

A RESOLUTION

**Proposed Resolution
20-1**

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20, Resolution of 2013”.

**Rules of
Organization
and
Procedure for
the Council of
the District of
Columbia,
Council
Period 20,
Resolution of
2013**

Sec. 2. The document entitled “Rules of Organization and Procedure for the Council of District of Columbia, Council Period 20,” attached and made a part of this resolution, shall be the rules of the Council of the District of Columbia.

Sec. 3. The document entitled “Council of the District of Columbia, Code of Official Conduct, Council Period 20,” attached and made a part of this resolution shall be the Code of Official Conduct of the Council of the District of Columbia.

Sec. 4. This resolution shall take effect immediately.



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

COUNCIL PERIOD 20

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ARTICLE I— DEFINITIONS.

**Proposed Resolution
20-1**

101. DEFINITIONS.

For the purposes of these Rules, the term:

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

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

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

(4) “Borrowing request” means a borrowing request submitted by the Mayor to the Council pursuant to section 10 of the Funds Control Act (D.C. Official Code § 47-309).

(5) “Budget” or “budget request” means the entire request for appropriations and loans or spending authority for all activities of all agencies, the Council and the District of Columbia courts, financed from all existing or proposed resources including both operating and capital expenditures.

(6) “Budget of the Council” means the entire request for appropriations by the Council.

(7) “Budget structure resolution” means a resolution submitted by the Mayor to the Council pursuant to section 9 of the Funds Control Act (D.C. Official Code § 47-308).

(8) “Ceremonial resolution” means an expression of appreciation, an honorarium of limited application, or a declaration of no legal effect that is adopted without objection.

(9) “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).

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

(11) “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).

(12) “Control budget act” means an act submitted for consideration by the Council pursuant to section 8 of the Funds Control Act (D.C. Official Code § 47-307) to establish a control budget for the District of Columbia government or to establish as part of a control budget grants awarded during the fiscal year.

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

(14) “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.

(15) “Council website” means the website with the address of <http://www.dccouncil.us>.

(16) “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)).

(17) “Engrossing” or “engrossment” means the process by which there is finally prepared the text of a bill that has passed any reading prior to final reading.

(18) “Enrolling” or “enrollment” means the process by which there is finally prepared the text of a measure that has passed final reading.

(19) “Ethics Board” 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).

(20) “Fiscal impact statement” means a statement prepared by the Chief Financial Officer or the Budget Director that includes an estimate of the costs which will be incurred by the District as a result of the enactment of a measure in the current and each of the first 4 fiscal years for which the measure is in effect, together with a statement of the basis for such estimate.

(21) “Funds Control Act” means the District of Columbia Funds Control Act of 1980, effective September 26, 1980 (D.C. Law 3-104; D.C. Official Code § 47-381 *et seq.*).

(22) “Grant application” means any grant application required to be submitted by the Mayor to the Council pursuant to section 6 of the Funds Control Act (D.C. Official Code § 47-385).

(23) “Gross planning budget resolution” means the gross planning budget resolution submitted by the Mayor for approval by the Council pursuant to section 7 of the Funds Control Act (D.C. Official Code § 47-306).

(24) “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.*).

(25) “Independent agency” means an agency of the District of Columbia government not subject to the administrative control of the Mayor.

(26) “Mayor” means the Mayor of the District of Columbia as established by section 421 of the Charter (D.C. Official Code § 1-204.21).

(27) “Measure” means a bill, resolution, or amendment to a bill or resolution, a motion pending before the Council or before a committee of the Council, a proposed reorganization plan, reprogramming request, non-offsetting budget modification request, grant application, proposed state plan, contract, or proposed municipal regulation transmitted by law to the Council for its approval.

(28) “Meeting” means, except for purposes of sections 371 through 375, 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.

(29) “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.

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

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

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

(33) “Reading” means, within the meaning of section 412 of the Home Rule Act (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” where there has been at least 13 days intervening between the last reading of the legislation and the reconsideration date.

(34) "Recess of the Council" or "Council Recess" means periods of time during which regularly scheduled meetings of the Council are not held; i.e., the month of August through September 15th, the 9-day period beginning on the Friday immediately preceding Easter, the 17-day period beginning on July 15th of each year, and the 9-day period ending on December 31st of each year.

(35) "Register" means the District of Columbia Register.

(36) "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.

(37) "Reprogramming Policy Act" means the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-361 *et seq.*).

(38) "Reprogramming request" means any reprogramming request or budget modification submitted to the Council pursuant to sections 4 and 5, respectively, of the Reprogramming Policy Act (D.C. Official Code §§ 47-363 and 364).

(39) "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.

(40) "Sense of the Council Resolution" means a resolution to express a simple determination, decision, or direction of the Council of a special or temporary character;

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

(42) "State plan approval request" means a request to approve a state plan submitted by the Mayor to the Council pursuant to section 6 of the Funds Control Act (D.C. Official Code § 47-385).

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

(44) "Transcription" means a verbatim recordation, including a tape recording.

ARTICLE II—ORGANIZATION.

201. OATH OF OFFICE.

(a) On January 2nd of each odd-numbered year, Councilmembers whose terms begin at that time shall take and subscribe an oath of office in accordance with subsection (c) of this section. The oath of office to the Councilmembers 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, which shall be subscribed by the Councilmembers and 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. 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, 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 the Board of Ethics and Government Accountability and Office of Campaign Finance, shall conduct mandatory training on the conflict of interest and ethics laws and regulations applicable to Councilmembers and staff on at least an annual basis. 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.

A. EXECUTIVE OFFICERS OF THE COUNCIL.

211. CHAIRMAN.

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

212. CHAIRMAN PRO TEMPORE.

In each Council period, the Chairman shall nominate one Councilmember as Chairman Pro Tempore who will act in the place of the Chairman when the Chairman is absent or has recused himself or herself. The Council shall act on the nomination by resolution.

213. VACANCY IN OFFICE OF CHAIRMAN.

Whenever a vacancy occurs in the Office of the Chairman or the Chairman is serving as Acting Mayor, the Chairman Pro Tempore selected pursuant to section 212 shall convene the Council. The Council, by resolution, shall 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.

B. COMMITTEE MEMBERSHIP.

221. SELECTION.

At the organizational meeting convened in accordance with section 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. The Chairman may be counted for purposes of a quorum, but does not increase the quorum requirement for the committee.

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 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, which shall not be less frequent than monthly, 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 chair of a committee meeting in the absence of the chairperson;

(6) Procedures for keeping a complete record of all committee action, which shall include roll-call votes;

(7) If, at the time of approval of a measure by a committee, a member of the committee gives notice of the intention to submit supplemental, minority, or additional views, that member shall be entitled to not less than 5 business days within which to file the views, which shall be included in the report of the committee on the measure;

(8) A procedure for amending the committee rules by a vote of a majority of the committee;

(9) A requirement that if an amendment is orally moved during a committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Clerk or other staff of the Committee, 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 and a draft of any measures to be considered, unless at least 4 members of the committee agree to a shorter notice;

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

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

(13) A procedure for the adoption of a consent agenda.

(b) The provisions of these Rules shall be considered rules of the committee.

(c) Where 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.

(d) Each committee shall adopt its rules and appoint committee staff pursuant to section 272 within 14 business days of the organizational meeting held pursuant to section 301 and shall file the adopted rules and staff appointments.

2 2 7 . C O M M I T T E E - A C T I V I T Y R E P O R T .

Each committee shall file a committee-activity report not later than 15 days before the end of each Council period that details the committee's oversight and legislative activities. The format and content of the committee-activity report shall be determined by the Secretary.

C . S T A N D I N G C O M M I T T E E S .

2 3 1 . C O M M I T T E E O F T H E W H O L E .

(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; grants

management; government procurement; responsible for coordinating the Council's relationships with appropriate regional, state, and national associations and organizations; labor relations; the Council's relationship with regional authorities and other regional bodies and organizations not specifically assigned to other committees; truancy (jointly with the Committee on Education); 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; public education matters exclusively concerning the University of the District of Columbia or the Community College of the District of Columbia; international business and affairs; and other matters assigned to it by these Rules or by the Chairman.

(b) The Chairman of the Council is the Chairman 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 which have been reported and timely filed by committees pursuant to subsection (c) of this Rule, 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 the measure.

(c)(1) Except as provided in section 339, each measure reported by the committees of the Council identified in sections 232 to 241 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 section 302.

(2) No measure may be reported by a committee of the Council for consideration at the Committee of the Whole unless it is accompanied by a fiscal impact statement and legal sufficiency determination.

(3) Amendments made by committees that are outside the legislative jurisdiction of the committee shall be referred to the relevant committee before the legislation is agendized for the legislative meeting at the Committee of the Whole.

(4) The Secretary shall prepare a log of committee reports that have been filed timely for review by the Committee of the Whole. The log may be updated to reflect additional filings as of noon on the third business day before the Committee of the Whole meeting.

(d) Notwithstanding any other provision of the Rules, the Committee of the Whole may hold a hearing or roundtable, or conduct an investigation, on any matter relating to District affairs.

(e) The following agencies shall come within the purview of the Committee of the Whole:

Council of the District of Columbia
District of Columbia Auditor
Board of Zoning Adjustment
Commemorative Works Committee
Community College of the District of Columbia
Community College Transition to Independence Advisory Board
Contract Appeals Board
District of Columbia Retirement Board, including the District of Columbia Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund
District of Columbia Statehood Commission

District of Columbia Statehood Compact Commission
Historic Preservation Review Board
Labor/Management Partnership Council
Metropolitan Washington Airports Authority
Metropolitan Washington Council of Governments
National Capital Planning Commission
Office of Budget and Planning
Office of Contracting and Procurement
Office of Labor Relations and Collective Bargaining
Office of Planning
Office of Zoning
Statehood Delegation Fund Commission
Tax Revision Commission
Tobacco Settlement Financing Corporation
Tobacco Settlement Trust Fund Board of Trustees
University of the District of Columbia
Zoning Commission of the District of Columbia

232. COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY AFFAIRS.

(a) The Committee on Business, Consumer, and Regulatory Affairs is responsible for matters concerning small and local business development policy; consumer and regulatory affairs; the conduct of Emancipation Day celebrations within the District of Columbia and the regulation of banks and banking activities, securities, and insurance, including private health insurance, but not including the Health Benefit Exchange.

