

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE

Rules of Organization & Procedure

Council Period ~~232~~

Adopted: January ~~24~~, 201~~9~~7

TABLE OF CONTENTS

ARTICLE I: Definitions

101. Definitions—Council Definitions Incorporated by Reference 1
102. Definitions—Special..... 1

ARTICLE II: Organization 2

201. Chairman..... 2
202. Chairman Pro Tempore..... 2
203. Staff..... 2

ARTICLE III: Procedures For Meetings

301. Regular Meetings 3
302. Additional and Special Meetings 3
303. Order of Business for Regular Committee Meetings..... 4
304. Order of Business for Additional and Special Meetings 5
305. Consent Agenda..... 5
306. Proceeding Out of Order 5
307. Recognition of Non-Committee Members..... 5
308. Records of Committee Meetings 5
309. Circulation of Measures to be considered by Committee 6

ARTICLE IV: Consideration of Measures in the Committee

401. Approval of Measures Assigned to the Committee 7
402. Additional Views 7
403. Filing of Measures from Other Committees 7
404. Measures Reported from Subcommittees..... 8
405. Acknowledgment of Reported Measures in Committee Meeting..... 9
406. Measures Not Subject to Debate..... 9
407. Comments 9
408. Acceptance of Measures 9
409. Conditional Acceptance of Measures 10
410. Preparation of the Legislative Meeting Agenda 10
411. Requests to Place Committee-Related Legislation on the Agenda for a Legislative Meeting... 10

ARTICLE V: Procedures for Hearings and Roundtables

501. Hearing Requirements 12
502. Hearing Notice 12
503. Hearing Materials..... 13
504. Hearing Procedures..... 13
505. Hearing Decorum..... 14
506. Testimony of Witnesses..... 15
507. Testimony Under Oath..... 15

ARTICLE VI: Miscellaneous Provisions

601. Amendment..... 16
602. Effective Period 16

ARTICLE I: DEFINITIONS

Sec.

101. DEFINITIONS—COUNCIL DEFINITIONS INCORPORATED BY REFERENCE

For the purposes of these rules, the definitions in section 101 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period ~~22-23~~ are incorporated by reference.

102. DEFINITIONS—SPECIAL

For the purpose of these rules, the term:

- (1) “Committee” means the Committee of the Whole;
- (2) “committee” means any other committee of the Council; and

(3) “Council Rules” means the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period ~~2223~~; and

(4) “Subcommittee” means a subcommittee established by Council Rule 231, pursuant to Council Rule 245.

ARTICLE II: ORGANIZATION

Sec.

201. CHAIRMAN

The Chairman of the Council shall be the presiding officer of the Committee.

202. CHAIRMAN PRO TEMPORE

The Chairman Pro Tempore of the Council shall act in the place of the Chairman when the Chairman is absent.

203. STAFF

(a) The Committee Director shall be the chief administrative officer of the Committee. The Committee Director shall keep records of meetings and Committee business, and shall perform other Committee functions assigned by the Chairman or the Committee.

(b) Committee staff shall perform duties assigned by the Committee Director, the Chairman, or the Committee.

(c) The Chairman shall appoint the Committee staff with the approval of the Committee. Removal or termination of staff shall be decided by the Chairman or the Committee. Remuneration of the Committee's staff shall be decided by the Chairman, acting within the Committee's budget. Assignments to the staff shall be decided by the Chairman of the Committee.

ARTICLE III: PROCEDURES FOR MEETINGS

Sec.

301. REGULAR MEETINGS

(a) Except during periods of Council recess, the Committee shall meet regularly, at 10:00 a.m. on the third Tuesday of each month, except when an alternative date has been announced by the Chairman at least 3 business days in advance, to discuss matters within the purview of the Committee. When the day for a scheduled Committee meeting falls on a day designated by law as a legal holiday or on a day when the Council is closed for business, the meeting ~~shall~~may be held at the same time on the next succeeding business day.

(b) All regular meetings of the Committee shall be held in the Council Chamber, Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., unless another place is designated by the Chairman or by a majority of the Committee either in a meeting or in writing circulated to all Members no less than 24 hours prior to the scheduled meeting.

