DISTRIBUTION OF RESPONSIBILITY.**

The Chairman and Council shall endeavor to distribute committee responsibility as evenly as possible among the Members, and in no event shall an individual Member 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, not inconsistent with these Rules or other applicable law, to govern its procedures. The committee rules shall incorporate the following requirements:

- (1) The scheduling of regular meeting days for conducting business;
- (2) A procedure for rescheduling or cancelling a regular meeting;
- (3) A procedure for holding additional meetings to be called by the chairperson;
- (4) A procedure for holding special meetings, which shall be called at the request of a majority of the members of the committee;
- (5) Procedures to govern the 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;

## COUNCIL RULES, PERIOD XXIII

(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)(5), a comparative print, unless at least 4 members of the committee agree, in a written record, to a shorter notice;

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

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

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

## COUNCIL RULES, PERIOD XXIII

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; public-education matters concerning Pre-K through Grade 12 and truancy (jointly with the Committee on Education); public-education 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; matters related to statehood and self-determination for the District; 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, and for the introduction and referral of legislation. The Chairman shall prepare the agenda for each meeting of the Committee of the Whole. The Chairman may not withhold a measure duly reported and timely filed by another committee from the agenda of a regular Committee of the Whole meeting, and the Chairman may not hold a measure in the Committee of the Whole that has been properly reported by another committee unless the Committee of the Whole votes to table, postpone, recommit, or re-refer the measure.

(c)(1) Except as provided in Rule 339, each measure reported by the committees of the Council identified in Rules 232 to 243 shall be referred to the Committee of the Whole for a review of its legal sufficiency and technical compliance with the drafting rules of the Council; for ascertaining completion of the record; for a determination of the sufficiency of the fiscal-impact statement; and for scheduling for the legislative meeting pursuant to Rule 302.

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

(3) A measure and accompanying committee report, reported by a committee for consideration at the Committee of the Whole, may be presented by the 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.



## COUNCIL RULES, PERIOD XXIII

(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) In addition to the joint responsibilities stated above in paragraph (a), 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 Zoning Adjustment
- Commemorative Works Committee
- Community College of the District of Columbia
- Community College Transition to Independence Advisory Board
- Construction Codes Coordinating Board
- Council of the District of Columbia
- Department of Consumer and Regulatory Affairs
- District of Columbia Auditor
- District of Columbia Retirement Board, including the District of Columbia Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund
- District Retiree Health Contribution
- Historic Preservation Review Board
- 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 Planning
- Office of the Statehood Delegation
- Office of Zoning
- Other Post-Employment Benefits Fund Advisory Committee
- Tax Revision Commission
- Tobacco Settlement Financing Corporation
- University of the District of Columbia
- Zoning Commission

### **232. COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT.**

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

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

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

Alcoholic Beverage Regulation Administration  
Board of Accountancy  
Board of Architecture, 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  
Commission on Fashion Arts and Events  
Department of For-Hire Vehicles  
Department of Insurance, Securities and Banking  
Department of Small and Local Business Development  
Deputy Mayor for Planning and Economic Development  
District of Columbia Boxing and Wrestling Commission  
Financial Literacy Council  
For-Hire Vehicle Advisory Council  
Innovation and Technology Inclusion Council  
Kennedy Street NW Economic Development and Small Business Revitalization Advisory Committee  
Office of Cable Television, Film, Music and Entertainment  
Office of People’s Counsel  
Public Access Corporation  
Public Service Commission  
St. Elizabeth’s East Redevelopment Initiative Advisory Board  
Walter Reed Army Medical Center Site Reuse Advisory Committee

**233. COMMITTEE ON EDUCATION.**

(a) The Committee on Education is responsible for all matters related to public education, including authorizing public charter schools, and truancy (jointly with the Committee of the Whole pursuant to Rule 231) but not including matters exclusively within the University of the District of Columbia or the Community College of the District of Columbia; and public libraries.

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

Advisory Committee on Community Use of Public Space  
Bullying Prevention Task Force  
Commission on Out of School Time Grants and Youth Outcomes  
Common Lottery Board  
Community Schools Advisory Committee  
District of Columbia Educational Opportunity for Military Children State  
Council  
District of Columbia Public Charter School Board  
District of Columbia Public Library System  
District of Columbia Public Library Trust Fund  
District of Columbia Public Schools  
District of Columbia State Athletics Commission  
Education Licensure Commission  
Healthy Youth and Schools Commission  
Higher Education Licensure Commission  
Interagency Coordinating Council  
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 Student Advocate  
Office of Out of School Time Grants and Youth Outcomes  
Our Schools Leadership Committee  
Public Charter School Credit Enhancement Fund Committee  
State Board of Education

**234. COMMITTEE ON FACILITIES AND PROCUREMENT.**

(a) The Committee on Facilities and Procurement is responsible for government procurement; maintenance of public buildings and property management, including the declaration of government property as no longer required for public purposes; matters regarding Advisory Neighborhood Commissions; and matters regarding returning citizens.

