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

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## COUNCIL PERIOD 26

### TABLE OF CONTENTS

<b>ARTICLE I—DEFINITIONS.....</b>	<b>9</b>
101. DEFINITIONS.....	9
<b>ARTICLE II—ORGANIZATION.....</b>	<b>13</b>
A. OATH OF OFFICE AND OFFICIAL CONDUCT.....	13
201. OATH OF OFFICE.....	13
202. CODE OF OFFICIAL CONDUCT AND COUNCIL POLICIES.....	13

## COUNCIL RULES, PERIOD XXVI

B. EXECUTIVE OFFICERS OF THE COUNCIL.....	14
211. CHAIRMAN.....	14
212. CHAIRMAN PRO TEMPORE.....	14
213. VACANCY IN OFFICE OF CHAIRMAN.....	15
C. COMMITTEE MEMBERSHIP.....	15
221. SELECTION.....	15
222. CHAIRMAN AS EX OFFICIO MEMBER.....	15
223. VACANCIES.....	15
224. DISTRIBUTION OF RESPONSIBILITY.....	15
225. PARTICIPATION OF MEMBERS IN COMMITTEE MEETINGS.....	15
226. RULES OF COMMITTEES.....	16
227. COMMITTEE-ACTIVITY REPORT.....	17
D. STANDING COMMITTEES.....	17
231. COMMITTEE OF THE WHOLE.....	17
232. COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT.....	19
233. COMMITTEE ON EXECUTIVE ADMINISTRATION AND LABOR.....	20
234. COMMITTEE ON FACILITIES.....	21
235. COMMITTEE ON HEALTH.....	22
236. COMMITTEE ON HOUSING.....	22
237. COMMITTEE ON HUMAN SERVICES.....	23
238. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY.....	23
239. COMMITTEE ON PUBLIC WORKS AND OPERATIONS.....	24
240. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.....	25
241. COMMITTEE ON YOUTH AFFAIRS.....	26
E. CREATION OF SUBCOMMITTEES.....	26
245. SUBCOMMITTEES.....	26
F. SPECIAL COMMITTEES AND SPECIAL PROJECTS.....	26
251. SPECIAL COMMITTEES.....	26
252. SPECIAL PROJECTS.....	27
G. APPOINTED OFFICERS OF THE COUNCIL.....	27
261. APPOINTMENT OF OFFICERS.....	27