(b) The following agencies come within the purview of the Committee on Business, Consumer, and Regulatory Affairs:

District of Columbia Small and Local Business Opportunity Commission
Board of Accountancy
Board of Architecture and Interior Designers
Board of Barber and Cosmetology
Board of Condemnation of Insanitary Buildings
Board of Consumer Claims Arbitration for the District of Columbia
Board of Funeral Directors
Board of Industrial Trades
Board of Professional Engineering
Board of Real Estate Appraisers
Commission on Fashion Arts and Events
Construction Codes Coordinating Board
Department of Consumer & Regulatory Affairs
Department of Insurance, Securities and Banking
Department of Small and Local Business Development
District of Columbia Boxing and Wrestling Commission
Emancipation Commemoration Commission
Financial Literacy Council
Office of Motion Picture and Television Development
Office of the Tenant Advocate

Public Access Corporation
Real Estate Commission
Securities Advisory Committee

233. COMMITTEE ON ECONOMIC DEVELOPMENT.

(a) The Committee on Economic Development is responsible for matters related to economic, industrial, and commercial development; the disposition of property for economic development purposes; development, maintenance, preservation, and regulation of the housing stock, including rental housing; and neighborhood development, improvement, stabilization, and urban affairs; cable television; and matters relating to the Washington Metropolitan Area Transit Authority.

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

Department of Housing and Community Development
Deputy Mayor for Planning and Economic Development
District of Columbia Housing Authority
Housing Finance Agency
Housing Production Trust Fund
Office of Cable Television
Rental Housing Commission
Washington Metropolitan Area Transit Authority

234. COMMITTEE ON EDUCATION.

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

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

Bullying Prevention Task Force
District of Columbia Public Charter School Board
District of Columbia Public Library system
District of Columbia Public Schools
Education Licensure Commission
Healthy Youth and Schools Commission
Office of the State Superintendent of Education (including Advisory Panel on Special Education, Early Childhood Development Coordinating Council, Non-Public Tuition, Special Education Transportation)
Office of the Deputy Mayor for Education
State Board of Education
Public Charter School Credit Enhancement Fund Committee

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; and tourism and cultural affairs.

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

- Board of Review of Anti-Deficiency Violations
- College Savings Program Advisory Board
- Commission on Arts and Humanities
- Destination DC
- District of Columbia Lottery and Charitable Games Control Board
- 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

236. COMMITTEE ON GOVERNMENT OPERATIONS.

(a) The Committee on Government Operations is responsible for matters relating to elections, government ethics, campaign finance, general services, personnel, including employee appeals and general administration of the government of the District of Columbia; public utilities; maintenance of public buildings, property management, including the declaration of government property as no longer required for public purposes; grants management; matters relating to the general operations and services of government; matters regarding Advisory Neighborhood Commissions.

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

- Advisory Neighborhood Commissions
- Board of Ethics and Government Accountability
- Department of General Services
- Department of Human Resources
- Disability Compensation Fund
- District of Columbia Board of Elections
- Executive Office of the Mayor, including the Office of Policy and Legislative Affairs, Serve DC, and the Office of Community Affairs
- Office of Campaign Finance
- Office of Employee Appeals
- Office of Partnerships and Grants Services
- Office of People's Counsel
- Office of Risk Management
- Office of the Chief Technology Officer
- Office of the City Administrator
- Office of the Inspector General
- Public Employees Relations Board

Public Service Commission
Secretary of the District of Columbia (including the Notaries Public Board of Review)

237. COMMITTEE ON HEALTH.

(a) The Committee on Health is responsible for matters concerning health and 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
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 Marriage and Family Therapy
Board of Massage Therapy
Board of Medicine
Board of Nursing
Board of Nursing Home Administration
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 Examiner
Committee on Metabolic Disorders
Commission on HIV/AIDS
Council on Physical Fitness, Health, and Nutrition
Department of Health
Department of Health Care Finance
Department of Mental Health
Deputy Mayor for Health and Human Services
District of Columbia Health Benefit Exchange Authority
Health Information Exchange Policy Board
Mental Health Planning Council
Metropolitan Washington Regional Ryan White Planning Council
Not-For-Profit Hospital Corporation

State Rehabilitation Council
Statewide Health Coordinating Council

238. COMMITTEE ON HUMAN SERVICES.

(a) The Committee on Human Services is responsible for matters concerning welfare; social services; youth affairs (other than juvenile justice); disability services; and the regulation of alcoholic beverages.

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

Advisory Committee on Child Abuse and Neglect
Alcoholic Beverage Regulation Administration
Child and Family Services Agency
Children and Youth Investment Trust Corporation
Citizen Review Panel on Child Abuse and Neglect
Commission on Persons with Disabilities
Department on Disability Services
Department of Human Services
Department of Youth Rehabilitation Services
Developmental Disabilities State Planning Council
Interagency Council on Homelessness
Office of Disability Rights
Statewide Independent Living Council

239. 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 which are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure; matters affecting criminal law and procedure; ex-offender affairs; 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.

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

Access to Justice Initiative
Child Support Guidelines Commission
Commission on Ex-Offender Affairs
Commission on Judicial Disabilities and Tenure
Commission on Selection and Tenure of Administrative Law Judges
Corrections Information Council
Criminal Justice Coordinating Council
Department of Corrections
Department of Forensic Sciences
Deputy Mayor for Public Safety and Justice
District of Columbia Judicial Nomination Commission
District of Columbia National Guard
District of Columbia Sentencing and Criminal Code Revision Commission
Fire and Emergency Medical Services Department

Homeland Security and Emergency Management Agency
Homeland Security Commission
Juvenile Justice Advisory Group
Juvenile Abscondence Review Committee
Metropolitan Police Department
Motor Vehicle Theft Prevention Commission
Office of Administrative Hearings (including the Advisory Committee to the Office of Administrative Hearings)
Office of Justice Grants Administration
Office of Police Complaints
Office of the Attorney General for the District of Columbia
Office of the Chief Medical Examiner
Office of Unified Communications
Office of Victims Services
Office on Ex-Offender Affairs
Police Complaints Board
Police Officer Standards and Training Board
Pretrial Services Agency
Public Defender Service
Uniform Law Commission
Security Officer Advisory Commission

240. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.

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

(b) The following agencies come within the purview of the Committee on Transportation and the Environment:

Department of Motor Vehicles
Department of Public Works
District Department of the Environment
District Department of Transportation
District of Columbia Bicycle Advisory Council
District of Columbia Taxicab Commission
Environmental Planning Commission
Green Buildings Advisory Council
Pedestrian Advisory Council
Soil and Water Conservation District
Streetcar Financing and Governance Task Force
Sustainable Energy Utility Advisory Board
Washington Aqueduct
Water and Sewer Authority

2 4 1 . C O M M I T T E E O N W O R K F O R C E A N D C O M M U N I T Y A F F A I R S .

(a) The Committee on Workforce and Community Affairs is responsible for matters related to workforce-development issues; employment and manpower development; the concerns of the aging; human rights; Latino, African, and Asian and Pacific Islander affairs; gay, lesbian, bisexual, and transgender affairs; issues related to women; and veterans affairs; public parks and recreation.

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

Advisory Commission on Caribbean Community Affairs
Advisory Committee to the Office of GLBT Affairs
Apprenticeship Council
Commission on African Affairs
Commission on African American Affairs
Commission on Asian and Pacific Islander Affairs
Commission for Women
Commission on Aging
Commission on Human Rights
Commission on Latino Community Development
Department of Employment Services
Department of Parks and Recreation
Interfaith Council
Occupational Safety and Health Board
Office of Asian and Pacific Islanders Affairs
Office of Gay, Lesbian, Bisexual, and Transgender Affairs
Office of Human Rights
Office of Latino Affairs
Office of Veterans Affairs
Office on African Affairs
Office on Aging
Unemployment Compensation Fund
Recreation Assistance Board
Workforce Investment Council

D . C R E A T I O N O F S U B C O M M I T T E E S .

2 4 5 . S U B C O M M I T T E E S .

The Chairman of the Council shall nominate the chairperson and members of each subcommittee of the Council. The Council shall act by resolution 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.

E . S P E C I A L C O M M I T T E E S A N D S P E C I A L P R O J E C T S .

2 5 1 . C R E A T I O N O F S P E C I A L C O M M I T T E E S .

The Council may establish by resolution a special committee to consider investigations, ethics, and other matters. The resolution shall set forth the jurisdiction, size, duration, and date for final action of the special committee.

2 5 2 . U S E O F S U B P O E N A S B Y S P E C I A L C O M M I T T E E .

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.

2 5 3 . S P E C I A L P R O J E C T S .

The Council may establish by resolution 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.

F . A P P O I N T E D O F F I C E R S O F T H E C O U N C I L .

2 6 1 . A P P O I N T M E N T O F O F F I C E R S .

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 act by resolution on the Chairman's recommendation.

2 6 2 . S E C R E T A R Y .

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.

2 6 3 . G E N E R A L C O U N S E L .