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

Advisory Neighborhood Commissions  
Contract Appeals Board  
Commission on Re-Entry and Returning Citizen Affairs  
Department of General Services  
Office of Contracting and Procurement  
Office on Returning Citizen Affairs



**235. COMMITTEE ON FINANCE AND REVENUE.**

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

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

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

**236. COMMITTEE ON GOVERNMENT OPERATIONS.**

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

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

- Advisory Board on Veterans Affairs for the District of Columbia
- Advisory Commission on Caribbean Community Affairs
- Advisory Committee to the Office of Administrative Hearings
- Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
- Commission for Women

Commission on African Affairs  
Commission on African American Affairs  
Commission on Asian and Pacific Islander Affairs  
Commission on Human Rights  
Commission on Latino Community Development  
Commission on the Martin Luther King, Jr. Holiday  
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  
Emancipation Commemoration Commission  
Executive Office of the Mayor  
Serve DC  
Interfaith Council  
Mayor's Office of Legal Counsel  
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 Community Affairs  
Office of Human Rights  
Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs  
Office of Nightlife and Culture  
Office of Partnerships and Grants Services  
Office of Public-Private Partnerships  
Office of Risk Management  
Office of the Chief Technology Officer  
Office of the City Administrator  
Office of the Inspector General  
Office of the Senior Advisor  
Office of Veterans Affairs  
Office on African Affairs  
Office on African American Affairs  
Office on Asian and Pacific Islanders Affairs  
Office on Latino Affairs  
Office on Women's Policy and Initiatives  
Secretary of the District of Columbia

**237. COMMITTEE ON HEALTH.**

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

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

Advisory Committee on Acupuncture  
Advisory Committee on Anesthesiologist Assistants

## COUNCIL RULES, PERIOD XXIII

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  
Deputy Mayor for Health and Human Services  
District of Columbia Health Benefit Exchange Authority  
Health Information Exchange Policy Board  
Health Literacy Council  
Mental Health Planning Council  
Metropolitan Washington Regional Ryan White Planning Council  
Not-For-Profit Hospital Corporation  
Statewide Health Coordinating Council

**238. COMMITTEE ON HUMAN SERVICES**

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

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

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

**239. COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION.**

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

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

- Age-Friendly DC Task Force
- Board of Real Estate Appraisers
- Condominium Association Advisory Council
- Commission on Aging
- Department of Housing and Community Development
- District of Columbia Housing Authority
- Housing and Community Development Reform Commission
- Housing Finance Agency
- Housing Production Trust Fund
- Interagency Council on Homelessness
- Office of the Tenant Advocate
- Office on Aging
- Real Estate Commission
- Rental Housing Commission

Office-to-Affordable-Housing Task Force

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

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

- Access to Justice Initiative
- Advisory Committee on Street Harassment
- Board of Ethics and Government Accountability
- Child Fatality Review Committee
- Child Support Guideline Commission
- Clemency Board
- Commission on Judicial Disabilities and Tenure
- Comprehensive Homicide Elimination Strategy Task Force
- Corrections Information Council
- Criminal Code Reform Commission
- Criminal Justice Coordinating Council
- Department of Corrections
- Department of Forensic Sciences
- Deputy Mayor for Public Safety and Justice
- Developmental Disabilities Fatality Review Committee
- District of Columbia Board of Elections
- District of Columbia 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 Police Complaints  
Office of the Attorney General for the District of Columbia  
Office of Neighborhood Safety and Engagement  
Office of the Chief Medical Examiner  
Office of Unified Communications  
Office of Victim Services and Justice Grants  
Police Complaints Board  
Police Officer Standards and Training Board  
Science Advisory Board  
Uniform Law Commission  
Violence Fatality Review Committee

**241. 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  
Workforce Investment Council  
Youth Apprenticeship Advisory Committee

**242. COMMITTEE ON RECREATION AND YOUTH AFFAIRS.**

(a) The Committee on Recreation and Youth Affairs is responsible for public parks and recreation and youth affairs (other than juvenile justice).

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

Commission on Fathers, Men and Boys  
Department of Parks and Recreation



Department of Youth Rehabilitation Services  
Deputy Mayor for Greater Economic Opportunity  
Juvenile Abscondence Review Committee

**243. 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; 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  
Public Space Committee  
Major Crash Review Task Force  
Multimodal Accessibility Advisory Council  
Pedestrian Advisory Council  
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

**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. CREATION OF 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, and date for final action of the special committee.

