

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D. C. LAW 3-36

"Washington Convention Center Management Act of 1979"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-94 on first and second readings, July 31, 1979 and August 11, 1979 respectively. Following the signature of the Mayor on September 17, 1979, this legislation was assigned Act No. 3-102, published in the September 28, 1979, edition of the D.C. Register, (Vol. 26 page 1439) and transmitted to Congress on September 21, 1979 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites this enactment as D.C. Law 3-36 effective November 3, 1979.



ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

September      21, 24, 25, 26, 27, 28

October      1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18,  
                19, 22, 23, 24, 25, 26, 29, 30, 31

November      1, 2

D.C. LAW 3-36  
EFFECTIVE DATE NOV 03 1979

Enrolled Original

AN ACT

D.C. ACT 3-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEP 17 1979

To provide for the management and operation of the Washington Convention Center and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Washington Convention Center Management Act of 1979".

Sec. 2. The Council of the District of Columbia hereby finds and declares that:

(a) it is essential to the social and economic viability of the District of Columbia to establish major centers of commercial and economic activity within the city;

(b) such a center of activity would result from the development of a convention center located in the downtown section of the District of Columbia, within an area bounded by Ninth Street, H Street, Eleventh Street, and New York Avenue, Northwest;

(c) a convention center would (1) attract large numbers of persons to the downtown area and result in increased business activity in the area surrounding the convention center; (2) enable large national, international, and regional conventions, trade shows, meetings, and exhibitions

to be held in the District of Columbia and thereby encourage visits to Washington by residents of other sections of the United States and of other nations; (3) provide a new source of revenue for the District of Columbia as a consequence of its operations and the expanded commercial activities resulting therefrom; and (4) provide expanded employment and business opportunities for residents of the District of Columbia;

(d) a convention center would provide space and facilities for local public shows and exhibitions including, but not limited to, civic and community events and gatherings, athletic and cultural events, entertainment, and such other activities as may be in the interest of the citizens of the District of Columbia; and

(e) in order to achieve maximum utilization of resources and efficiency of operations, a convention center should be operated as a public enterprise, and that for the fiscal soundness of the convention center and the accomplishment of desirable social and economic benefits for the city, the granting of the powers conferred by this act is necessary and in the public interest.

Sec. 3. (a) There is hereby established as an independent agency of the District of Columbia government, the Convention Center Board of Directors (the "Board").

(b) The Board shall consist of five members appointed by the Mayor of the District of Columbia with the advice and consent of the Council of the District of Columbia. At least four (4) of the five (5) members appointed by the Mayor shall be persons with proven expertise in business and financial management. The general manager shall serve as an ex-officio member of the Board.

(c) The Mayor shall, from time to time, designate the Chairman of the Board. The members of the Board shall each serve for a term of three years, beginning on the date such member is confirmed, except that with respect to the members first appointed under this section, the Chairman shall serve for a term of three years, two members shall serve for a term of two years, and two members shall serve for a term of one year, as determined by the Mayor. A member may not serve in excess of two consecutive terms, and if not renominated, shall serve until a successor has been nominated and confirmed. Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy is being filled. A member filling a vacancy may be reappointed, and if not reappointed, shall serve until a successor has been nominated and confirmed. All nominations shall be acted upon within thirty (30) days of the date such nominations

are transmitted to the Council, or such nominations shall be deemed to be confirmed.

(d) Each member of the Board shall be a resident of the District of Columbia or establish residency not later than six (6) months after appointment to the Board. The Mayor shall remove any member for failure to establish or maintain residency.

(e) Should a member of the Board be indicted for the commission of a felony, such member shall be automatically suspended from serving on the Board. Upon a final determination of guilt or innocence, the term of such member shall respectively, be automatically terminated or reinstated. The Mayor may remove a member of the Board for each of the following reasons:

(1) violation of title VI of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, effective August 14, 1974 (88 Stat. 465; D.C. Code, sec. 1-1181 et seq.); and

(2) repeated failure to attend meetings as provided in such rules as the Board may adopt; and

(3) repeated failure to carry out official duties.