(c) The Chairman may, at a regular Committee meeting, recess that meeting to another time, day, or place, or may reschedule any future regular Committee meeting to another time, day, or place.

(d) The Chairman, upon notification to each Member, may cancel a future regularly scheduled Committee meeting. The Committee Director shall notify each member of a cancellation of a regularly scheduled meeting by providing at least 24 hours' notice to all Councilmembers and the Secretary.

302. ADDITIONAL AND SPECIAL MEETINGS

(a) The Chairman may call additional meetings of the Committee.

(b) A majority of the members may request that the Chairman call a special meeting of the Committee. The request must be in writing and filed with the Committee Director and the Secretary to the Council. Immediately upon the filing of the request, the Committee Director shall notify the Chairman and other Members of the filing 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 Members may file with the Committee Director and the Secretary to the Council their written notice that a special meeting of the Committee will be held, specifying the date, hour, place, and agenda of the special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Committee Director shall notify all members of the Committee as provided in subsection (c) of this section.

(c) Whenever an additional or special Committee meeting is called, the Committee Director shall notify each member in writing not less than 24 hours prior to the additional or

special meeting, unless 7 members agree in writing to a shorter notice. The notice shall state the date, hour, and place of the meeting. ~~The Committee Director shall contact the Office of the Secretary to ensure that the meeting does not conflict with previously scheduled meetings of another committee.~~—No matters shall be considered at any additional or special meeting except those stated in the notification.

(d) The ~~Chairperson~~ Chairman may cancel an additional meeting with at least 24 hours of notice to each Member and the Secretary.

303. ORDER OF BUSINESS FOR REGULAR COMMITTEE MEETINGS

The Committee shall take up business for regular meetings of the Committee in the following order:

- (1) Call to ~~Order~~ order;
- (2) Ascertainment of the presence of a quorum ~~by the Chairperson~~;
- (3) Presentation of Ceremonial Resolutions, if any, pursuant to Council Rule 427;
- (4) Reading and approval of the written minutes, if any, of a previous Committee meeting;
- (5) Secretary's report on the filing of measures reported from other committees and from the Committee, and the Secretary's report on the introduction of bills, proposed resolutions, and other measures filed with that office. The formal reading of either or both reports ~~must~~ may be waived ~~by unanimous consent~~ pursuant to section 404 of the Council Rules. At this time there may be introduction by members of new bills and proposed resolutions by reading the short title;
- (6) Consideration of proposed reports on and mark-up of pending measures assigned to the Committee under section 231 of the Council Rules; this agenda category may be divided into a consent and non-consent agenda;
- (7) Consideration of proposed reports on and mark-up of measures reported from subcommittees of the Committee;
- (8) Consideration of reported measures from other committees as provided in section 231(c) of the Council Rules;
- ~~(9) Review of the agenda for the next regular legislative meeting of the Council;~~
- (~~9~~10) Official communications from the Mayor and other governmental agencies;
- (~~10~~11) Other business; and

(11+2) Adjournment.

304. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS

The Committee shall take up business in the following order at an additional or special meeting:

- (1) Call to order;
- (2) Ascertainment of the presence of a quorum;
- (3) Consideration of ~~business-measures~~ as set forth in the meeting notice; and
- (4) Any other business as set forth in the circulated notice and agenda.

305. CONSENT AGENDA

At the Chairman's discretion, the Chairman may prepare a consent agenda for measures for consideration and adoption by the Committee at a regular or additional meeting if the Chairman believes the measures will be adopted by unanimous vote. Any member may strike a measure from the consent agenda prior to the vote on the consent agenda. Measures removed from the consent agenda shall be considered on the non-consent agenda. Approval of the consent agenda requires the unanimous approval of all measures on the consent agenda. If a member desires for his or her vote to be recorded otherwise on a particular measure, the measure shall not be included on the consent agenda.

306. PROCEEDING OUT OF ORDER

The Chairman may, without objection or upon the vote of a majority of the Members present and voting, take up any item of business out of order.