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

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

**253. SPECIAL PROJECTS.**

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

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

**261. APPOINTMENT OF OFFICERS.**

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

**262. SECRETARY.**

The Secretary is the chief administrative officer of the Council and is responsible for maintaining records of Council actions including the filing of bills and proposed resolutions, amendments to bills and resolutions, requests for hearings, committee reports, and other records and reports assigned by these Rules, the Council, or the Chairman, and for proposing and administering the fiscal-year budget of the Council. The Secretary shall only disburse funds for the direct operating expenses in the office of a Member or Officer.

**263. GENERAL COUNSEL.**

(a) The General Counsel is responsible for advising the Council on matters of parliamentary procedure; identifying legislative concerns; providing Members with alternative policy options to solve those concerns; providing representation for the Council in any legal action to which it is a party or in which the Chairman determines



that the Council has a significant interest; providing legal representation for a Member or employee for actions taken within the scope of his or her official duties and in which the Chairman determines that the Council has a significant interest; 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; determining the legal sufficiency of legislation; 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 Council staff person for actions taken within the scope of the Member or staff person's official duties or for matters in which the Council has a significant interest. The General Counsel shall serve as Ethics Counselor for the Council.

(b) The General Counsel shall not represent a Member or Council employee whenever the 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 but not limited to criminal proceedings or proceedings before the Board of Ethics and Accountability or the Office of the Inspector General.

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

The Budget Director is responsible for advising Councilmembers on budget-related matters, including the development of annual and multiyear budgets and financial plans, review of contracts and reprogrammings, and for certifying committee budget reports pursuant to Rule 703(b)(2). The Budget Director is also responsible for issuing policy and economic impact analyses pursuant to Rule 308, and fiscal impact statements for proposed amendments and emergency and temporary legislation pursuant to Rule 309. The Council Budget Office shall also serve as a resource for all Council committees and members.

### **H. COUNCIL PERSONNEL AND APPOINTMENTS.**

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

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

#### **272. COMMITTEE STAFF.**

(a) The chairperson of each committee shall appoint and shall present for the approval by resolution of the committee at the first committee meeting of the Council period the names and 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.

## COUNCIL RULES, PERIOD XXIII

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

### **273. COUNCILMEMBERS' PERSONAL STAFF.**

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

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

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

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

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

When the law provides for the Council to appoint an individual to another body, the Chairman shall nominate an individual and the Council shall act, by resolution, on the nomination. A Council appointee shall report to the Council on a periodic basis. The Council may instruct, by resolution, its representative as to the position to take on a particular matter.

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

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

(b) When the law provides for a Councilmember to appoint 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 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 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 that a lesser number may hold hearings.

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

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

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

(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; provided, that this provision shall not be used to comply with the requirement of Rule 501(a)(2).

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

**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 in a folder of a distinctive color 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, 2019 and July 15, 2019, or between July 5, 2020 and July 15, 2020.

(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 at the time of consideration of each measure before the Council, as provided in subsection (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) A fiscal impact statement from the Chief Financial Officer is required at the time of consideration of a resolution, other than as exempted in paragraph (2) above, or bill being marked up by a committee; provided, that where a measure has been sequentially referred pursuant to Rule 405(c), a fiscal impact statement shall be required at markup by the last committee in the sequential referral.

(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; and

(4) A temporary bill.

(d) A request for a fiscal impact statement from the Budget Director pursuant to subsection (c) of this section shall be made 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.

(e) A committee shall not mark up a bill unless a fiscal impact statement by the Chief Financial Officer for the bill has been circulated to all Councilmembers before the mark up meeting.

**310. LEGAL SUFFICIENCY DETERMINATIONS.**

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

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

(2) An emergency resolution or bill;

(3) A temporary bill; and

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

(b) A request for a legal sufficiency determination from the General Counsel pursuant to subsection (a) of this section shall be made 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 an emergency declaration, a ceremonial, or a sense of the Council resolution, or for an amendment to those resolutions.

### **311. 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.

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

### **312. ORDER OF BUSINESS FOR REGULAR MEETINGS.**

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

- (1) Call to order at the time and place set forth pursuant to Rule 302;
- (2) Moment of silence;
- (3) Determination by the Chairman of the presence of a quorum;
- (4) Presentation of 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, and the introduction by Councilmembers of new measures by reading the short title without objection;
- (7) Approval of the consent agenda without objection;
- (8) Final reading by short title and final vote on bills that have been pending at least 13 days since they were previously read, except as provided in paragraph (7) of this section;
- (9) Reading by short title and vote on reported and discharged bills, except as provided in paragraph (7) of this section;

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

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

### **313. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS.**

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

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

(2) Moment of silence;

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

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

### **314. PROCEEDING OUT OF ORDER.**

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

## **C. RULES OF DECORUM.**

### **321. DECORUM OF MEMBERS.**

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

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

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

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

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

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

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

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

(c) Unless permitted by the Chairman, no person, 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. No demonstrations are permitted in the Chamber or any area in which a Council proceeding or a public hearing is being conducted.