(f) Members of the Board shall be compensated at the rate of one hundred twenty-five dollars (\$125) for each day or part thereof, for time expended in the performance of

*Excluded from  
the  
DC  
Code*

official duties, not to exceed the sum of ten thousand dollars (\$10,000) for each fiscal year through fiscal year 1983 and not to exceed the sum of six thousand two hundred fifty dollars (\$6,250) for each fiscal year thereafter. A member of the Board who is also an officer or employee of the District of Columbia or the United States shall serve without additional compensation. Members of the Board shall be reimbursed for travel, subsistence, and other expenses incurred in carrying out official duties.

(g) Three members of the Board shall constitute a quorum for the convening of any meeting of the Board and for the transaction of official business.

(h) The Board shall meet no less than once every sixty (60) days and shall be subject to the provisions of section 742 of the District of Columbia Self-Government and Governmental Reorganization Act, effective January 2, 1975 (87 Stat. 831; D.C. Code, sec. 1-1503a).

Sec. 4. (a) The Board shall have the following duties and responsibilities:

(1) adopt and publish internal operating rules for the conduct of Board meetings;

(2) develop policies for the management, maintenance and operation of the convention center including

but not limited to concessions, vehicle parking facilities or other related facilities;

(3) adopt rules and regulations governing the operation and use of the convention center;

(4) develop and establish a personnel system, rules and regulations setting forth minimum standards for all employees including but not limited to pay, contract terms, vacations, leave, retirement, residence, health and life insurance, employee disability and death benefits, not later than three years after the effective date of this act. The Board shall adopt interim personnel rules and regulations until such time as a personnel system is established as provided for herein: PROVIDED, That, any person who applies for a position with the Board and who accepts appointment or is hired to fill a position with the Board shall become a bona fide resident of the District of Columbia within one hundred eighty (180) days of the effective date of such appointment, and shall maintain such residence for the duration of the employment: PROVIDED, FURTHER, That the failure to become a District resident or to maintain District residency, shall result in the forfeiture of the position to which the said person has been appointed;

(5) select, employ and fix the compensation for a general manager of the convention center and such staff of

the Board, as it deems necessary. All staff shall serve at the pleasure of the Board. The appointment or termination of the general manager shall require the concurrence of a majority of the Board;

(6)(A) prepare and submit a budget to the Mayor for inclusion in the annual budget presentation, such annual budget presentation shall include a request for such funds as may be required to plan, promote and prepare for the operation of the convention center, anticipated income, expenses and capital outlays (including a capital improvement plan), all Board expenses and a listing of all agreements and contracts entered into by the Board in excess of \$25,000;

(B) the budget submitted by the Board shall also include estimates of the funds needed to cover operating losses and the recommended sources of such funds. Upon determination of actual operating losses or profits, excluding depreciation on fixed assets acquired with funds other than funds earned in the operation of the convention center, appropriate adjustments shall be made in the budget estimates for the following fiscal year to reflect the actual loss or profit determined:

(C) the budget shall be submitted to the Mayor on the date that other District of Columbia departments and agencies are required to submit their budgets to the Mayor;

(D) the Council of the District of Columbia shall approve and establish the budget, except as to personnel in which case the Council shall establish the maximum amount of funds which will be allocated for personnel, in the same manner and detail as approved and established for departments and agencies under the administrative control of the Mayor as provided in section 404(f) of the District of Columbia Self-Government and Governmental Reorganization Act, effective January 2, 1975 (87 Stat. 787; D.C. Code, sec. 1-144(f));

(7) require lessees or permitted occupants to carry public liability insurance or other indemnification protecting the interests of such lessees or occupants, the Board, the members and employees thereof and the District of Columbia;

(8) issue regulations and establish policies for contracting and procurement; such regulations shall also provide for the participation of minorities and locally based businesses in accordance with the Minority Contracting Act of 1975, effective March 29, 1977 (D.C. Law 1-95; D.C. Code, sec. 1-851 et seq.);

(9) establish an accounting and financial reporting system compatible with the Financial Management System of the District of Columbia;

(10) advise the Mayor and the Council of the District of Columbia of all property acquired or disposed of by the Board; and

(11) issue regulations governing the property management function.