COUNCIL RULES, PERIOD XXVI

262. SECRETARY. .... 27

263. GENERAL COUNSEL. .... 28

264. BUDGET DIRECTOR. .... 29

H. COUNCIL PERSONNEL AND APPOINTMENTS..... 29

271. SUBORDINATE STAFF OF APPOINTED OFFICERS. .... 29

272. COMMITTEE STAFF..... 29

273. COUNCILMEMBERS’ PERSONAL STAFF. .... 29

274. SEPARATION PAY AND BUDGET ACCOUNTING. .... 30

275. COUNCIL APPOINTMENT TO OTHER BODIES. .... 30

276. APPOINTMENT BY COMMITTEES AND MEMBERS. .... 30

277. RESIDENCY REQUIREMENT FOR APPOINTMENTS. .... 31

I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS..... 31

281. COMPUTING TIME..... 31

282. FILING WITH THE SECRETARY..... 32

283. CIRCULATION TO MEMBERS AND COMMITTEES..... 33

**ARTICLE III—PROCEDURES FOR MEETINGS..... 33**

A. LEGISLATIVE MEETINGS..... 33

301. ORGANIZATIONAL MEETING..... 33

302. REGULAR MEETINGS. .... 33

303. ADDITIONAL AND SPECIAL MEETINGS..... 34

304. QUORUM..... 34

305. HEARING THE MAYOR..... 35

306. RECESS..... 35

307. COUNCIL REVIEW OF CONTRACTS. .... 36

308. POLICY AND ECONOMIC IMPACT ANALYSES. .... 36

309. FISCAL IMPACT STATEMENTS..... 37

310. LEGAL SUFFICIENCY DETERMINATIONS. .... 38

311. RACIAL EQUITY IMPACT ASSESSMENTS..... 39

312. PRESENTATION OF LEGISLATION TO THE COUNCIL..... 41

313. [RESERVED]. .... 41

314. EXPEDITED OPTIONAL PROCEDURE FOR REVENUE BONDS AND REVIEW RESOLUTIONS. .... 41

B. ORDER OF BUSINESS FOR MEETINGS. .... 42

## COUNCIL RULES, PERIOD XXVI

315. ORDER OF BUSINESS FOR REGULAR MEETINGS. ....	42
316. ORDER OF BUSINESS FOR ADDITIONAL AND SPECIAL MEETINGS. ....	43
317. PROCEEDING OUT OF ORDER. ....	43
C. RULES OF DECORUM. ....	43
321. DECORUM OF MEMBERS. ....	43
322. DECORUM OF MEMBERS OF THE PUBLIC. ....	44
D. RULES OF DEBATE. ....	45
331. OBTAINING THE FLOOR. ....	45
332. TIME LIMITS FOR DEBATE. ....	45
333. PERSONAL PRIVILEGE. ....	45
334. APPEAL. ....	45
335. POINT OF ORDER. ....	45
336. PARLIMENTARY INQUIRY. ....	46
337. RECOGNITION OF NON-MEMBERS. ....	46
E. MOTIONS. ....	46
341. MOTIONS RECOGNIZED DURING DEBATE. ....	46
342. WITHDRAWAL OR MODIFICATION OF MOTIONS. ....	47
343. ADJOURN. ....	47
344. RECESS. ....	47
345. RECONSIDER. ....	47
346. LAY ON THE TABLE. ....	48
347. MOTION TO MOVE THE PREVIOUS QUESTION. ....	49
348. MOTION TO CLOSE DEBATE. ....	49
349. POSTPONE TO A CERTAIN TIME. ....	49
350. RECOMMIT. ....	49
351. AMEND. ....	50
352. POSTPONE INDEFINITELY. ....	50
353. DISCHARGE. ....	50
354. TAKE FROM THE TABLE. ....	50
F. AMENDMENTS. ....	51
355. AMENDMENTS TO BE WRITTEN. ....	51
356. GERMANE AMENDMENTS. ....	51
357. FRIENDLY AMENDMENTS. ....	52