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

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

**333. PERSONAL PRIVILEGE.**

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

**334. POINT OF ORDER.**

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

**335. APPEAL.**

An appeal may be 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 his or her decision.

**336. PARLIMENTARY INQUIRY.**

A parliamentary inquiry is made when a Member raises a question to the Chairman seeking information about the procedure or business before the Council. The Chairman shall answer the question about the procedure or business before the Council, or, when the Chairman does not possess the information sought may direct the question to a Member 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.

**338. 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 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 his or her 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 a legislative meeting.

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

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

(a) This section shall apply to:

(1) Revenue bonds resolutions; and

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

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

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

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

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

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

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

## **E. MOTIONS.**

### **341. MOTIONS RECOGNIZED DURING DEBATE.**

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

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

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

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

### **343. ADJOURN.**

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

**344. RECESS.**

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

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

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

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

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

(c)(1) A committee chairperson may, without 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 approved, deemed approved, or vetoed by the Mayor.

(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.

## COUNCIL RULES, PERIOD XXIII

(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.

## COUNCIL RULES, PERIOD XXIII

(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 405(b). A motion to recommit is debatable, though debate shall be limited to the desirability of committing the measure to the committee. Debate on the merits of the measure is not in order while a motion to recommit is pending.

### 351. AMEND.

A Councilmember may move to amend a measure pursuant to **Section F** below.

### 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.



**F. AMENDMENTS.**

**353. AMENDMENTS TO BE WRITTEN.**

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

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

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

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

(d) 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.

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

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

**354. 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.

**355. 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.

**356. 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 movant'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.

**G. OTHER MOTIONS.**

**357. DISCHARGE.**

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

**358. 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.

## **H. VOTING.**

### **361. FORM OF VOTE.**

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

### **362. VOICE VOTES.**

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

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

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

### **364. CALLING THE ROLL.**

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

### **365. RECORDS OF VOTES.**

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

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

(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 (TAFAs)**

Where a TAFAs 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 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.

**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.

**I. 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:

## COUNCIL RULES, PERIOD XXIII

(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; or
- (3) Meeting is televised.

### **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, the relevant Council office, 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 Rules 501 and 421(d), respectively.

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

(a) Except as provided in subsection (e) of this section, all meetings, whether open or closed, shall be recorded electronically. In accordance with Rule 808, the electronic recording shall be produced and maintained by the Secretary; provided, that if a recording is not possible, detailed minutes of the meetings shall be kept by the Secretary.

(b) 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 minutes shall be made available to the public or requester no more than 3 business days after the meeting.

(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:

(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;

## COUNCIL RULES, PERIOD XXIII

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

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

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

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

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

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

(9) To discuss disciplinary matters;

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

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

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

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

(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.

(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 in 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 or an independent agency shall be submitted in Word format, shall be complete, and shall be in compliance with these Rules. It shall be introduced by the Chairman, at the request of the Mayor (or 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 the fourth business day before the meeting.

(B) To be considered at a legislative meeting, all other measures transmitted by the Mayor or an independent agency shall be filed with the Secretary no later than noon on the second business day before the meeting.

(3) Proposed legislation from the Mayor or an independent agency shall be transmitted to the Council by hard copy and a copy in Word format by email, or any other medium as determined by the Secretary. All confirmation resolutions submitted to the Council by the Mayor shall include a copy of the current resume of the nominee. The Secretary shall place a 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, as defined by Rule 101(25).

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

#### **402. MANNER OF INTRODUCTION.**

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

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

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

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

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

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

(e) Any filing sheet and other documentation accompanying legislation that is required by the Secretary shall be typed or legibly printed and shall be specific to the legislation.

#### **403. INTRODUCTION OF EMERGENCY LEGISLATION.**

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

#### **404. READING INTRODUCTIONS.**

(a) At each legislative meeting and work session of the Committee of the Whole, during the period designated for introductions, the Secretary shall read the short titles of measures that were introduced pursuant to Rule 402(a)(2) between the previous reporting period and 10 a.m. of the business day before the legislative meeting or Committee of the Whole work session, and provide the numbers assigned as provided in Rule 805 and the committee referrals as provided in Rule 405.

(b) Measures may not be debated or amended when they are read for introduction.

(c) The formal reading of the Secretary's report as provided in subsection (a) of this section may be waived by unanimous consent.

(d) A Councilmember may raise questions regarding a committee referral included in the Secretary's report without a formal reading of the entire Secretary's report.

(e) A Councilmember may introduce no more than 3 measures at a legislative meeting or Committee of the Whole work session.

(f) A Councilmember may speak for no more than 3 minutes on each measure introduced.