The General Counsel is responsible for advising the Council on matters of parliamentary procedure, identifying legislative problems, providing members with alternatives in terms of policy options to solve those problems, representing the Council in any legal action to which it is a party or in which the Council has a significant interest, providing legal representation for a Councilmember or employee for actions taken within the scope of their legislative duties, supervising the publication of the District of Columbia Official Code, preparing technical-amendment and enactment bills, providing legislative drafting assistance to all members, engrossing and enrolling measures, make determinations about the legal sufficiency of legislation, and making necessary technical and conforming changes in measures during enrollment. The General Counsel shall serve as Ethics Counselor for the Council.

2 6 4 . B U D G E T D I R E C T O R .

The Budget Director is responsible for advising members of the Council on matters related to the budget including the development of annual and multiyear budgets and financial plans, review of contracts, and analysis of the fiscal impact of legislation. The budget staff shall also serve as a resource for all Council committees and members.

G . C O U N C I L P E R S O N N E L A N D A P P O I N T M E N T S .

2 7 1 . S U B O R D I N A T E S T A F F O F A P P O I N T E D O F F I C E R S .

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) Within 14 business days of the organizational meeting held pursuant to section 301, the chairperson of each committee shall appoint and shall present for the approval of committee members the names and responsibilities of each committee staff person. The chairperson shall remove, and determine the remuneration for the staff of the committee, subject to appropriations and positions allocated by the Council.

(b) The chairperson of each committee 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 sections 271, 272, and 273 of these Rules, 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.

(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.

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

(b) Where the law provides for a member to appoint a person to a board or commission, the member shall make the appointment by filing a memorandum with the Secretary that states:

(1) The legal capacity in which the member is acting, e.g., as a member of the Council or as chairperson or a 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;

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

(6) The term of the appointment.

277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.

Each member of a District of Columbia board or commission who is appointed under sections 275 or 276, shall be a resident of the District of Columbia at the time of 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 waives the residency requirement.

H. 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 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 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 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 or provide notice with the Secretary, the Councilmember shall deliver a hard copy of the document or the notice to the Secretary.

(b) A Councilmember shall also ensure that an electronic copy of the following documents is filed on the "v" drive or the intranet portal:

(1) A measure introduced pursuant to sections 401 and 402;

(2) A committee print and report;

(3) Amendments; and

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

(c) Notwithstanding subsection (a) of this section, the Secretary may elect to receive a document electronically or establish a system or method for electronic filing of any document.

283. CIRCULATION TO MEMBERS AND COMMITTEES

(a) The Secretary shall distribute, upon introduction, a hard copy of each measure to each Councilmember and, upon referral, to the committee chairman of the committee to which the

measure is referred. The Secretary shall also distribute to each Councilmember, upon introduction or filing, a notice of investigation by subpoena, and Mayoral disapproval of a Council act.

(b)(1) Any document that is not required to be distributed under subsection (a) of this section may be distributed electronically, if a Councilmember elects to receive the document electronically and the electronic document is identical to the document that is circulated in hard copy, including any attachments, tables, or charts.

(2) A Councilmember may elect to receive an electronic copy of any document that is required to be distributed under subsection (a) of this section instead of a hard copy, provided that the electronic document shall be identical to the document that is circulated in hard copy, including any attachments, tables, or charts.

(3)(A) Notwithstanding any other rule, the following documents may be distributed electronically:

- (i) A notice of intent to waive Rule 231(c);
- (ii) A notice of new business under section 429;
- (iii) A draft committee print and report; or
- (iv) Any other document required to be distributed electronically by

rule or law or that the Secretary determines should be filed electronically.

(B) If a document under this paragraph is required to be circulated and filed, the document shall be filed as provided in section 282.

(c) Unless a law or rule specifically provides otherwise, when a Councilmember is required to circulate a document or provide notice to a committee, the Councilmember shall deliver either an electronic copy or a hard copy of the document or the notice to the members of the committee.

(d) Each document required by these Rules to be distributed to Councilmembers shall be distributed to the Council Officers.

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, selecting a Chairman Pro Tempore pursuant to section 212, appointment of committee chairs and memberships, appointment of Councilmembers to regional bodies, and appointment of 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. 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 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 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 24 hours after the request is filed, the Chairman does not call the requested special meeting, to be held within 72 hours after the request is filed, a majority of the Councilmembers may file with the Secretary a written notice that a special legislative meeting will be held, specifying the date, hour, place, and agenda of the special legislative meeting. The Council shall meet at that date and hour. 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. The Secretary shall provide timely notice of the meeting to the public. 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. 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 Chairman may add to the agenda of an additional legislative meeting, 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 constitutes 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 shall not begin until a quorum is ascertained by the Chairman.

(c) Once a quorum has been ascertained, the meeting shall proceed, unless a member 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 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, 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. No committee may take official action during a recess of the Council; except 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 in excess of \$1 million during a 12-month period or a multiyear contract for goods or services that is required to be submitted to the Council pursuant to section 451 of the District Charter may be transmitted to the Secretary during the 30-day period before the end of the summer recess of the Council, a committee may hold a public hearing and take official action on the proposed contract in excess of \$1 million or multiyear contract during this period, and a resolution approving or disapproving a contract in excess of \$1 million or a multiyear contract may be introduced during this recess period.

(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 District Charter 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.

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

307. COUNCIL REVIEW OF CONTRACTS.

(a) Notwithstanding section 402(b) of these Rules, the time period for Council review of a proposed contract in excess of \$1 million during a 12-month period or a multiyear contract that is required to be submitted to the Council pursuant to section 451 of the District Charter shall begin

on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Secretary. The Secretary shall ensure that a copy of the proposed contract is designated as urgent and circulated in a folder of a distinctive color to the office of each member of the Council within 24 hours (excluding Saturdays, Sundays, and holidays), following its receipt by the Secretary.

(b) Notwithstanding any other provision of these rules, the Mayor may transmit a resolution declaring the existence of an emergency and accompanying emergency bill to the Council for approval of a modification to a contract that, once merged with the underlying contract or a modification, would involve an expenditure in excess of \$1 million during a 12-month period, if the contract or a modification:

(1) Has not been previously submitted to the Council for approval; and

(2) Was not otherwise required to have been submitted to the Council for approval.

(c) Notwithstanding sections 401 and 402 of these Rules, no proposed contract in excess of \$1 million during a 12-month period or a multiyear contract that is required to be submitted to the Council pursuant to section 451 of the District Charter may be submitted between July 8, 2013, and July 15, 2013, or between July 7, 2014, and July 14, 2014.

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

(e) The submission of an annual capital program of federal-aid highway projects to the Council for review and approval and approval of the annual program is deemed as 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 in a manner that it may be accessed through the Council website, and on the Council "v" drive or intranet portal within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt.

B. ORDER OF BUSINESS FOR MEETINGS.

311. 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 section 302;

(2) Moment of silence;

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

(4) Presentation of ceremonial resolutions;

(5) Secretary's report on the filing of reports by committees, unless the formal reading of the report is waived without objection;

(6) Secretary's report of 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) Reading by short title and votes on proposed ceremonial resolutions;

(9) Final reading by short title and final vote on bills that have been pending at least 13 days since they were previously read;

(10) Reading by short title and vote on reported and discharged bills;

(11) Reading by short title and vote on proposed resolutions except as provided in paragraph (8) of this section;

(12) Reading by short title and vote on resolutions declaring the existence of emergencies and accompanying emergency measures;

- (13) Reading by short title and vote on temporary legislation;
- (14) Official communications received from the Mayor or an agency; and
- (15) Other business.

3 1 2 . O R D E R O F B U S I N E S S F O R A D D I T I O N A L A N D S P E C I A L M E E T I N G S .

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

3 1 3 . P R O C E E D I N G O U T O F O R D E R .

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 . R U L E S O F D E C O R U M .

3 2 1 . D E C O R U M O F M E M B E R S .

(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.

3 2 2 . D E C O R U M O F M E M B E R S O F T H E P U B L I C .

(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 and 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 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 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 as may cause 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 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 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 chairman 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 wishes to 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 member may speak no more than 3 minutes during the first round of debate on a pending matter, and no more than 2 minutes on a subsequent round.

(c) A member may yield all or part of his or her time provided by this section to another member.

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

333. PERSONAL PRIVILEGE.

Any member, as a matter of personal privilege, may speak no more than 10 minutes concerning a matter 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. POINTS OF ORDER.

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 taken from any decision of the Chairman. A Councilmember shall state the basis for appealing a decision, to which the Chairman may respond. An appeal is not debatable and shall be acted upon immediately. An affirmative vote of a majority of the members present and voting is required to sustain the Chairman.

336. [RESERVED.]

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. Recognition of a non-Councilmember during a legislative meeting shall be limited to situations in which emergency action by the Council is under consideration.

338. PRESENTATION OF CEREMONIAL RESOLUTIONS.

(a) A ceremonial resolution that has been adopted by the Council 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.

(b) During a Council Period, no Councilmember may present 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 Councilmember may speak for more than 2 minutes on each ceremonial resolution.

(d) No recipient of a ceremonial resolution may present a display or performance during a legislative meeting.

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

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

(a) This section shall apply to a resolution regarding a reprogramming request, revenue bonds, rules, regulations, confirmation resolutions, and other actions that:

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

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

(3) 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 the committee report for a measure is 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, 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 day certain;
- (8) To recommit to committee;
- (9) To amend or substitute; or
- (10) To postpone indefinitely.

3 4 2 . 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.

3 4 3 . 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.

3 4 4 . 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 section 367.

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

(c)(1) A Councilmember may move to recess a hearing or roundtable and reconvene the hearing or roundtable at a future time, day, or place.

(2) A recess may be taken under this subsection without a vote.

(3) If the Council recesses a hearing or roundtable without specifying the future time, day, or place for the hearing or roundtable, the Chairman must circulate notice of the new time, day, or place in accordance with section 283.

3 4 5 . 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 section 429.

