  
Page (1 ) of ( 3 )

**AN AMENDMENT**

# \_\_\_\_\_

**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

**Date:** October 1, 2013  
**Amendment offered by:** Councilmember Tommy Wells

**to:** Bill 20-134, the "Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013"

<b>Version:</b>	<b>Introduced</b>	_____
	<b>Committee Print</b>	_____
	<b>First Reading</b>	_____
	<b>Amended First Reading</b>	_____
	<b>Engrossed</b>	<u>  X  </u>
	<b>Enrolled</b>	_____
	<b>Unidentified</b>	_____

**1. Changes to Title I, Section 201 are as follows:**

- a. Page 2, line 16: strike the word "coordinating"
- b. Page 2, line 17: strike the phrase "hiring, compensation, training, and resolution of significant personnel-related issues" and insert the phrase "hiring, compensation, training, management, supervision, and resolution of personnel-related issues" in its place.
- c. Page 2, line 18: strike the phrase "in conjunction with agency directors"
- d. Page 3, line 2: strike the sentence "At least one staff member shall have as one of his or her primary duties the management of issues arising from subordinate agency general counsel related matters."
- e. Page 3, line 11: strike the phrase "subordinate agencies they advise" and insert the phrase "Mayor's Office of Legal Counsel" in its place.
- f. Page 3, line 16: strike the phrase "adding two new sentences" and insert the phrase "adding a new sentence" in its place.
- g. Page 3, line 17: strike the sentence "A Senior Executive Attorney employed by a subordinate agency shall serve at the pleasure of the head of the subordinate agency."
- h. Page 4, line 1: strike the new subsection (e) and insert a new (e) in its place to read as follows:

"(e) A Senior Executive Attorney employed by the Mayor's Office of Legal Counsel who performs work primarily for any other subordinate agency, whether located at that agency or not, shall serve at the pleasure of the Director of the Mayor's Office of Legal Counsel, and the Director of the Mayor's Office of Legal Counsel shall consult

with the agency head before making any decision concerning termination of a Senior Executive Attorney who performs work primarily for the other subordinate agency.”.

- i. Page 4, line 5: subsection (d) is amended to read as follows:

“(a)(i) Attorneys employed by the Office of the Attorney General shall be hired by the Attorney General.

(ii) Attorneys, including Senior Executive Attorneys, employed by the Mayor’s Office of Legal Counsel who perform work primarily for any other subordinate agency, whether located at that agency or not, shall be hired by the Director of the Mayor’s Office of Legal Counsel after consultation with the head of the other subordinate agency.

(iii) Attorneys, including Senior Executive Attorneys, employed by the Mayor’s Office of Legal Counsel shall be hired by the Director of the Mayor’s Office of Legal Counsel.”.

- j. Page 4, Line 13: strike the phrase “employed by” and insert the phrase “placed at” in its place.

- k. Page 4, Line 14: strike the phrase “head of the subordinate agency” and insert the phrase “Director of the Mayor’s Office of Legal Counsel” in its place.

- l. Page 4, Line 18: strike subsection (3) (which is § 1-608.55(d)).

- m. Page 5, Line 12: strike the phrase “independent agency, and by the subordinate agency head in consultation with the Director of the Mayor’s Office of Legal Counsel when the attorney is employed by a subordinate agency.” and insert the phrase “independent agency; or” in its place.

- n. Page 5, Line 13: Insert a new subsection (4) to read as follows:

“(4) A new paragraph (4) is added to read as follows:

“(4) By the Director of the Mayor’s Office of Legal Counsel in consultation with the subordinate agency head when the attorney is placed at a subordinate agency.”.

- o. Page 5, Line 15: Subsection (2) is amended to read as follows:

“(c)(1) Any disciplinary action taken pursuant to this section against an attorney placed at a subordinate agency or the Mayor’s Office of Legal Counsel may be appealed to the Mayor. The Mayor’s decisions regarding disciplinary actions shall be final.

“(2) Any disciplinary taken pursuant to this section against an attorney employed by the Office of the Attorney General may be appealed to the Attorney General. The Attorney General’s decisions regarding disciplinary actions shall be final.

“(3) The decision of the agency head or the Senior Executive Attorney designee shall be final with respect to disciplinary action taken against attorneys in independent agencies.”.

- p. Page 5, Line 21: Subsection (g) is amended as follows:

i. Page 6, Line 6: strike the phrase “by the subordinate agencies and”.

ii. Page 6, Line 6: strike the phrase “Counsel.” and insert the phrase “Counsel, whether located in that Office or not.” in its place.

- iii. Page 6, Line 8: strike the phrase “subordinate agencies” and insert “Mayor’s Office of Legal Counsel” in its place.
- iv. Page 6, Line 9: strike the phrase “District for attorneys employed by the subordinate agencies” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- q. Page 7, Line 11: strike the phrase “subordinate agency” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- r. Page 7, Line 15: strike the phrase “subordinate agency” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- s. Page 7, Line 17: strike the phrase “subordinate agency” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- t. Page 7, Line 20: strike the phrase “subordinate agency” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- u. Page 8, Line 2: strike the phrase “subordinate agencies” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- v. Page 8, Line 11: Subsection (3) is amended to read as follows:  
 “(3) Subsection (c) is amended by striking the phrase “Attorney General’s management authority in accordance with this section” and inserting the phrase “Mayor’s Office of Legal Counsel management authority.” in its place.”.
- w. Page 8, Line 17: strike the phrase “subordinate agency” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- x. Page 8, Line 18: strike the phrase “subordinate agency” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- y. Page 8, Line 19: strike the phrase “subordinate agencies” and insert the phrase “Mayor’s Office of Legal Counsel” in its place.
- z. Page 9, Line 1: strike the phrase “subordinate agency personnel and attorneys employed by the subordinate agencies” and insert the phrase “Mayor’s Office of Legal Counsel personnel and attorneys employed by the Mayor’s Office of Legal Counsel” in its place.

**Rationale:**

The structure proposed in the engrossed version would move the general counsels for the agencies under the direct control of the agency directors; agency counsel would serve at the pleasure of the agency directors.

This amendment would move these general counsels instead to the direct control of the Mayor’s Office of Legal Counsel (MOLC). The MOLC will be better equipped to provide meaningful management and coordination of agency general counsels and will provide an environment that better encourages sound legal advice than the subordinate agencies. Furthermore, the MOLC will be in a better position to understand the legal issues and conflicts that exist on a day-to-day basis in and among the agencies.

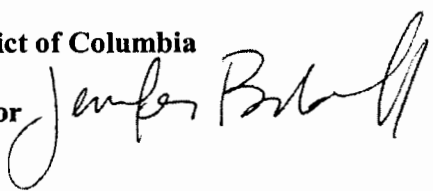
**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Office of the Budget Director**



Jennifer Budoff  
Budget Director

**FISCAL IMPACT STATEMENT**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jennifer Budoff, Budget Director 

**DATE:** October 1, 2013

**SHORT TITLE:** "Elected Attorney General Implementation and Legal Service  
Establishment Amendment Act of 2013"

**TYPE:** Amendment

**REQUESTED BY:** Councilmember Tommy Wells

---

**Conclusion**

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment.

**Background**

This amendment would provide that agency general counsels fall under the supervision and management of the new Mayor's Office of Legal Counsel, instead of under the direct authority of agency directors. This amendment would realign the chain of command but would have no impact on costs.

**Analysis of Impact on Spending**

This amendment will not adversely impact spending.

**Analysis of Impact on Revenue**

This amendment will not adversely impact revenue.