(g) Only one Councilmember may speak on each introduced measure; provided, that a Councilmember may yield all or a part of the Councilmember's time provided by this section to another Councilmember.

#### **405. COMMITTEE REFERRAL.**

(a)(1) When a measure is introduced at a legislative meeting or Committee of the Whole work session, the Chairman may refer it to the appropriate committee or committees, taking into account standards of germaneness, unless the Council retains the measure. The referral is official unless the Chairman provisionally refers the measure to a committee or committees.



## COUNCIL RULES, PERIOD XXIII

(2) If the Chairman provisionally refers the measure to a committee or committees, the referral shall be deemed official after 3 business days. If the Chairman refers the measure to another committee within the 3-business-day period or any time thereafter, the referral shall not become official until the next regular legislative meeting or Committee of the Whole work session. The Chairman may refer a measure for comments at any time.

(b) When a measure is introduced by filing it with the Secretary, rather than introducing it at a meeting pursuant to subsection (a) of this section, the Chairman shall refer it to the appropriate committee or committees, unless the Council retains the measure. Such referral is not official until it is read at a meeting pursuant to Rule 404.

(c)(1) The Chairman may refer a measure to 2 or more committees for sequential consideration of all or part of the measure, and may refer all or part of the measure to one or more committees for comments.

(2) When there is a sequential referral, the Chairman may make the referral and specify a time period within which one or more of the committees must report the measure. If a committee fails to file a report within the specified time period, the measure shall be deemed discharged from the committee and the Secretary shall provide notice that the measure is ready for subsequent action by another committee or to be agendized for Council consideration.

(d) The Chairman may re-refer measure from one committee to another committee and the new referral shall become official at the next legislative meeting or Committee of the Whole work session.

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

### **406. COMMENTS BY EXECUTIVE.**

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

### **407. WITHDRAWAL OF LEGISLATION.**

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

(b) Except as provided above in paragraph (a), 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.

#### **408. 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 before approval by a committee.

(d) After approval of a committee print on a measure by the Committee of the Whole, the Chairperson may file the committee print with the Secretary as specified in Rule 282 without the committee report.

#### **B. COUNCIL APPROVAL.**

#### **411. CONSENT AGENDA.**

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

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

(c) Measures removed from the consent agenda shall be considered as provided in Rule 312, except that the Chairman may first consider items removed from the consent agenda.

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

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

#### **412. EMERGENCY LEGISLATION.**

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

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

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

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

(c) An emergency resolution shall take effect, according to its terms, either immediately or at a specific time. Pursuant to section 412(a) of the Charter (D.C. 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. 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) Records of measures that lapsed at the end of a Council Period may be incorporated by reference in the records of substantially similar measures considered in a later Council Period, including the record of any hearing or roundtable that was held in a prior Council Period.

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

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

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

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

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

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

(1) For a hearing on a permanent bill for the purpose of rescheduling the hearing when the hearing was previously noticed in the Register;

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

(3) For an oversight or investigative hearing, when such notice is posted on the Council website or published in the Register;

(4) For a hearing that was scheduled on a day when there is an unscheduled closing of the government and when the abbreviated notice provides at least 3 business days' notice; or

(5) For a hearing on any matter on which a notice has been filed to add any item that does not otherwise require a hearing and when the abbreviated notice provides at least 3 business days' notice.

(d) 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.

(e) No prior notice by publication is required for the adoption of a ceremonial resolution, an emergency bill or resolution, an emergency-declaration resolution, or a

resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or pertaining to the internal operation or organization of the Council.

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

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

**423. METHODS OF NOTICE.**

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

- (1) Publication in the Register;
- (2) Publication in one or more newspapers of general circulation;
- (3) Mailing notices to a mailing list of organizations and individuals established and maintained by the Secretary;
- (4) Use of other news media;
- (5) Posting notice in a prominent place in the John A. Wilson Building and other public buildings or posting places;
- (6) Facsimile;
- (7) E-mail;
- (8) Posting on the Council's official website; or
- (9) In any other manner directed by the Council.

(b) When notice to the public is required under these Rules, by law, or otherwise, the notice shall be posted on the Council website.

**424. NOTICE OF EMERGENCY ACTIONS.**

(a) When an emergency measure is to be considered, a notice that includes a statement of the reasons for the emergency and the intended effect of the emergency measure shall be filed, and a draft of the emergency measure and emergency-declaration resolution shall be circulated, by noon on the third business day before the legislative meeting at which the emergency measure is to be considered, unless the nature of the emergency precludes such notice. If the nature of the emergency precludes the notice, the sponsor of the legislation shall circulate and file the measure with the Secretary and take steps to ensure that Councilmembers have notice at the earliest possible time before the meeting at which the emergency measure is to be considered.