(b) To carry out the purposes of this act, the Board is authorized to:

(1) enter into contracts with the governments of the District of Columbia and the United States and other public or private entities to achieve any of its purposes. Nothing in this paragraph shall authorize the Board to obligate funds in excess of two hundred thousand dollars (\$200,000) in any one fiscal year, excluding personnel expenses and capital improvement projects, or be construed to alter the responsibilities of the Department of General Services with respect to construction, completion and acceptance of the convention center;

(2) lease or permit the occupancy of any part of the convention center including any or all structures, equipment or facilities;

*Enrolled*

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(3) furnish such services as deemed appropriate to lessees and permitted occupants;

(4) carry public liability insurance or other indemnification protecting the interests of the District of Columbia, the Board, the members and employees thereof, the sufficiency of which may be subject to the approval of the Mayor;

(5) accept gifts of goods and services: PROVIDED, That receipt of such gifts is reported to the Council of the District of Columbia; and

(6) delegate to the general manager by a majority vote of the Board, any authority under this subsection.

(c) All rules and regulations of the Board shall be issued under the provisions of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.). After such rules and regulations have been so issued, they shall be transmitted to the Mayor and the Chairman of the Council and shall take effect at the end of the thirty (30) day period during which the Council of the District of Columbia is in continuous session beginning on the day that the rules and regulations are transmitted to the Chairman unless the Council, during such thirty (30) day period, adopts a resolution disapproving, in whole or in part, such rules and

*Exhibit C*

regulations. Following such thirty (30) day period of time, the Board shall publish the rules and regulations not disapproved by the Council in the District of Columbia Register.

Sec. 5. The general manager shall perform the following duties and responsibilities:

- (a) assist in the preparation of the budget and an annual report;
- (b) administer all operating policies, rules and regulations adopted by the Board;
- (c) employ personnel;
- (d) promote and secure convention center bookings; and
- (e) perform such other duties as may be authorized by the Board for the effective and efficient management of the convention center.

Sec. 6. (a) There is hereby established a "Washington Convention Center Fund" ("the Fund") to be operated as an enterprise fund with assets not to exceed five hundred thousand dollars (\$500,000) at the end of each fiscal year.

(b) All funds from whatever source derived shall be deposited as soon as practicable into the Fund for the payment of all expenses necessary for the operation and management of the convention center.

(c) All deposits of such monies shall be secured in a manner consistent with deposits of revenues by the District of Columbia government. Expenditures from the Fund shall be made only upon vouchers which have been certified by the designated agent of the Board.

(d) The Board shall be responsible for all billings and collections for services rendered by the convention center.

(e) Within one hundred twenty (120) days after the close of each fiscal year, all operating profits earned by the convention center, excluding depreciation on fixed assets acquired from funds other than monies earned in the convention center operations, which are in excess of five hundred thousand dollars (\$500,000), shall be transferred to the general revenues of the District of Columbia.

(f) Nothing in this act shall be construed as excluding the provisions of section 9 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and thirteen and for other purposes, approved June 26, 1912 (37 Stat. 194; D.C. Code, sec. 47-105), making the Antideficiency Act applicable to the District of Columbia.

Sec. 7. (a) The Mayor and the Auditor of the District of Columbia shall examine annually and as appropriate all

accounts and records of financial transactions of the Washington Convention Center Fund, including its receipts, income from whatever source derived, disbursements, contracts, resources, and any other matter relating to its financial operation and standing, including capital projects.

(b) A report of all audits shall be submitted to the Council of the District of Columbia.

Sec. 8. No employee shall engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial and objective performance of assigned duties and responsibilities.