(c) For the purpose of this rule, a Councilmember who was present and voting on a question decided by a voice vote will 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 "PRESENT".

(d) A motion to reconsider cannot be made by a Councilmember who was absent during a voice or roll-call vote on a question.

(e) A motion to reconsider requires the approval of a majority of the Councilmembers present and voting.

(f)(1) If the question to which a motion to reconsider applies is debatable, the motion to reconsider is debatable and the debate may go to the question.

(2) If the question to which a motion to reconsider applies is not debatable, the motion to reconsider is not 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.

3 4 6 . L A Y O N T H E T A B L E A N D T O P O S T P O N E .

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

(c) 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. 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 committee chairperson may, without objection, carry over a measure reported by that committee from Council consideration until the next regular legislative meeting. If a measure has been sequentially referred, the committee chairperson of the last-reporting committee may carry over a measure under this subsection.

3 4 7 . M O T I O N S T O L I M I T D E B A T E .

(a) Debate may be limited by a motion to close debate or a motion to move the previous question. Neither a motion to close debate nor a motion to move the previous question is debatable.

(b) A Councilmember may move to close debate, which 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.

(c) A Councilmember may make 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.

3 4 8 . R E C O M M I T

(a) A member 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 to the measure to a standing committee or committees in accordance with section 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.

F. A M E N D M E N T S .

3 5 1 . A M E N D M E N T S T O B E W R I T T E N .

(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 the legislative meeting in accordance with subsection (a) of this section, the Secretary shall provide a copy for 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 subsections (a) and (b) of section 282 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) Before a vote on a measure, oral amendments shall be reduced to writing and read by the General Counsel, and made available for public inspection as soon as practicable.

(e) 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.

3 5 2 . N O N - G E R M A N E A M E N D M E N T S .

Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the measure to be amended. A non-germane amendment to a bill requires 2 readings and must be approved by 2/3rds of the members present and voting. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject.

3 5 3 . F R I E N D L Y A M E N D M E N T S .

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.

3 5 4 . A M E N D M E N T I N T H E N A T U R E O F A S U B S T I T U T E .

(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 notice shall be accompanied by the proposed amendment in the nature of a substitute.

(b) Whenever an amendment in the nature of a substitute is moved, it shall reflect all substantive changes from the prior version of the legislation (committee print or engrossment) by using strikeouts on the language which is proposed to be deleted from the prior version and an underscore on all new language being added by the amendment in the nature of a substitute.

(c) 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 . O T H E R M O T I O N S .

3 5 5 . D I S C H A R G E .

The Council, by a vote of 2/3rds of the members present and voting, may 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.

3 5 6 . T A K E F R O M T H E T A B L E .

(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 which was previously tabled.

(c) Provided that a Councilmember provided notice required in section 429(2), the Councilmember may move to take from the table any measure previously tabled.

(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 . V O T I N G .

3 6 1 . F O R M O F V O T E .

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.

3 6 2 . V O I C E V O T E S .

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.

3 6 3 . D E M A N D F O R R O L L - C A L L V O T E .

Any member, in advance of a vote or promptly 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 or the bill 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 will 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. PROXY VOTING PROHIBITED.

No proxy shall be permitted either for the purpose of voting or for the purpose of obtaining a quorum.

367. 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 section 375, a meeting of the Council shall be open to the public.

(b) For purposes of this part, a "meeting of the Council" means a gathering of a quorum of the Council for purposes of discussing Council business, whether informal or formal. A meeting of the Council does not include chance meetings, social gatherings, or press conferences. For purposes of these rules, a meeting of the Council does not apply to a gathering of a quorum for a committee.

372. MEETINGS OF COUNCIL DEEMED OPEN.

A meeting of the Council 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.

3 7 3 . N O T I C E O F M E E T I N G S .

(a) 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.

(b) Notice provided pursuant to this section shall be posted by the Secretary in plain view, the relevant Council office, or on the website of the Council.

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

3 7 4 . R E C O R D O F M E E T I N G S .

(a) Except as provided in subsection (e) of this section, all meetings, whether open or closed, shall be recorded electronically. In accordance with section 447, 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) Copies of the records shall be provided to the public or any requester at his or her expense.

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

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

(e) This section shall not apply to administrative meetings, breakfast meetings, open discussions, or other gathering of the Council where no official action is expected to take place; provided, however, that no official action may be taken at such meetings.

3 7 5 . E X C E P T I O N S T O O P E N M E E T I N G S .

A meeting of the Council 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 the 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 the public body's staff or negotiating agents concerning the position to be taken in negotiating incentives relating to the location or expansion of industries or other businesses or business activities in the District;

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

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

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

- (6) Preparation, administration, or grading of scholastic, licensing, or qualifying examinations;
- (7) To prevent premature disclosure of an honorary degree, scholarship, prize, or similar award;
- (8) To discuss and take action regarding specific methods and procedures to protect the public from existing or potential terrorist activity or substantial dangers to public health and safety, and to receive briefings by staff members, legal counsel, law enforcement officials, or emergency service officials concerning these methods and procedures; provided, that disclosure would endanger the public and a record of the closed session is made public if and when the public would not be endangered by that disclosure;
- (9) To discuss disciplinary matters;
- (10) To discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials, including Councilmembers and staff;
- (11) To discuss trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;
- (12) To train and develop members of a public body, including the Council and staff;
- (13) To deliberate upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions; 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.

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 legislation is filed with the Secretary, the legislation shall be placed on the Council “v” drive or intranet portal.

(b)(1) Proposed legislation transmitted to the Council by the Mayor or an independent agency submitted in appropriate form and in compliance with these Rules shall be introduced by the Chairman, at the request of the Mayor or an independent agency.

(2) Unless proposed legislation by the Mayor or an independent agency filed with the Secretary by the second business day before a meeting of the Council, the proposed legislation may not be introduced or considered at the meeting.

(3) Proposed legislation from the Mayor or an independent agency shall be transmitted to the Council by hard copy, 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 copy of the proposed legislation on the Council “v” drive or intranet portal.

(4) Legislation transmitted under this subsection shall be filed with the Secretary during normal business hours, as defined by section 101(30).

(5) The Secretary shall determine whether the proposed legislation is in appropriate form and may return any proposed legislation that is not in appropriate form 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 with 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.

403. INTRODUCTION OF EMERGENCY LEGISLATION.

Emergency legislation, emergency-declaration resolutions, and temporary legislation may be introduced as provided in sections 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 section 402(a)(2) between the previous reporting period and the 10 am of the business day before the legislative meeting or Committee of the Whole work session, and provide the numbers assigned as provided in section 805 and the committee referrals as provided in section 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 before 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 bill to a committee or committees.

(2) If the Chairman provisionally refers the bill 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 bill or proposed resolution for comments at any time.

(b) When a bill 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. Such referral is not official until it is read at a meeting pursuant to section 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) Where 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 agendaized for Council consideration.

(c) The Chairman may re-refer a bill or resolution 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.

(d) 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) A Councilmember may withdraw any measure before any action has been taken by the committee to which the measure has been referred (i.e., hearing, markup, or vote). 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.

B. COUNCIL APPROVAL.

411. CONSENT AGENDA.

(a)(1) 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.

(2) 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.

(3) Measures removed from the consent agenda shall be considered as provided in section 311, except that the Chairman may first consider items removed from the consent agenda.

(4) 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.

(5) 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.

(b) A resolution declaring the existence of an emergency and accompanying emergency bill submitted by the Mayor or an independent agency pursuant to section 307(b) shall be included in the consent agenda prepared by the Chairman for the first regularly scheduled legislative meeting

that occurs more than 5 business days after the resolution declaring the existence of an emergency and accompanying emergency bill have been filed with the Secretary.

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 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) Emergency legislation 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), emergency legislation shall be effective law for no more than 90 days.

413. TEMPORARY LEGISLATION.

If the Council approves an emergency bill under section 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 section 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 section 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 disapproved act 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 transmitted by the Chairman to the President of the United States.

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 section 413 at the last legislative meeting 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 . N O T I C E A N D P U B L I C A T I O N O F I N T E N D E D A C T I O N S .

4 2 1 . G E N E R A L N O T I C E B Y P U B L I C A T I O N O F I N T E N D E D A C T I O N S A N D H E A R I N G S .

(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 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 where the hearing was previously noticed in the Register.

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

(3) For an oversight or investigative hearing, where such notice is posted on the Council website.

(b) 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.

4 2 2 . P E R S O N A L S E R V I C E O R A C T U A L N O T I C E .

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.

4 2 3 . M E T H O D S O F N O T I C E .

(a) Where 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) Where notice to the public is required under these Rules, by law, otherwise, the Secretary shall post the notices 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 section 423.

425. NOTICE OF TEMPORARY LEGISLATION.

(a) Each temporary bill adopted pursuant to section 413, shall be circulated and filed with the accompanying emergency measure in accordance with section 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 section 413, the notice of emergency action under section 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 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 completion of the record; and a determination made of the sufficiency of the fiscal impact statement.

(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.

427. NOTICE OF CEREMONIAL RESOLUTIONS.

Each ceremonial resolution shall be filed by noon on the business day before the legislative meeting at which it is to be considered. Without objection, ceremonial resolutions scheduled for presentation at a legislative meeting, may be presented at a Committee of the Whole meeting scheduled for the same day.

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 of 1973(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; or

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

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 is not required where a hearing on the same or a similar bill was held in the 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. A committee is not required to meet the notice requirements of section 421 to hold a roundtable.

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

502. QUORUM.

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

503. PARTICIPATION BY MEMBERS.

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

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

504. OPEN TO PUBLIC.

(a) All hearings and roundtables shall be open to the public unless, upon good cause shown, a majority of the Council or a committee approves the convening of a hearing in an executive meeting, and as provided in sections 371-375.