(b) Notwithstanding the provisions of subsection (a) of this section, public notice of intended emergency action shall be given before adoption of an emergency bill or resolution by at least one method provided in Rule 423.

**425. NOTICE OF TEMPORARY LEGISLATION.**

(a) Each temporary bill adopted pursuant to Rule 413, shall be circulated and filed with the accompanying emergency measure in accordance with Rule 424. Following approval on first reading, the Secretary shall publish a notice of intent to adopt the temporary bill on second reading in the Register.

(b) When temporary legislation is to be considered under Rule 413, the notice of emergency action under Rule 424 shall include notice of the temporary legislation.

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

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

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

(c) Before approval of a motion to waive Rule 231(c), a certification shall be made of a measure's legal sufficiency and technical compliance with the drafting rules of the Council; the economic analysis; the completion of the record; and a determination made of the 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. NOTICE OF CEREMONIAL RESOLUTIONS.**

Each ceremonial resolution shall be circulated and filed by noon on the business day before the legislative meeting at which it is to be considered.

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

Each measure adopted by the Council shall be published in the Register. Except as provided in section 204 of the District of Columbia Codification Act of 1975, effective

October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-602), no measure shall become effective until after its publication. Once notice by publication has been given in accordance with this section, no additional publication is necessary for an act completing congressional review to become effective law as provided in section 602 of the Home Rule Act (D.C. Official Code § 1-206.02).

**429. NOTICE OF NEW BUSINESS.**

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

- (1) A motion to reconsider a measure that was considered at a prior legislative meeting;
- (2) A motion to take from the table a measure that was laid on the table at a prior legislative meeting;
- (3) A motion to discharge;
- (4) A point of personal privilege; or
- (5) Any other motion that brings new business before the Council.

**430. NOTICE OF COMMITTEE MEETINGS.**

(a) A committee shall file and circulate notice, at least 24 hours before a meeting, of the date, hour, and place of a committee meeting, along with a copy of the agenda and a draft, including a comparative print when required by rule 803(e)(5), of any measures to be considered at the meeting.

(b) If at least 4 members of the committee agree in 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 or roundtable 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 a roundtable shall be filed with the Secretary.

(e) A notice of a cancellation of a hearing or roundtable shall be filed and circulated at least 24 hours before the scheduled hearing or roundtable, unless the reason for the cancellation precludes such notice.

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

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

#### **503. PARTICIPATION BY MEMBERS.**

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

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

#### **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 his or her 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 he or she is to testify at least 48 business hours before the commencement of a hearing. This requirement may be waived by the presiding chairperson if he or she 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. The presiding member may permit the witness to read his or her statement at the hearing or roundtable.

## **D. RECORD OF HEARINGS.**

### **531. HEARING RECORDS, REQUIRED.**

(a) Within 20 business days after the close of the record for a hearing or roundtable, a committee 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 Bill 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 or a special committee.

(b) In order to use subpoenas to obtain testimony or documents, a committee shall adopt a resolution of the committee authorizing an investigation. This resolution shall be filed in the Office of the Secretary.

(c) 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 of the conclusion of an investigation under this article, a committee shall submit to the Council the results of the investigation, unless the Council, by majority vote of the Members present and voting, extends the time limit.

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

**604. TESTIMONY UNDER OATH.**

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

**605. ISSUING THE OATH.**

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

**606. DEPOSITIONS.**

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

**B. SUBPOENAS.**

**611. ISSUANCE OF SUBPOENAS.**

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

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

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

**613. SERVICE OF SUBPOENAS.**

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

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

(2) By a person, at least 18 years of age, engaged by the committee or the Council for this purpose.

(b) If, after a reasonable attempt, personal service on a witness or witness's designated agent cannot be obtained, service may be effectuated by registered or certified mail not less than 8 business days before the return date.

**614. ENFORCEMENT OF SUBPOENAS.**

A committee may refer to the Council any case of contumacy by a person subpoenaed to appear before the committee. The Council may refer by resolution any case of contumacy by any person subpoenaed by the Council or a committee to the Superior Court of the District of Columbia as provided in section 413 of the Charter (D.C. Official Code § 1-204.13).

**C. RIGHTS OF WITNESSES.**

**621. RIGHT TO ASSERT PRIVILEGES.**

(a) A witness has the right to refuse to answer a question that might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the presiding member shall inquire into the witness's reasons for claiming the privilege. If the presiding member determines that the claim of privilege is not warranted, the presiding member shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the presiding member to answer a specific question constitutes contumacy by the witness.

**622. NOTIFICATION OF RIGHTS.**

When a witness under subpoena is not represented by counsel, the presiding member shall advise the witness of his or her privilege against self-incrimination.