307. RECOGNITION OF NON-COMMITTEE MEMBERS

The Chairman may recognize members of the public or employees of the District government ~~where-when~~ the participation of those persons would, in the judgment of the Chairman, enhance the understanding of the matter under consideration by the Committee.

308. RECORDS OF COMMITTEE MEETINGS

~~(a)~~—A recording of each Committee meeting, hearing, and roundtable shall be produced

and maintained by the Office of the Secretary. Additionally, a copy of the meeting agenda shall be submitted to the Secretary. The Chairman may also direct that minutes of meetings, hearings, or roundtables be taken.

~~(b) A meeting record shall be filed with the Secretary not later than the close of the second business day after the conclusion of a regular or additional meeting of the Committee pursuant to Council Rule 807(5). Such record shall include:~~

~~—————(1) The meeting agenda;~~

~~—————(2) Each committee print used as the basis for consideration of a measure on the agenda;~~

~~—————(3) Each amendment moved at the meeting, whether or not the amendment was approved; and~~

~~—————(4) If minutes are taken, the approved minutes of a Committee meeting, provided that if the minutes are not approved by the deadline for filing the meeting record, the approved minutes shall be filed with the Secretary as a supplement to the meeting record shall be filed with the Secretary before the end of the Council Period.~~

309. CIRCULATION OF MEASURES TO BE CONSIDERED BY COMMITTEE

(a) Not less than 24 hours prior to a meeting of the Committee, unless at least 74 members of the Committee agree to a shorter notice period, the Committee shall circulate to all members:

(1) A draft agenda, which shall include the date, hour and place of the meeting;

(2) Draft measures to be marked up by the Committee;

(3) Measures reported by other committees on the Committee's agenda for consideration; and

(4) Any other documents relating to the agenda.

(b) Circulation required under subsection (a) may be done electronically, except that hard copies ~~may be obtained by individual request or a standing request submitted to the Committee~~ of measures reported by other committees may be circulated by noon on the day before a meeting of the Committee.

(c) Notwithstanding subsection (a) of this subsection, circulation of a fiscal year budget ~~request~~-act and accompanying budget support act may be less than 24 hours, provided that the Chairman and Budget Director have made a good faith effort to meet the 24 hours notice requirement.

ARTICLE IV: CONSIDERATION OF MEASURES IN THE COMMITTEE

Sec.

401. APPROVAL OF MEASURES ASSIGNED TO THE COMMITTEE

(a) No measure or recommendation on matters assigned to the Committee under section 231(a) and 405 of the Council Rules may be reported from the Committee unless a majority of the Members was actually present at the time of approval by the Committee.

(b) Each bill or resolution assigned to the Committee shall be accompanied by a draft report at the time of consideration by the Committee. Reports shall comply with Section 803 of the Council rules.

(c) An amendment that is moved orally during a Committee meeting shall be reduced to writing and read by the Chairman, Committee Director, or other staff of the Committee prior to voting thereon, and made available for public inspection as soon as practicable.

402. ADDITIONAL VIEWS

If, at the time of the Committee's approval of any measure assigned under sections 231(a) and 405 of the Council Rules, any Member gives notice of intent to file supplemental, minority, or additional views, that Member shall file with the Committee Director, in not less than 5 calendar days (or the first business day after the 5 calendar days if the last of the calendar days falls on a weekend, holiday, or day when the Council is closed), the views in writing and signed by the Member. Additional views shall be included in the report of the Committee on that measure filed with the Secretary.

403. FILING OF MEASURES FROM OTHER COMMITTEES

(a) Before consideration by the Committee, reports on measures from other committees must be filed with the Secretary. Before transmitting a report to the Committee, the Secretary shall ensure that the measure and report comply with the Council Rules, that they are legible for reproduction and record preservation, that numbered pages and attachments are complete, and that the report has been signed by the chairperson of the committee reporting the measure.

(b) The filing deadline for Committee consideration of measures reported by other committees under section 231(c) of the Council Rules shall be the close of business on the fourth business day preceding a meeting of the Committee.