(b) Except as provided in subsection (c) of this section, testimony taken and evidence received in a closed hearing or roundtable shall be confidential and may not be released to the public.

(c)(1) Upon good cause shown and after notice as provided in this subsection, a majority of the Council or committee members may approve the release of testimony or evidence received in a closed hearing or roundtable.

(2) Ten days before the release of testimony or evidence under this subsection, 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.

(d)(1) 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.

(2) A person who fails to comply with the requirements of this subsection 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 section 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.

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 10 business days after the close of the record for a hearing or roundtable, a committee chairperson 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, the record for a hearing or roundtable shall close 10 business days after the hearing or roundtable.

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 must adopt a resolution of the committee authorizing an investigation subject to the limits of section 501. This resolution must be filed in the Office of the Secretary.

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

602. NOTICE OF INVESTIGATION.

Pursuant to section 421, the Secretary shall publish a notice of each investigation authorized under section 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 section 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.

Where 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 section 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 shall be established for the purposes of considering evidence of a violation of the Code of Conduct, policy, or law and making recommendations for further action. An ad hoc committee shall be established by request of any 5 members of the Council, or if a member is censured by the Ethics Board.

(b) 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 Ethics Board sanction, by the Chairman Pro Tempore. The committee shall not include the member making the request or the member who is the subject of the request. The committee's proceedings may be conducted in executive session in accordance with Council Rule 504, except that its recommendation for further action shall be made public

(c) No penalty 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 AN ETHICS BOARD CENSURE.

(a) An ad hoc committee shall be established by the Council within 72 hours of a censure of one of its members by the Ethics Board, or as soon as practicable. An ad hoc committee shall consider the findings of the Ethics Board, conduct an investigation if warranted, and report its findings and penalty recommendations, if any, to the Council within 45 days of being convened. The penalty 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 section 504. The committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether:

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

(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 penalty recommendations, if any, to the Council at its earliest opportunity. The penalty 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 persons of the member's choice whether or not the person is an attorney at law and may have that representatives 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 required by the rule.

6 5 4 . R E P R I M A N D .

(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. 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.

6 5 5 . C E N S U R E .

(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, by a 2/3rd vote of its members present and voting, may 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.

6 5 6 . E X P U L S I O N .

(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, or in the official exercise of his or her office.

(b)(1) The Council, by a 5/6 vote of its members, may 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 budget request for the District government and any supplement or amendments to the budget submitted to the Council pursuant to section 442(a) of the Charter (D.C. Official Code § 1-204.42(a)) shall be referred to the Committee of the Whole.

702. BUDGET-REVIEW SCHEDULE.

The Budget Director, at the direction of the Chairman, shall prepare a budget-review schedule that includes a hearing schedule, establishes dates for closing hearing records, a template for the required format of and submitting and filing of committee budget reports, and schedule other budget activities as necessary or appropriate. 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 budget requests for agencies within its purview, including:

- (1) Holding public hearings on the proposed budget requests of agencies and receiving testimony on those budget requests from agency representatives, Advisory Neighborhood Commissions, other organizations, and private citizens;
- (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) Each committee shall submit, in accordance with the budget-review schedule, the original committee markup and report with the Committee of the Whole. No committee may submit a markup or report that results in a net increase in the total amount of the budget request for all agencies under its purview, unless that markup or report also identifies additional revenue sources, additional budget reductions, or both, within the committee jurisdiction, sufficient to provide funding for the increase, unless another committee has directed funds to the committee for a specific purpose.

704. COMMITTEE OF THE WHOLE CONSIDERATION OF BUDGET REQUEST.

(a) The Budget Director, at the direction of the Chairman, upon receipt of committee reports and markups, 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 Council Budget Director, at the direction of the Chairman, shall refer any additional budget reductions recommended by a committee pursuant to section 703(b) to the committee

having purview over the agency affected by the additional budget reduction for review and comment.

(c) 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 Mayor's budget request. 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 REQUEST.

Following the markup and report on the full budget request by the Committee of the Whole, the reported budget request shall be presented for a single reading at the next legislative meeting or additional meeting called by the Chairman for that purpose.

706. CONSIDERATION OF GROSS PLANNING BUDGET RESOLUTIONS.

Gross planning budget resolutions, submitted by the Mayor pursuant to section 7 of the Funds Control Act (D.C. Official Code § 47-306), shall be referred to the Committee of the Whole for consideration according to these Rules.

707. CONSIDERATION OF CONTROL BUDGET ACTS.

Control budget acts, submitted by the Mayor pursuant to section 8 of the Funds Control Act (D.C. Official Code § 47-307), shall be referred to the Committee of the Whole for consideration according to these Rules.

B. REPROGRAMMING POLICY ACT PROCEDURES.

711. EFFECT OF RECESS ON PROCEDURES.

Reprogramming requests and non-offsetting 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 non-offsetting 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 copies of reprogramming requests 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 non-offsetting budget modification request, the Secretary shall publish a "notice of reprogramming request" or a "notice of non-offsetting 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 non-offsetting budget modification request at any time before the Council's taking final action on the request, or before its taking effect without Council action.

716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.

(a) To initiate disapproval of a reprogramming request or a non-offsetting 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 section 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 section 716(a) and the Council does not take final action to disapprove the request as provided in this section, 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 disapproval or failure to disapprove a reprogramming request.

C. FUNDS CONTROL ACT PROCEDURES.

721. APPLICABILITY OF PROCEDURES.

(a) This part applies to the Council's consideration of grant applications, state plan approval requests, and budget structure resolutions.

(b) Except as provided in subsection (c) of this section, borrowing request resolutions shall be considered in accordance with Council Rules applicable to resolutions.

(c) Committee reports on borrowing requests shall comply, where appropriate, with the requirements for reports on measures set forth in section 803 and may include, but not be limited to:

(1) The amount to be borrowed;

(2) The purposes for which the funds are to be used, by control and responsibility center; and

(3) An identification of the type and amount of revenue anticipated from each source to be used to repay the amount to be borrowed, the anticipated dates of receipt of the funds, and a schedule of repayment of the funds.

722. EFFECT OF RECESS ON FUNDS CONTROL ACT PROCEDURES.

No grant application, state plan approval request, or budget structure resolution may be submitted to the Council during a recess of the Council. No time period provided in this part for the consideration of these matters shall continue to run during a recess of the Council.

7 2 3 . C O M M I T T E E R E F E R R A L O F R E Q U E S T S .

Grant applications, state approval requests, and budget structure resolutions shall be referred to the Committee of the Whole with comments from the standing committee having oversight responsibility for the agency or program affected. Budget structure resolutions shall be referred to the Committee of the Whole.

7 2 4 . C I R C U L A T I O N O F R E Q U E S T S .

Grant applications, state plan approval requests, and budget structure resolutions shall be circulated within one business day after their receipt.

7 2 5 . R E Q U I R E M E N T S F O R D I S A P P R O V A L .

(a) To initiate disapproval of a grant application, state plan approval request, or budget structure resolution, a Councilmember shall file a written notice of disapproval with the Secretary within 14 days after the Council receives the request.

(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 days after the Council receives the request.

7 2 6 . A U T O M A T I C A P P R O V A L O F R E Q U E S T S .

If the notice provided in section 725(a) is not given within 14 days after the Council receives the request, the grant application, state plan approval request, or budget structure resolution shall be deemed approved. If the notice is given and the Council does not take final action to disapprove the request as provided in this section, the request shall be deemed approved.

7 2 7 . T R A N S M I T T A L T O M A Y O R .

The Chairman shall transmit, by letter to the Mayor, notification of the Council's disapproval or failure to disapprove grant applications, state plan approval requests, and budget structure resolutions.

D . S P E C I F I E D F U N D I N G A L L O C A T I O N P R O C E D U R E S .

7 3 0 . R E Q U I R E D I N F O R M A T I O N P R I O R T O A P P R O V A L .

(a) To receive an earmarked grant through the budget process or a supplemental budget, each named 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 scheduled vote of the Council on the Budget Request Act;

(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 1 year old, prepared by a certified accountant that shows that the organization is in good financial standing and which 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 D.C. 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 District of Columbia 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 (b) of this section, the organization shall be required to submit:
- (A) A notarized statement designating a nonprofit organization, which 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. Prior to 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) Beginning with the Fiscal Year 2011 budget, 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 shall be limited to \$250,000 for non-capital projects and \$1 million for all capital projects.

7 3 3 . A U D I T R E Q U I R E M E N T S .

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

(b) The District of Columbia Auditor's report shall be issued no later than March 1st of the fiscal year immediately following the year for which the grant was awarded.

7 3 4 . D I S C L O S U R E R E Q U I R E M E N T S .

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.

ARTICLE VIII— C O U N C I L R E C O R D S

A . C O U N C I L R E C O R D S .

8 0 1 . R E S P O N S I B I L I T Y F O R R E C O R D S .

(a) The Secretary shall maintain accurate and up-to-date Council records, described in sections 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 with the Secretary. When records are in the custody of the committee, the committee shall make them available to the public.

8 0 2 . F O R M F O R I N T R O D U C T I O N S .

(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.

8 0 3 . R E P O R T S O N L E G I S L A T I O N .

(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 day of the markup.