**623. RIGHT TO TRANSCRIPT.**

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

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

Any person who is the subject of an investigation authorized under Rule 601 may submit written questions for the cross-examination of other witnesses at a public investigative hearing called by the Council or a committee. With the consent of the Councilmembers present and voting, the questions may be put to the witness by a Councilmember, by staff, or by counsel.

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

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

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

**651. AD HOC COMMITTEES.**

(a) An ad hoc committee may be established for the purposes of considering evidence of a violation of the Code of Conduct, policy, or law by a Councilmember and making recommendations for further action.

(b) An ad hoc committee shall be established:

- (1) If a Councilmember is censured by BEGA; or
- (2) By request of any 5 members of the Council.

(c) The ad hoc committee shall be composed of 5 Members appointed by the Chairman or, if the Chairman is the subject of the request or BEGA censure, by the Chairman Pro Tempore. The committee shall not include any Member who is the subject of the request. The committee's proceedings may be conducted in executive session in accordance with Rule 504, except that its recommendation for further action shall be made public

(d) No sanction pursuant to Rules 655 and 656, shall be imposed unless first recommended by an ad hoc committee of the Council.

**652. AD HOC COMMITTEE INITIATED BY A BEGA CENSURE.**

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

- (1) Reprimand;
- (2) Censure; or
- (3) Expulsion.

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

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

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

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

(c) The committee's proceedings may be conducted in executive session in accordance with Rule 504. The committee shall permit testimony from both the Members making the request and the Member or Members subject to the request and shall determine whether:

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



## COUNCIL RULES, PERIOD XXIII

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

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

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

(1) Reprimand;

(2) Censure; or

(3) Expulsion.

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

(f) Upon receipt of the report of the committee, or at the expiration of the time for the committee to report to the Council, the Chairman shall place the matter on the Council's agenda to determine whether or not a hearing is warranted. If the Chairman decides to set the matter for a hearing, it shall be scheduled for no sooner than one week after the determination to hear the matter. Written notice of the hearing shall be delivered in person to the member of the Council who is the subject of the request or to the Member's Council office at least 48 hours in advance of the scheduled hearing.

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

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

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

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

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

**654. REPRIMAND.**

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

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

**655. CENSURE.**

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

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

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

**656. EXPULSION.**

(a) Expulsion is the most severe punitive action, serving as a penalty imposed for egregious wrongdoing. Expulsion results in the removal of the Member. Expulsion should be used for cases in which the Council determines that the violation of law is of the most serious nature, including those violations that substantially threaten the public trust. To protect the exercise of official Councilmember duties and the overriding principle of freedom of speech, the Council shall not impose expulsion on any Member

for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District.

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

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

## 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 supplement or amendments to the budget submitted to the Council pursuant to section 442 of the Charter (D.C. Official Code § 1-204.42) shall be referred to the Committee of the Whole.

#### 702. BUDGET-REVIEW SCHEDULE.

(a) The Budget Director, at the direction of the Chairman, shall prepare a budget-review schedule that includes a hearing schedule, provides a template for the required format of and the submitting and filing of committee budget reports, and schedules other budget activities as necessary or appropriate.

(b) The budget-review schedule shall be presented to the Committee of the Whole for approval. The Budget Director, at the direction of the Chairman, may change the schedule as necessary or appropriate and shall circulate the updated budget-review schedule and publish it on the Council website.

#### 703. ROLE OF COUNCIL COMMITTEES.

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

(1) Holding public hearings on the proposed budget for agencies within its purview;

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

(3) Recommending appropriations language changes;

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

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

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

(b)(1) Each committee shall submit, in accordance with the budget-review schedule and the Budget Director's report template, its committee report to the Budget Director for certification within 48 hours of markup.

(2) No committee may submit a report that results 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, unless another committee has directed funds to the committee for a specific purpose.

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

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

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

Following the markup and report on the budget by the Committee of the Whole, the reported budget shall be presented for 2 readings at the next legislative meetings or additional meetings called by the Chairman for that purpose.

### **B. REPROGRAMMING POLICY ACT PROCEDURES.**

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

Reprogramming requests and grant budget modification requests may not be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of the requests will continue to run during a recess of the Council.

**712. COMMITTEE REFERRAL OF REQUESTS.**

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

**713. CIRCULATION OF REQUESTS.**

The Secretary shall circulate a copy of a reprogramming request within one business day of the filing of the request with the Secretary.

**714. PUBLICATION OF NOTICE.**

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

- (1) A description of the action requested;
- (2) The date the request was received by the Council; and

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

**715. WITHDRAWAL OF REPROGRAMMING REQUESTS.**

The Mayor may withdraw a reprogramming request or grant budget modification request at any time before the Council 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 shall be deemed approved. If the notice is given as provided in Rule 716(a) and the Council does not take final



action to disapprove the request as provided in Rule 716(b), the reprogramming request shall be deemed approved.