(c) A notice of a request for a waiver of subsection (b) of this section shall be filed with the Committee of the Whole and the Secretary, and circulated to the Chairman, all Committee members, Council officers, and Committee Director no later than noon on the third business day

before the meeting at which a measure is to be considered.

(d) If the committee report for a measure is not filed before noon on the third business day before the meeting at which the measure is to be considered, a motion to waive subsection (b) of this section may not be placed on the Committee agenda.

(e) Approval of a motion to waive subsection (b) of this section shall require a vote of two-thirds of the members present and voting.

(gf) A request to waive Council Rules 231(c) or 339 may be considered to be a request to place a measure on the Committee of the Whole agenda pursuant to this section.

(fg) If section 231(c) of the Council Rules is waived by the Council, the Committee of the Whole determinations required by subsection (a) of this section and by section 231(c), including legal sufficiency, record completeness, and fiscal impact statement compliance, shall be ascertained by the Council prior to the Committee's placing of the measure on a legislative agenda.

~~(g) A request to waive Council Rules 231(c) or 339 may be considered to be a request to place a measure on the Committee of the Whole agenda pursuant to this section.~~

404. MEASURES REPORTED FROM SUBCOMMITTEES.

(a) Upon adoption of a bill or resolution by a subcommittee of the Committee, the subcommittee shall file with the Committee Director and the Secretary a report and committee print for consideration by the Committee.

(b) The filing deadline for Committee consideration of a measure reported from a subcommittee of the Committee shall be no later than the close of business on the fourth business day preceding a meeting of the Committee.

(c) The notice of a request for a waiver of subsection (b) of this section shall be circulated to the Chairman, all Committee members and Council officers no later than noon on the third business day before the meeting at which a measure is to be considered. The Chairman shall decide whether to grant the waiver.

(d) Each reported measure that is filed in a timely manner by a subcommittee of the Committee may be placed by the Chairman on the agenda of the next Committee meeting for the purposes of: presentation by the subcommittee chairperson; explanation; presentation of a Committee Report and Committee Print; debating amendments, if any to the Committee Report and the Committee Print; ascertaining compliance with section 231(c) of the Council Rules; and adoption of a print and report by the Committee.

~~(e) Upon adoption of a measure from a subcommittee by the Committee, a report shall be filed by the subcommittee with the Secretary which shall be considered a report on the measure for purposes of section 801 of the Council Rules.~~

405. ACKNOWLEDGMENT OF REPORTED MEASURES IN COMMITTEE MEETING

The Secretary shall prepare a monthly report of the filings of measures reported from other committees and from the Committee. Such report shall include measures filed as of noon on the third day before a regular meeting of the Committee. Where appropriate, the Secretary's report of committee and Committee filings shall indicate the date that these measures will be considered by the Committee and the Council. The report shall be made available at a regular meeting of the Committee.

406. MEASURES NOT SUBJECT TO DEBATE

Measures reported from other committees shall not be debated by the Committee. The Committee's consideration of measures reported from other committees is limited to presentation, questions, and explanation. The Committee may accept or conditionally accept any reported measure for inclusion on the agenda of a subsequent legislative meeting.

407. COMMENTS

(a) When comments on a measure are filed with the Secretary, the committee or Committee filing the comments shall provide a copy of the comments to the committee or Committee having primary responsibility for the measure.

(b) The failure of a committee or of the Committee, to which a measure was referred for comment only, to file comments shall not delay Committee consideration of the measure.

408. ACCEPTANCE OF MEASURES

(a) Following presentations of, and comments on, measures reported from other committees and by the Committee, measures found by the Committee to satisfy section 231(c) of the Council Rules shall be placed on the agenda for first reading at a legislative meeting of the Council, unless other action is taken such as to table, postpone, recommit, or re-refer the measure.

(b) Pursuant to Council Rule 231(b), the Chairman may not hold a measure in the Committee of the Whole that has been properly reported by another committee unless other action is taken on the measure as provided in subsection (a) of this section.