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

(1) A section stating the measure's purpose and effect (or background and need), which includes the committee's reasoning;

(2) A chronology of action, including the date:

(A) Of introduction;

(B) That the notice of intent to act on the measure was published in the Register;

(C) That the notice of hearing or roundtable was published in the Register;

(D) Of a hearing or roundtable on the measure; and

(E) Of the committee meeting at which the measure and report was 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;

(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;
- (8) A detailed section-by-section analysis of the measure's 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:
 - (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) The fiscal impact statement prepared by the Chief Financial Officer or the Budget Director;
 - (4) A legal sufficiency determination by the General Counsel;
 - (5) If reporting a bill repealing or amending existing law, a comparative print showing, by italic, underscore, strikethrough, or other typographical device, the changes proposed; and
 - (6) A committee print that states the number of the measure; 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) Except for emergency declaration, ceremonial, confirmation, and sense of the Council resolutions, no bill, resolution, or amendment to a bill or resolution may be enacted or approved by the Council without a Council fiscal-impact statement that is reviewed and approved by the Council Budget Director or the Chief Financial Officer in the measure, committee report, or amendment presented to the Council, at the time of its consideration.
- (h) No measure may be approved by a committee without a written legal sufficiency determination prepared by the General Counsel and attached to the committee report..
- (i)(1) A committee chairperson shall file a reported bill or resolution with the Secretary within 20 business days of 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) The Budget Director shall circulate quarterly reports in accordance with section 283(b)(3) no later than 15 days at the end of each quarter, of the bills adopted by the Council which reference that the bills are subject to inclusion in the financial plan and budget or subject to appropriations.
- (k) The Secretary shall determine whether the report complies with this section.

804. ADDENDUM TO COMMITTEE REPORTS.

On final passage of a bill, a majority of the Councilmembers or a committee chairman may request that a committee submit an addendum to a committee report that explains the Council reasoning for any amendments where amendments, including amendments in the nature of a substitute, have been passed by the full Council. A committee shall vote on an addendum to a committee report before it may 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 two 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";
- (10) A request for a grant application approval shall be known as a "Grant Application Request"; and
- (11) A request for a non-offsetting budget modification shall be known as a "Non-offsetting Budget Modification Request".

(c) The Secretary shall assign two-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.

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; and
- (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.

807. OTHER OFFICIAL RECORDS.

The Secretary shall maintain other official Council records, including, but not limited to the following:

- (1) Transcripts and recordings of all legislative meetings;
- (2) Tape recordings and minutes of all committee meetings;
- (3) Tape recordings and documents submitted for the record of all legislative hearings;
- (4) Tape 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; and
- (5) 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 purposes of the Freedom of Information Act, D.C. Official Code § 2-531 *et seq.*, the Secretary, or the Secretary'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 the Freedom of Information Act, D.C. Official Code § 2-531 *et seq.*, it shall be forwarded to the Secretary 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 15-day requirement established by D.C. Official Code § 2-532.

(c) 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. The FOIA Officer shall instruct the subject to put a preservation hold on, to search for, and to provide copies for any documents, emails, or other 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 an email that is a public record that is not in the possession of the Council, and where the requester 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 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 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 records are privileged or otherwise subject to disclosure.

(g) By no later than March 1, 2013, a Council employee, including the Chairman and each Councilmember, shall use the employee's government-provided email account to transact public business, including official action of any kind, unless the employee takes steps to ensure that any emails transmitted or received on an account other than the account provided by the government are otherwise incorporated into the Council's records.

812. SERVICE OF PROCESS.

(a) For the purpose of receiving legal correspondence (including summonses, complaints, and subpoenas), the Secretary and the General Counsel may accept service of process for the Council or any Member.

(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, legal correspondence shall be transmitted to the Office of the General Counsel within one business day of receipt.

(c) A Member may not accept service of process of a legal document on behalf of the Council or for another Member.

(d) The General Counsel shall provide legal representation on behalf of, or make a request of the Office of Attorney General for legal representation for, every Member and Council staff person for actions taken within the scope of their legislative duties.

ARTICLE IX — AUDITOR.

901. SELECTION.

The Chairman shall nominate the Auditor and the Council shall act by resolution 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 (pursuant to 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 will 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) An amendment must be proposed in writing, signed by the proposer, circulated and filed, and posted in prominent places in the John A. Wilson Building at least 15 days before consideration of the amendment.

(c) Seven Councilmembers may vote to waive or shorten the 15-day notice period.

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

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Resolution 20-1, effective January 2, 2013

20 DCSTAT 658

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:

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Resolution 20-1, effective January 2, 2013

20 DCSTAT 659

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

COUNCIL OF THE DISTRICT OF COLUMBIA
CODE OF OFFICIAL CONDUCT

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I. CONFLICTS OF INTEREST

- (a) **GENERALLY.** No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
- (b) **WAIVERS.** An employee other than an elected official may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if:
 - (1) The employee advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter;
 - (2) Makes full disclosure of the financial interest; and
 - (3) Receives in advance a written determination made by both the supervisor and the Ethics Board that:
 - (A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from such employee; or
 - (B) Another legally cognizable basis for waiver exists.
- (c)(1) **RECUSAL STATEMENT.** Any elected official who, in the discharge of the elected official's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to the Council Chairman. In the case of elected officials other than members of the Council, the statement shall be delivered to the Ethics Board.
- (2) Any employee other than an elected official who, in the discharge of the employee's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest and:

- (A) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and
 - (B) Deliver the statement to the employee's supervisor, and to the Ethics Board.
 - (3) During a proceeding in which an elected official would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:
 - (A) Read the statement provided in subsection (c)(1) of this section into the record of proceedings; and
 - (B) Excuse the elected official from votes, deliberations, and other actions on the matter.
 - (C) No Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter in a manner that is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.
 - (4) Upon receipt of the statement provided in subsection (c)(2) of this section, the employee's supervisor shall assign the matter to another employee who does not have a potential conflict of interest.
- (d) SPECIFIC CONFLICT SITUATIONS.
- (1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from any source other than the District government for the employee's performance of official duties.
 - (2) No employee or member of the employee's household may knowingly acquire:
 - (A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; and
 - (B) An interest in a business or commercial enterprise that is related directly to the employee's official duties, or which

might otherwise be involved in an official action taken or recommended by the employee, or which is in any way related to matters over which the employee could wield any influence, official or otherwise.

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

- (1) “Affiliated organization” means:
 - (A) An organization or entity:
 - (1) In which the employee serves as officer, director, trustee, general partner, or employee;
 - (2) In which the employee or member of the employee’s household is a director, officer, owner, employee, or holder of stock worth \$1,000 or more at fair market value; or
 - (3) That is a client of the employee or member of the employee’s household; or
 - (B) A person with whom the employee is negotiating for or has an arrangement concerning prospective employment.
- (2) “Direct and predictable effect” means there is:
 - (A) A close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest; and
 - (B) A real, as opposed to a speculative possibility, that the matter will affect the financial interest.
- (3) “Member of the employee’s household” means a person who resides in the same household as the employee and is:
 - (A) A spouse or domestic partner of the employee;
 - (B) A parent, sibling, or child of the employee or of any person in subparagraph (A) of this paragraph; or
 - (C) A spouse or domestic partner of any person in subparagraph (B) of this paragraph.
- (4) “Particular matter” is limited to deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons.

- (5) “Person closely affiliated with the employee” means a spouse, dependent child, general partner, a member of the employee’s household, or an affiliated organization.

II. OUTSIDE ACTIVITIES

(a) GENERALLY.

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

(b) LIMITATIONS ON PERMISSIBLE ACTIVITIES.

- (1) An employee may engage in outside employment or activities such as teaching, writing for publication, consultative activities, and speaking engagements if the activities are:
 - (A) Consistent with subsection (a) of this Rule;
 - (B) Not otherwise prohibited by law or regulation; and
 - (C) Conducted outside of regular working hours, while the employee is on annual leave or leave without pay, or at a minimal level during work hours in a manner that does not interfere with the employee's official duties.
- (2) The information used by an employee engaging in outside employment or activities shall not draw on official data or ideas that are not public information, unless the employee has written authorization from the employee's supervisor to use such information.

(c) SPECIFIC RESTRICTION ON REPRESENTATION.

- (1) Except as provided in paragraph (2) of this subsection, an employee shall not:
 - (A) Represent another person, have a financial interest, or provide assistance in prosecuting a claim against the District of Columbia before any regulatory agency or court of the District of Columbia; or
 - (B) Represent another person before any regulatory agency or court of the District of Columbia in which the District of Columbia is a party or has a direct and substantial interest.

- (2) The prohibition in paragraph (1) of this subsection shall not apply to an employee, who, if not inconsistent with the faithful performance of the employee's duties, and acting without compensation, represents:
 - (A) A person who is the subject of disciplinary or other personnel administration proceedings in connection with those proceedings; or
 - (B) A nonprofit cooperative, voluntary, professional, recreational, or similar organization or group, if a majority of the organization's or group's members are current officers or employees of the United States government or of the District of Columbia government, or their spouses or dependent children; provided, that this exception shall not apply to any matter that:
 - (i) Is a claim under paragraph (1)(A) of this subsection;
 - (ii) Is a judicial or administrative proceeding where the organization or group is a party; or
 - (iii) Involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of federal funds to the organization or group.