**718. TRANSMITTAL TO MAYOR.**

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

**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 title shall be construed as waiving the requirements to submit information required of all grantees by the grantor agencies or organizations.

(c)(1) If an organization cannot meet the submission requirements established in subsection (a) of this section, the organization shall be required to submit:

(A) A notarized statement designating a nonprofit organization that does meet the criteria to serve as its fiscal agent or fiscal sponsor postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section; and

(B) The information required by subsection (a)(5) of this section.

(2) The fiscal agent or fiscal sponsor shall be required to submit the following, postmarked or hand delivered to the Council's Office of the Budget Director no later than the time prescribed in subsection (a) of this section.

(A) A notarized statement agreeing to serve as fiscal agent or fiscal sponsor; and

(B) The information required by subsection (a) of this section.

(d) All earmarked grants shall be listed in the Budget Support Act to include the grantee name, grant amount, and purpose of the grant. Before the second reading of the Budget Support Act, the Council's Budget Director shall certify which grantees have met the requirements of subsection (a) of this section. Any grantee that has not met the requirements shall be removed from the Budget Support Act on second reading, and shall not receive funding through an earmarked grant.

### **731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.**

(a) An organization may not receive a specified funding allocation if the organization has received an award in the prior fiscal year.

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

**732. LIMITS ON AWARD AMOUNTS.**

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

**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 be required to disclose the existence of any personal, familial, or financial relationship between a Councilmember or staff and any officer or director of the grantee.

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

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

The Budget Director shall circulate and post on the Council website quarterly reports in accordance with Rule 283(b) no later than 15 days after the end of each quarter, identifying the bills adopted by the Council that reference the bills are subject to inclusion in the budget and financial plan or subject to appropriations.

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

(a) A law, or provision of a law, that will be applicable subject to inclusion in a 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 identifies the subject matter of the measure, and be in substantial compliance with the form required for final adoption. The Secretary shall make the determination as to whether the measure complies with this subsection.

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

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

#### 803. REPORTS ON LEGISLATION.

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

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

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

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

(1) A 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;

## COUNCIL RULES, PERIOD XXIII

(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 each relevant issue and concern raised in a recommendation adopted by a resolution of an affected Advisory Neighborhood Commission, if any, that has been provided to the committee before the close of the record;

(5) A list of witnesses who testified at the hearing, or who submitted a statement for the record before close of the record, and a brief summary of each witness's position;

(6) An explanation of the impact on existing provisions of law that the measure would modify or affect;

(7) A summary of the fiscal impact, 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; provided, that when a measure has been sequentially referred pursuant to Rule 405(c), a fiscal impact statement is not required at markup by the first committee in the sequential referral;

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

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

(10) A summary of the committee's mark-up of the measure, including:

(A) Dissenting, separate, and individual views of committee members, if members demanded the opportunity to state their views;

(B) A record of the results of a voice vote or, if a roll-call vote, the votes to adopt the legislation and the motion to adopt the report; and

(C) Any recorded votes on amendments to the measure or other motions.

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



## COUNCIL RULES, PERIOD XXIII

(1) The measure, as introduced, along with the Mayor's transmittal letter, if applicable (but not necessarily any other attachments to the introduction), and the Secretary's memorandum of referral;

(2) Any written statements or materials that the committee decides to attach;

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

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

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

(6) 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

(7) 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 the law, whenever a request is received under FOIA, it shall be forwarded to the FOIA Officer within one business day of receipt. The FOIA Officer shall endeavor to provide documents under FOIA to requesters as soon as possible, and within the time period prescribed in D.C. Official Code § 2-532.

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

(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.

(3) For FOIA requests for documents 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, but 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.

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

(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.

##### 1002. GENDER RULE OF CONSTRUCTION.

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

**1003. SUSPENSION OF RULES.**

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

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

**1004. AMENDMENT OF RULES.**

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

(b) The proposed rules to be adopted at the organizational meeting pursuant to Rule 301 shall be filed by the Chairman with the Secretary no later than the business day before the organizational meeting. An amendment to the Rules moved at a meeting other than the organizational meeting shall be noticed and a draft circulated by noon on the third business day before the meeting.

(c) The current version of these Rules shall be featured prominently on the Council website, including any amendments adopted since the Rules were first adopted at the organizational meeting held pursuant to Rule 301.

**1005. EFFECTIVE PERIOD.**

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

**APPENDIX A.**

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

\_\_\_\_\_

(Address)

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

\_\_\_\_\_ and bring with

you: \_\_\_\_\_.

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

Chairman/Member of the Secretary to the Council

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

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

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

RETURN:

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

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

(Address) Washington, D.C.

DISTRICT OF COLUMBIA: SS

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

\_\_\_\_\_

NOTARY PUBLIC, D.C.

MY COMMISSION EXPIRES:

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