COUNCIL RULES, PERIOD XXVI

358. AMENDMENT IN THE NATURE OF A SUBSTITUTE. .... 52

G. VOTING. .... 52

361. FORM OF VOTE. .... 52

362. VOICE VOTES. .... 53

363. DEMAND FOR ROLL-CALL VOTE. .... 53

364. CALLING THE ROLL. .... 53

365. RECORDS OF VOTES. .... 53

366. TAX ABATEMENT FINANCIAL ANALYSIS (TAFA) .... 53

367. PROXY VOTING PROHIBITED. .... 54

368. SUMMONS OF MEMBERS. .... 54

H. OPEN MEETINGS. .... 54

371. OPEN MEETINGS, GENERALLY. .... 54

372. MEETINGS DEEMED OPEN. .... 55

373. NOTICE OF MEETINGS. .... 55

374. RECORD OF MEETINGS. .... 56

375. EXCEPTIONS TO OPEN MEETINGS. .... 57

376. CLOSED MEETINGS. .... 58

**ARTICLE IV—LEGISLATION. .... 59**

A. INTRODUCTION OF LEGISLATION. .... 59

401. WHO MAY INTRODUCE. .... 59

402. MANNER OF INTRODUCTION. .... 60

403. READING INTRODUCTIONS. .... 60

404. COMMITTEE REFERRAL. .... 61

405. COMMENTS BY EXECUTIVE. .... 61

406. WITHDRAWAL OF LEGISLATION. .... 61

407. COMMITTEE APPROVAL. .... 62

B. COUNCIL APPROVAL. .... 62

411. CONSENT AGENDA. .... 62

412. EMERGENCY LEGISLATION. .... 63

413. TEMPORARY LEGISLATION. .... 64

414. TECHNICAL-AMENDMENT LEGISLATION. .... 64

415. ENACTMENT LEGISLATION. .... 64

COUNCIL RULES, PERIOD XXVI

416. VETOED LEGISLATION. .... 65

417. TRANSMISSION OF ACTS..... 65

418. EFFECT OF END OF COUNCIL PERIOD. .... 65

C. NOTICE AND PUBLICATION OF INTENDED ACTIONS. .... 66

421. GENERAL NOTICE BY PUBLICATION OF INTENDED ACTIONS AND  
HEARINGS. .... 66

422. PERSONAL SERVICE OR ACTUAL NOTICE..... 67

423. METHODS OF NOTICE. .... 67

424. NOTICE OF EMERGENCY ACTIONS..... 68

425. NOTICE OF TEMPORARY LEGISLATION..... 69

426. NOTICE OF WAIVER OF RULE 231(c)..... 69

427. CEREMONIAL RESOLUTIONS..... 69

428. NOTICE AND PUBLICATION OF ADOPTED LEGISLATION..... 70

429. NOTICE OF NEW BUSINESS..... 70

430. NOTICE OF COMMITTEE MEETINGS..... 70

**ARTICLE V—HEARING PROCEDURES..... 71**

A. PROCEDURES FOR HEARINGS..... 71

501. AUTHORITY TO CALL HEARINGS. .... 71

502. QUORUM..... 71

503. PARTICIPATION BY MEMBERS. .... 71

504. WITNESSES AT A PUBLIC HEARING..... 71

B. RECEIVING TESTIMONY..... 72

511. QUESTIONING WITNESSES..... 72

512. DECORUM OF WITNESSES. .... 72

C. RIGHTS OF WITNESSES..... 72

521. RIGHT TO COUNSEL..... 72

522. RIGHT TO MAKE OPENING STATEMENT..... 72

D. RECORD OF HEARINGS..... 73

531. HEARING RECORDS, REQUIRED..... 73

532. CLOSE OF RECORD. .... 73

COUNCIL RULES, PERIOD XXVI

**ARTICLE VI—INVESTIGATIONS AND SUBPOENAS. .... 74**

A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS. .... 74

601. RESOLUTION AUTHORIZING THE USE OF SUBPOENAS IN AN INVESTIGATION..... 74

602. NOTICE OF INVESTIGATION..... 74

603. REPORT OF INVESTIGATION. .... 74

604. TESTIMONY UNDER OATH..... 74

605. ISSUING THE OATH..... 74

606. DEPOSITIONS..... 75

B. SUBPOENAS. .... 75

611. ISSUANCE OF SUBPOENAS. .... 75

612. REPORT TO SECRETARY REGARDING USE OF SUBPOENA..... 75

613. SERVICE OF SUBPOENAS. .... 75

614. ENFORCEMENT OF SUBPOENAS..... 75

C. RIGHTS OF WITNESSES. .... 76

621. RIGHT TO ASSERT PRIVILEGES..... 76

622. NOTIFICATION OF RIGHTS..... 76

623. RIGHT TO TRANSCRIPT..... 76

624. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS. .... 76

625. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS..... 76

D. REPRIMAND, CENSURE, AND EXPULSION PROCEDURES..... 77

651. ESTABLISHING AN AD HOC COMMITTEE..... 77

652. AD HOC COMMITTEE PROCEDURES. .... 78

653. COUNCIL CONSIDERATION OF REPORT..... 80

654. REPRIMAND..... 81

655. CENSURE AND EXPULSION. .... 81

**ARTICLE VII—BUDGET PROCEDURES..... 82**

A. BUDGET REVIEW PROCEDURES..... 82

701. ROLE OF THE COMMITTEE OF THE WHOLE..... 82

702. BUDGET-REVIEW SCHEDULE..... 82

703. ROLE OF COUNCIL COMMITTEES. .... 83

COUNCIL RULES, PERIOD XXVI

704. COMMITTEE OF THE WHOLE CONSIDERATION OF PROPOSED BUDGET. .... 84  
705. COUNCIL CONSIDERATION OF THE BUDGET. .... 84

B. REPROGRAMMING POLICY ACT PROCEDURES..... 84

711. EFFECT OF RECESS ON PROCEDURES. .... 84  
712. COMMITTEE REFERRAL OF REQUESTS..... 84  
713. CIRCULATION OF REQUESTS..... 84  
714. PUBLICATION OF NOTICE..... 85  
715. WITHDRAWAL OF REPROGRAMMING REQUESTS..... 85  
716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS..... 85  
717. AUTOMATIC APPROVAL OF REQUESTS..... 85  
718. TRANSMITTAL TO MAYOR..... 86

C. FUNDS CONTROL ACT PROCEDURES..... 86

[RESERVED]..... 86

D. SPECIFIED FUNDING ALLOCATION PROCEDURES..... 86

730. REQUIRED INFORMATION PRIOR TO APPROVAL..... 86  
731. [RESERVED]..... 88  
732. LIMITS ON AWARD AMOUNTS..... 88  
733. AUDIT REQUIREMENTS..... 88  
734. DISCLOSURE REQUIREMENTS..... 88

E. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND FINANCIAL PLAN..... 88

735. REPORTS ON BILLS SUBJECT TO INCLUSION IN THE BUDGET AND FINANCIAL PLAN..... 88  
736. REPEAL OF LAWS SUBJECT TO APPROPRIATION..... 88

**ARTICLE VIII—COUNCIL RECORDS ..... 89**

A. COUNCIL RECORDS..... 89

801. RESPONSIBILITY FOR RECORDS..... 89  
802. FORM FOR INTRODUCTIONS..... 89  
803. REPORTS ON LEGISLATION..... 89  
804. SUPPLEMENTAL COMMITTEE REPORT..... 92  
805. IDENTIFICATION OF COUNCIL DOCUMENTS..... 92