III. GIFTS FROM OUTSIDE SOURCES

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

- (6) Anything that is paid for by the Council or the District or secured by the Council or the District under contract;
- (7) Any donation accepted by the Council under specific authority, including:
 - (A) Travel, food, and related expenses accepted by the Council in connection with an employee's attendance at a meeting or similar event that takes place away from the employee's duty station;
 - (B) Other donations provided in-kind that have been accepted by the Council; or
 - (C) Anything for which market value is paid by the employee;
- (8)(A) Unsolicited gifts having an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of individual gifts received from any prohibited source under the authority of this paragraph shall not exceed \$100 in a calendar year.
 - (B) Where the market value of a gift or the aggregate market value of gifts offered on any single occasion under this paragraph exceeds \$50, the employee may not pay excess value over \$50 in order to accept that portion of the gift or those gifts worth \$50;
 - (C) Where the aggregate value of tangible items offered on a single occasion exceeds \$50, the employee may decline any distinct and separate item in order to accept those items aggregating \$50 or less; or
 - (D) This paragraph shall not apply to gifts of cash, stock, bonds, or certificates of deposit;
- (9) Gifts given to an employee under circumstances that make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift;
- (10) Reduced membership or other fees for participation in organization activities offered to all District employees by

- professional organizations if the only restrictions on membership relate to professional qualifications;
- (11) Gifts approved in advance by the employee's supervising Councilmember in exceptional circumstances that are disclosed in writing, filed with the Office of the Secretary to the Council, and posted on the Council's website.
- (d) A gift that is solicited or accepted indirectly includes a gift given:
- (1) With the employee's knowledge and acquiescence to his parent, sibling, spouse, domestic partner, child, or dependent relative because of that person's relationship to the employee; or
- (2) To any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except as permitted for the disposition of perishable items.
- (e) SPECIFIC GIFT RESTRICTIONS. Notwithstanding any other provision in this Code of Conduct, no employee shall:
- (1) Solicit or accept anything of value from a registered lobbyist that is given for the purpose of influencing the actions of the employee in making or influencing the making of an administrative decision or legislative action.
- (2) Directly or indirectly demand, seek, receive, accept, or agree to receive or accept anything of value personally or for any other person or entity, in return for:
- (A) Any official act performed or to be performed by the employee;
- (B) Being influenced in the performance of any official act;
- (C) Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the District of Columbia; or
- (D) Being induced to do or omit to do any act in violation of the employee's official duty.
- (f) DEFINITIONS. For the purposes of this Rule, the term:
- (1) "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary

value. Gifts may also consist of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has incurred.

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

IV. CONFERENCES, TRAVEL, AND RECEPTIONS

(a) CONFERENCES AND TRAVEL.

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

(b) WIDELY ATTENDED EVENTS.

- (1) An employee may accept:
 - (A) An offer of free attendance at a convention, conference, symposium, forum, panel discussion, dinner, gala, viewing, reception, or similar event; provided, that:
 - (i) At least 25 persons from outside the District government are expected to be in attendance;

- (ii) Attendance at the event is open to members from throughout a given industry or profession, or to a range of persons interested in an issue; and
 - (iii) Attendance is connected to the attendee's official Council duties.
 - (B) Free attendance for one accompanying individual to the event described in subparagraph (A) of this paragraph; and
 - (C) A meal that is offered to all attendees as part of the event described in subparagraph (A) of this paragraph.
 - (2) For the purposes of this subsection, the term "connected to the attendee's official Council duties" includes participation in the event as a speaker or a panel participant, presenting information related to the Council or matters before the Council, performing a ceremonial function appropriate to the official position of such individual, or attendance is otherwise appropriate to the representative function of the Council.
- (c) GIFT BAGS. An employee may not accept a gift bag for an event under subsections (a) or (b) of this Rule if the organizing event sponsor is a prohibited source, unless the contents of the bag meet the requirements under Rule III.
- (d) DISCLOSURE.
- (1) An employee accepting a thing of value under this rule shall disclose the acceptance in accordance with paragraph (2) of this subsection.
 - (2)(A) An employee accepting a thing of value under this rule shall, by the last business day of the month, provide to the Office of the Secretary a list of the following for each event and thing of value:
 - (i) Offeror;
 - (ii) Date; and
 - (iii) Estimated value.
 - (B) The Secretary shall publish on the Council's website a list of each thing of value accepted under this Rule on the first Friday in the first full week of each month or, if the Friday is a holiday, the next business day.

- (3) For the purposes of this subsection, the term "thing of value" shall not include an offer of free attendance to an event if the employee does not attend the event.

V. GIFTS BETWEEN EMPLOYEES

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

- (2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

VI. USE OF GOVERNMENT RESOURCES

- (a) GENERALLY. Employees shall not:
- (1) Use Council time or government resources for other purposes other than official business or government-approved or sponsored activities, with the exception of incidental use of Council time or resources for purposes of scheduling;
 - (2) Order, direct, or request subordinate employees to perform during regular working hours any personal services not related to official Council functions and activities, with the exception of incidental use of Council time or resources for purposes of scheduling;
 - (3) Use or permit the use of government resources for other than officially approved purposes, with the exception of *de minimis* use that does not interfere with an employee's official duties and responsibilities; or
 - (4) Use or permit the use of government resources to support or oppose any candidate for elected office, to promote a political committee, or to support or oppose any initiative, referendum, or recall measure.
- (b) GOVERNMENT RESOURCES AVAILABLE TO THE PUBLIC. Employees are not prohibited from accepting any material, article, or service that is available as part of any District government program or provided free to District residents or visitors.
- (c)(1) PRESTIGE OF OFFICE. An employee may not knowingly use the prestige of office or public position for that employee's private gain or that of another.
- (2) The performance of usual and customary constituent services, without additional compensation, is not prohibited under paragraph (1) of this subsection.
 - (3) Council employees shall not use or permit the use of their position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that the Council sanctions or endorses the personal or business activities of another, unless the Council has officially sanctioned or endorsed the activities.

- (4) A Councilmember may serve as an honorary chair or honorary member of a nonprofit entity's fundraising event, so long as the entity for which funds are raised supports a nongovernmental bona fide charitable activity. Use of the Councilmember's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as the Councilmember may prescribe. The authority granted by this paragraph shall not extend to the use of the Councilmember's name or title in solicitations made by or on behalf of the Councilmember directly to individual contributors.
- (d)(1) SPECIAL RULES FOR LETTERS OF RECOMMENDATION. Employees may sign a letter of recommendation using their official titles only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual or entity with whom they have dealt in the course of their Council employment.
 - (2) Letters of recommendation may be written on Council letterhead if the applicant is a current or former Council employee or has worked with the Council in an official capacity and the letter relates to the duties performed by the applicant.
 - (3) If an employee does not have personal knowledge of an individual or entity's work ability or performance, the employee may sign a letter of recommendation on Council letterhead addressing only the character or residence of the individual or entity requesting the letter.
- (e) GOVERNMENT RESOURCES, DEFINED. For the purposes of this Rule, "government resources" means any property, equipment, or material of any kind, including that acquired through lease, and the personal services of an employee during his or her hours of work.

VII. USE OF CONFIDENTIAL INFORMATION

Employees and former employees may not:

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

VIII. POST-GOVERNMENTAL EMPLOYMENT CONFLICTS OF INTEREST

- (a) **PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.** No employee, after the termination of his or her service or employment with the Council, shall knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the District of Columbia, on behalf of any other person (except the District of Columbia) in connection with a particular matter:
 - (1) In which the District of Columbia is a party or has a direct and substantial interest;
 - (2) In which the person participated personally and substantially as such officer or employee; and
 - (3) Which involved a specific party or specific parties at the time of such participation.
- (b) **TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY.** No employee shall, within 2 years after the termination of his or her service or employment with the Council, knowingly make, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the Council, on behalf of any other person (except the District of Columbia), in connection with a particular matter:
 - (1) In which the District of Columbia is a party or has a direct and substantial interest;
 - (2) Which the person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of one year before the termination of his or her service or employment with the Council; and
 - (3) Which involved a specific party or specific parties at the time it was pending.
- (c) **SPECIAL RULES FOR FORMER COUNCIL EMPLOYEES.** A former Council employee shall not, within one year after leaving government service or employment, knowingly make, with the intent to influence,

any communication to or appearance before the Councilmember for whom the employee worked or any former subordinate employee, on behalf of any other person, other than the District of Columbia, in connection with any matter on which the former employee seeks action by a Councilmember or Council employee in his or her official capacity.

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

IX. POLITICAL ACTIVITIES

- (a) PROHIBITIONS. No Council employee shall:
- (1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - (2) Directly or indirectly solicit, accept, or receive a political contribution from any person;
 - (3) Run for the nomination or as a candidate for election to a partisan political office; or
 - (4) Knowingly solicit or discourage the participation in any political activity of any person who:
 - (A) Has a measure pending before the Council; or
 - (B) Is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the Council;
 - (5) Engage in political activity:
 - (A) While the employee is on duty;
 - (B) In any room or building occupied in the discharge of official duties by an individual employed or holding office in the District government or in the Government of the United States or any agency or instrumentality thereof;
 - (C) While wearing a uniform or official insignia identifying the office or position of the employee; or
 - (D) Using any vehicle owned or leased by the District government or the Government of the United States or any agency or instrumentality thereof.
- (b) DEFINITIONS. For purposes of this Rule, the term:
- (1) “Employee” shall not include members of the Council.
 - (2) “Political activity” means an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.
- (c) CONSTRUCTION. Nothing in this rule should be construed as prohibiting a Council employee from taking an active part in political

management or in political campaigns unless the employee's activity is violates subsection (a) of this Rule.

X. OFFICIAL MAIL RULES

- (a) DEFINITIONS. For the purposes of this rule, the term:
- (1) “Electronic newsletter” means the transmission through the internet at public expense of more than 500 substantially identical emails during any 30-day period related to a Councilmember’s activities, including such matters as the impact of laws and decisions on the government and its citizens, reports on public and official action taken by a Councilmember, and discussions of proposed or pending legislation or governmental action.
 - (2) “Mass mailing” means the transmission through the mails of more than 100 substantially identical newsletters, news releases or similar types of material during any 30 day period, but shall not include a response to a communication initiated by a constituent.
 - (3) “Newsletter” or “news release” means the usual and customary correspondence that deals with such matters as the impact of laws and decisions on the government and its citizens, reports on public and official action taken by a Councilmember, and discussions of proposed or pending legislation or governmental action.
 - (4) “Official mail” means correspondence suitable to be mailed at public expense that pertains directly or indirectly to the legislative process or to a Council legislative function, including any matter related to a past or current Council, the performance of official duties by a Councilmember in connection with a Council function, or other related matters of public concern or public service.
- (b) CONTENT OF OFFICIAL MAIL. To be mailed at public expense, a member’s newsletter or report on constituent service activities must come within the definition of “official mail” set forth in subsection (a) and must conform to the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Official Code § 2-701 *et seq.*).