(c) Amendments to a measure reported from another committee may be in order provided there is no objection.

(d) Without objection, measures, along with any written amendments to such measures that

have been circulated without objection to the Committee at the Committee meeting, may be placed on the consent agenda for first reading at a subsequent legislative meeting of the Council.

409. CONDITIONAL ACCEPTANCE OF MEASURES

The Committee, by an affirmative vote of two-thirds of the Members present and voting, may condition Council consideration of a measure upon receipt by the Members prior to the next regular or additional legislative meeting of a proposed amendment or substituted report designed to correct or respond to technical, legal, or other deficiencies, as may be identified by the Committee.

410. PREPARATION OF THE LEGISLATIVE MEETING AGENDA

Following consideration of reported measures by the Committee, the Chairman shall schedule for ~~1st~~-first reading those measures accepted or conditionally accepted for inclusion on the legislative agenda for the next regular or additional legislative meeting of the Council or by majority vote, for inclusion on a subsequent regular or additional legislative meeting of the Council.

411. REQUESTS TO PLACE COMMITTEE-RELATED LEGISLATION ON THE AGENDA FOR A LEGISLATIVE MEETING

(a) Any request from the Executive or any independent agency for the Chairman to place a bill or proposed resolution on the agenda for an upcoming legislative meeting shall be electronically submitted to the Committee not later than the close of business on the fifth business day before such legislative meeting is scheduled to occur.

(b)(1) A request submitted pursuant to this subsection shall be accompanied by a draft of the bill or proposed resolution to be placed on the agenda; and

(2) If the bill or proposed resolution confers the approval of the Council, a copy of the underlying document or documents subject to such approval, including but not limited to:

(A) Council Contract Summaries for contracts and contract modifications;

(B) Requests for proposals;

(C) Street and alley acquisition and closing documents;

(D) Public-space naming documents;

(E) Documents effectuating a transfer of jurisdiction;

(F) Collective-bargaining and other employment agreements;

(G) Proposed rules; and

(H) Any summaries of the foregoing documents required to be provided by law.

(c) The requirements of this section may be waived by the Chairman if the Chairman determines there is good cause for failure of compliance.

ARTICLE V: PROCEDURES FOR HEARINGS AND ROUNDTABLES

Sec.

501. HEARING REQUIREMENTS

(a) All hearings or roundtables of the Committee shall be called by the Chairman or his designee.

(b) The Committee shall hold a hearing before the Committee's adoption of any permanent bill; and shall hold a hearing or roundtable when required by law or rule. A hearing or roundtable is not required where a hearing on the same or similar bill was held in the same or immediately preceding Council period.

(c) The Committee may hold a hearing or roundtable before the passage of a proposed resolution, but shall hold a hearing or roundtable when required by law.

(d) The Committee may hold a hearing or a roundtable on any matter relating to the affairs of the District as provided for in section 231 of the Council Rules.

502. HEARING NOTICE

(a) Notice of a Committee hearing or roundtable shall be given in the manner provided for in section 423 of the Council Rules.

(b) Notice of a Committee hearing shall contain, at a minimum, the following:

(1) The date, time, and place of the hearing;

(2) The number and title of any legislation that is the subject of the hearing, or if the hearing is an oversight hearing, a description of matter that is the subject of the hearing;

(3) If the notice has been revised or if the notice is to reconvene a hearing, a summary description of the nature of the circumstances;

(4) A description of the legislation or oversight issue that is the subject of the hearing;

(5) The time allotted for each witness to provide oral testimony which shall be ~~five~~four minutes, unless the notice provides for another amount of time, provided that less time may be allowed if there are a large number of witnesses as determined by the Chairman;

(6) Information on where to obtain a copy of any legislation that is the subject of the hearing;

(7) Contact information for the hearing to include the name of the appropriate staff overseeing the hearing, the phone number of the Committee, and an email address;

(8) The date and time of the closing of the witness list which shall be the close of business on the second business day before the hearing, unless the notice provides for another date and time; and

(9) The date and time of the closing of the hearing record which shall be the close of business fourteen calendar days after the date of the hearing, unless the notice provides for another date and time.