Sec. 9. Within one hundred twenty (120) days after the end of each fiscal year, the Board shall submit to the Mayor, the Council, and the Auditor of the District of Columbia, a detailed annual report setting forth a description of the convention center's operation and accomplishments during the year, including an objective evaluation of the degree of success attained, including:

- (a) an event attendance analysis;
- (b) income and expenditures of the convention center during the year in accordance with categories or

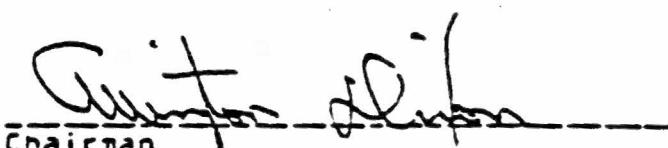
classifications established by the financial management system, projected and actual;

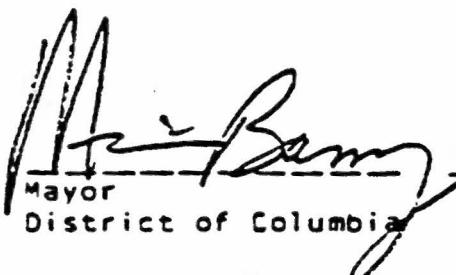
- (c) sources of income by category, projected and actual;
- (d) operating expenditures, projected and actual;
- (e) assets and liabilities of the fund at the end of the fiscal year;
- (f) economic impact results and projections;
- (g) analysis of work force;
- (h) recommendations as to the future management and operation of the convention center; and
- (i) such other information as shall be deemed pertinent by the Mayor, the Council and the Auditor of the District of Columbia.

Sec. 10. There is authorized to be appropriated such funds as may be necessary to carry out the purposes of this act.

Sec. 11. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139) shall not apply to employees of the convention center.

Sec. 12. This act shall take effect as provided for acts of the Council of the District of Columbia in accordance with section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Marion Barry  
Mayor  
District of Columbia

APPROVED: September 17, 1979

## COUNCIL OF THE DISTRICT OF COLUMBIA

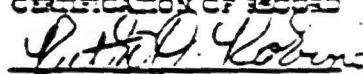
~~SECOND~~ OF OFFICIAL COUNCIL ACTION

DOCKET NO: Bill 3-94

ACTION: To Adopt (7-31-79) VOICE VOTE: By MajorityAbsent: J. Moore ROLL CALL VOTE:

COUNCIL MEMBER	ATE	WATER	WATSON	COUNCIL MEMBER	ATE	WATER	WATSON	COUNCIL MEMBER	ATE	WATER	WATSON
DIXON				KANE				SHACKLETON			
STATER				MASON				SPAULDING			
CLARK				MOORE				MITTISON			
HARDY				RAY							
ROTARY				ROTARY							

CERTIFICATION OF RECORD

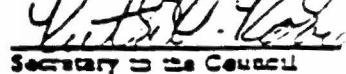

  
Secretary to the Council
ACTION: To Adopt (7-31-79) VOICE VOTE:

Absent:

 ROLL CALL VOTE:

COUNCIL MEMBER	ATE	WATER	WATSON	COUNCIL MEMBER	ATE	WATER	WATSON	COUNCIL MEMBER	ATE	WATER	WATSON
AHARONI	Y			KANE	Y			SHACKLETON	Y		
STATER	Y			MASON	Y			SPAULDING	Y		
CLARK	Y			MOORE	Y			MITTISON	Y		
HARDY	Y			RAY	Y						
ROTARY	Y			ROTARY	Y						

CERTIFICATION OF RECORD


  
Secretary to the Council

ACTION:

 VOICE VOTE:

Absent:

 ROLL CALL VOTE:

COUNCIL MEMBER	ATE	WATER	WATSON	COUNCIL MEMBER	ATE	WATER	WATSON	COUNCIL MEMBER	ATE	WATER	WATSON
AHARONI				KANE				SHACKLETON			
STATER				MASON				SPAULDING			
CLARK				MOORE				MITTISON			
HARDY				RAY							
ROTARY				ROTARY							

CERTIFICATION OF RECORD

Secretary to the Council