- (c) PERMITTED CATEGORIES OF OFFICIAL MAIL. Except as otherwise provided in this Rule, an employee may not mail, as official mail, any matter, article, material, or document for any reason other than the following:
 - (1) A request for a matter, article, material, or document that has been previously received by the Council;
 - (2) The mailing of the document is required by law;
 - (3) The material or matter requests information pertinent to the conduct of the official business of the Council;
 - (4) The material contains information relating to the activities of the Council or to the availability of Council publications or other documents;
 - (5) The enclosures are forms, blanks, cards, or other documents necessary or beneficial to the administration of the Council;
 - (6) The materials are copies of federal, state, or local laws, rules, regulations, orders, instructions, or interpretations thereof; or
 - (7) The materials are being mailed to federal, state, or other public authorities.
- (d) OFFICIALLY MARKED ENVELOPES. An envelope or other material that is used to enclose official mail shall bear on its face the name and address of the Council and the words “official business.” Envelopes and other materials shall not be used to enclose materials, documents, or other articles except those enumerated in subsections (b) and (e) of this Rule or other materials not prohibited by subsection (d) of this Rule.
- (e) PROHIBITED USES OF OFFICIAL MAIL BY ELECTED OFFICIALS.
 - (1) A Councilmember may not mail, as official mail, a mass mailing within the 90-day period that immediately precedes a primary, special, or general election in which the Councilmember is a candidate for office.
 - (2) A Councilmember may mail, as official mail, news releases or newsletters; provided, that these materials do not contain any of the following:
 - (A) Autobiographical articles;

- (B) Political cartoons;
 - (C) Reference to past or future campaigns;
 - (D) Announcements of filings for reelection;
 - (E) Announcements of campaign schedules;
 - (F) Announcements of political or partisan meetings;
 - (G) Reports on family life;
 - (H) Personal references that are included for publicity, advertising, or political purposes;
 - (I) Pictures of the official members with any partisan label such as "Democrat," "Republican," "Statehood Party," or any other label that purports to advertise the member rather than to illustrate the accompanying text;
 - (J) Articles about community events that are unrelated to official government business; and
 - (K) Reports on non-official activities of the Councilmember that have the effect of lending the franking privilege to others, no matter how worthwhile or charitable the endeavors of those to whom the franking privilege would be loaned.
- (3) A Councilmember may not use official mail to solicit directly or indirectly funds for any purpose.
 - (4) A Councilmember may not use official mail for transmission of matter that is purely personal to the sender and is unrelated to the official duties, activities, and business of the member.
 - (5) A Councilmember may not mail, as official mail, cards or other materials that express holiday greetings from the Councilmember or the Councilmember's family;
- (f) AUTHORIZED USES OF OFFICIAL MAIL. The provisions of subsection (e) of this Rule do not prohibit a Councilmember or the Councilmember's staff from mailing, as official mail, any of the following:
 - (1) The whole or part of a record, speech, debate, or report of the Council or a committee of the Council;

- (2) The tabulation of a Councilmember's vote or explanation of the vote;
 - (3) An expression of condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction; provided, that mass mailings of a congratulatory nature that are substantially the same except for individualized addresses are not authorized;
 - (4) Information concerning the Councilmember's schedule of meeting constituents;
 - (5) Information concerning the meeting schedule and agenda for committees and subcommittees upon which the Councilmember serves;
 - (6) Information concerning financial disclosure information, whether or not required by law;
 - (7) Matter that consists of federal, state, or local laws, regulations or publications paid for by public funds;
 - (8) Questionnaires that relate to matters on public policy or administration; and
 - (9) Matter that contains a picture of the member or biographical or autobiographical data whenever the matter is mailed in response to a specific request.
- (g) USE OF ELECTRONIC NEWSLETTERS.
- (1) A Councilmember or Council employee shall not transmit an electronic newsletter within the 90-day period immediately before a primary, special, or general election in which the Councilmember is a candidate for office, unless the electronic newsletter conforms with the following requirements:
 - (A) The recipients have individually subscribed to receive the electronic newsletter;
 - (B) The electronic newsletter contains a clear and conspicuous notice of the method by which a recipient can request not to receive future electronic newsletters; and
 - (C) The proposed newsletter has been submitted for review by the General Counsel or the Office of Campaign Finance.

- (2) An electronic newsletter shall comply with the requirements of Council Rule 805(b).
 - (3) An electronic newsletter shall not be transmitted at public expense unless, when viewed as a whole, it:
 - (A) Is informational rather than self-promotional; or
 - (B) Is directly related to a Councilmember's official legislative or representative duties.
- (h) PHOTOGRAPHS AND SKETCHES CONTAINED IN NEWSLETTERS.
Each photograph or sketch contained in a newsletter or report on constituent service activities shall relate to the official legislative duties of the Councilmember and shall not, because of excessive use and size, have the effect of advertising or publicizing the Councilmember. In addition, to be mailed at public expense as official mail, a newsletter or report on constituent service activities may not contain any of the following:
 - (1) More than 1 photograph or likeness of the Councilmember appearing alone;
 - (2) A photographic likeness of the Councilmember appearing alone that covers more than 6% of a single page or that exceeds 6 square inches on 8 1/2" x 11" paper;
 - (3) More than 2 photographs per page that include the Councilmember with other persons;
 - (4) Two photographs on a single page that include the Councilmember and exceed 20% of the page;
 - (5) A photograph of a Councilmember with a label such as "Democrat", "Republican", "Statehood Party", or any other label that purports to advertise the Councilmember rather than to illustrate the accompanying text; and
 - (6) A photograph that does not relate to, illustrate, or explain the accompanying text.
- (i) SIZE AND PRINT TYPES FOR NAMES.
 - (1) A Councilmember's name in the masthead of a newsletter shall not appear in print type larger than 1/2" in height.

- (2) A Councilmember's name in the text of a newsletter shall not appear in type style or size larger than the other matter, nor in print size larger than 1/4" in height.
- (j) **USE OF OFFICIAL MAIL BY OFFICIALS-ELECT.** In addition to Councilmembers, the Chairman elect and members elect of the Council may mail materials as official mail.
- (k) **GENERAL COUNSEL REVIEW.** The General Counsel shall be available to Councilmembers and their staff to review materials intended to be mailed as official mail to ensure that the materials comply with the laws and rules governing official mail. Upon written request of a Councilmember, the General Counsel shall provide a written opinion concerning whether the materials, submitted by the Councilmember and intended to be mailed as official mail, comply with the laws and rules governing official mail.

XI. ETHICS TRAINING, FINANCIAL DISCLOSURES, AND ETHICS COUNSELING

- (a) DEFINITIONS. For the purposes of the Code of Conduct, the term:
 - (1) “Employee” shall include all Council staff and Councilmembers, unless specifically stated otherwise.
 - (2) “General Counsel” means the General Counsel to the Council of the District of Columbia, or a designated employee within the Office of the General Counsel to the Council of the District of Columbia.
- (b) ETHICS TRAINING.
 - (1) NEW EMPLOYEES. All employees shall complete a mandatory ethics-training course within 2 months of beginning employment with the Council.
 - (2) ANNUAL CERTIFICATION. The General Counsel shall conduct mandatory training on the conflict of interest and ethics laws and regulations applicable to employees on at least an annual basis.
 - (3) MATERIALS ON COUNCIL WEBSITE. The General Counsel shall ensure that ethics training materials, including summary guidelines to all applicable laws and regulations, shall be made readily available online and in print.
- (c) FINANCIAL DISCLOSURE. An employee who is covered under sections 225 and 225 of the Campaign Finance Reform and Conflict of Interest Public Disclosure Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §§ 1-1162.24 and 1-1162.25), shall file the required disclosures in accordance with that act.
- (d) ETHICS COUNSELING AND SAFE HARBOR.
 - (1) The General Counsel shall provide at the request of an employee confidential advice about compliance with the Code of Conduct and any other applicable laws and regulations.
 - (2)(A) An employee who, after providing full disclosure of all relevant facts, obtains advice from the General Counsel and acts in accordance with that advice, even if that action is later found to constitute a violation of this Code of Conduct, shall not,

subject to subparagraph (B) of this paragraph, be found to have violated the provisions of the Code of Conduct.

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

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

XII. DECORUM OF COUNCILMEMBERS

- (a) **GENERALLY.** During any meeting of the Council that is open to the public, as defined by section 405 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575), a Councilmember shall treat other Councilmembers with dignity and respect and refrain from using profane, indecent, or abusive language directed at another Councilmember or the Council as an institution.
- (b) **REMOVAL OF COUNCILMEMBERS.**
 - (1) The Chairman shall maintain order during any meeting of the Council. The Chairman may order the removal of a Councilmember from a meeting if:
 - (A) The Chairman determines that:
 - (1) The Councilmember has violated subsection (a) of this Rule; and
 - (2) Removal of the Councilmember is necessary to maintain order; and
 - (B) The Chairman has warned the Councilmember to come to order.
 - (2) This subsection shall not be construed to apply to any regular, additional, or special meeting of the Council or Committee of the Whole held pursuant to Rules 231, 301, 302, or 303 of the Rules of Organization and Procedure for the Council of the District of Columbia.
 - (3) This subsection shall not be construed to otherwise limit the ability of the Council to enforce this Rule.
- (c) **CONSTRUCTION.**
 - (1) The conduct prohibited by subsection (a) of this Rule shall not be considered a violation of the Code of Official Conduct for purposes of discipline if a Councilmember promptly comes to order upon warning by the Chairman.
 - (2) This Rule shall not be construed to prohibit the exercise of a Councilmember's First Amendment rights.