(c) For purposes of this section, the term “hearing” includes roundtables held by the Committee.

503. HEARING MATERIALS

The Committee shall circulate to all members of the Council, at least 24 hours before the date of the hearing, copies of the following:

(1) Notice of the hearing;

(2) A draft list of witnesses who will appear and provide testimony at the hearing;

(3) If the hearing is on a bill or resolution, a copy of the bill or resolution being considered, including the Secretary’s memorandum regarding the introduction;

~~(4) Copies of some or all testimony or comments received prior to the hearing; and~~

(54) Any additional information that the Chairman or Committee directs to be included.

~~(b) The Committee staff shall contact the Office of Secretary to maximize the likelihood that the hearings or roundtables of the Committee do not conflict with previously scheduled meetings of another committee.~~

(eb) Circulation required under subsection (a) may be done electronically, except that hard copies may be obtained by individual request or a standing request submitted to the Committee.

(cd) For purposes of this section, the term “hearing” includes roundtables held by the Committee.

504. HEARING PROCEDURES

(a) Each hearing shall be open to the public unless a majority of the Committee decides in open session or publicly agrees that the hearing should be closed.

(b) One member of the Committee constitutes a quorum for the taking of testimony at a hearing.

(c) Each witness providing oral testimony shall have the time allotted as indicated in the hearing notice, unless the Chairman provides for less time.

(d) For purposes of questioning witnesses before the Committee:

(1) The questioning of a witness before the Committee shall proceed in the order that Committee members arrived.

(2) The first round for questioning shall be 10 minutes unless the members agree to a longer or shorter period.

(3) The Chairman shall decide whether to allow for an additional round or rounds, and the time allowed for each Councilmember for questioning during these rounds.

(4) A witness may be questioned, with the consent of the Chairman or presiding member, by Committee staff or authorized Council staff or by counsel advising the Committee.

(e) Committee staff shall be responsible for keeping one set of all written testimony (including comments received prior to the record being closed) in unmarked condition (except for any necessary identifying marks). This set shall be filed with the Secretary to the Council as the hearing record.

(f) A hearing may be recessed to another time, day, and place by the Chairman or member presiding over the hearing. The Chairman or presiding member shall endeavor to state at the time of recess when the continuation of the hearing is to take place in order to provide sufficient public notice.

(g) For purposes of this section, the term “hearing” includes roundtables held by the Committee.

505. HEARING DECORUM

(a) Except when responding to a direct question of a member, no witness may address a member except through the Chairman or 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 Chairman or presiding member shall maintain order during the meeting and if, in

his or her opinion, the removal of any member of the public is necessary to maintain order, the Chairman or presiding member may, after warning, order the removal of any disorderly person.

506. RIGHTS TESTIMONY OF WITNESSES

(a) Any witness who appears before the Committee has the right to be represented by counsel.

(b) Any witness who testifies at a hearing or roundtable of the Committee may submit a statement that shall be placed in the record of the hearing. The Chairman or presiding member may permit a witness to read the full written statement or an abbreviated version of the statement at the hearing.

(c) A witness representing the Executive or any independent agency appearing before the Committee shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman if the Chairman determines there is good cause for failure of compliance.

(d) Any request to testify as a public witness shall be made by phone or email by the person seeking to testify or by a bona fide representative of the person seeking to testify. The Committee will not honor requests for one or more persons to testify made by a third party that is not directly affiliated with the person(s).

507. TESTIMONY UNDER OATH

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

ARTICLE VI: MISCELLANEOUS PROVISIONS

Sec.

601. AMENDMENT

(a) These rules may be amended by a vote of a majority of the Committee.

(b) An amendment must be proposed in writing, signed by the proposer, and circulated to all Members at least 48 hours prior to consideration of the amendment.

(c) Two-thirds of the Members may vote to waive or shorten the 48 hour notice period.

602. EFFECTIVE PERIOD

These rules shall be effective until superseded by Rules of Organization and Procedure for the Committee of the Whole adopted in a succeeding Council Period.