COUNCIL RULES, PERIOD XXVI

806. LEGISLATIVE FILES..... 93

807. OTHER OFFICIAL RECORDS..... 94

808. RECORDS OF LEGISLATIVE MEETINGS..... 95

809. COMMITTEE RECORDS..... 95

B. FREEDOM OF INFORMATION AND SERVICE OF PROCESS..... 95

811. FOIA PROCEDURES..... 95

812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT..... 96

813. SERVICE OF PROCESS..... 96

**ARTICLE IX—AUDITOR..... 97**

901. SELECTION..... 97

902. TERM AND COMPENSATION..... 97

903. VACANCY..... 97

904. STAFF..... 97

905. REPORTS AVAILABLE TO THE PUBLIC..... 97

**ARTICLE X—CONSTRUCTION, SUSPENSION, AND AMENDMENT OF RULES..... 97**

1001. PARLIAMENTARY AUTHORITY..... 97

1002. GENDER RULE OF CONSTRUCTION..... 97

1003. SUSPENSION OF RULES..... 98

1004. AMENDMENT OF RULES..... 98

1005. EFFECTIVE PERIOD..... 98

**ARTICLE I—DEFINITIONS.**

**101. DEFINITIONS.**

For the purposes of these Rules, the term:

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

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

## COUNCIL RULES, PERIOD XXVI

(3) “BEGA” means the Board of Ethics and Government Accountability, established by section 202 of the Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02).

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

(5) “Budget” means the annual budget, including a Local Budget Act and a Federal Portion Budget Request Act, for all activities of all agencies and the Council, financed from all existing or proposed resources, including both operating and capital expenditures.

(6) “Budget of the Council” means the approved budget for the Council.

(7) “Ceremonial resolution” means an expression of appreciation, an honorarium of limited application, or a declaration of no legal effect, other than a sense of the Council resolution. A ceremonial resolution may be adopted only by unanimous consent.

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

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

(10) “Comprehensive Plan” means the comprehensive plan for the National Capital, including any elements of the plan, as provided for in section 423 of the Charter (D.C. Official Code § 1-204.23).

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

(12) “Councilmember” or “Member” means a member of the Council, established by section 401 of the Charter (D.C. Official Code § 1-204.01), and includes the Chairman, unless the context clearly indicates otherwise.

(13) “Council Period” means the legislative session of the Council beginning at noon on January 2nd of each odd-numbered year and ending at noon on January 2nd of the following odd-numbered year.

(14) “Council website” means the website with the domain name of dccouncil.gov.

(15) “Earmarked grant” means a funding allocation directed to a named recipient for a specific purpose through a budget act.

## COUNCIL RULES, PERIOD XXVI

(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 the text of a bill that has passed any reading prior to final reading is prepared for final reading.

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

(19) “Fiscal impact statement” means a statement prepared by the Chief Financial Officer or the Budget Director that includes an estimate of the costs that may be incurred by the District as a result of the enactment of a measure in the current fiscal year and over the 4-year financial plan.

(20) “Grant budget modification request” means any grant budget modification request required to be submitted by the Mayor to the Council pursuant to section 446B of the Charter (D.C. Official Code § 1-204.46b).

(21) “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.*).

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

(23) “Legal sufficiency determination” means a statement prepared by the General Counsel that shows that a measure has been reviewed by the Office of the General Counsel and determined to be legally sufficient.

(24) “Main motion” means a motion relating to the passing of a law or consideration of a legislative proposal.

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

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

(27) “Meeting” means, except for the purposes of Rules 371 through 376, the formal convening of a committee or the Council, other than solely for the purpose of receiving

## COUNCIL RULES, PERIOD XXVI

testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

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

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

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

(31) “Racial equity” shall have the same meaning as provided in section 101 of the Racial Equity Achieves Results (REACH) Amendment Act of 2020, effective March 16, 2021 (D.C. Law 23-181; D.C. Official Code § 2-1471.01).

(32) “Racial Equity Impact Assessment” means a statement prepared by the Director of Racial Equity that includes an assessment of the potential impact on racial equity of enacting a bill or resolution.

(33) “Reading” means, within the meaning of section 412 of the Charter (D.C. Official Code § 1-204.12), an opportunity for the Members to debate and vote on proposed legislation at a regular or additional legislative meeting of the Council.

(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., July 15th through September 15th of each year, December 23rd through December 31st of each year, April 12th through April 20th, 2025, and April 4th through April 12th, 2026.

(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 the employee’s duties up to and including, but no more than, the maximum authorized and appropriated by law.

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

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

(39) “Resolution” shall have the same meaning as provided in section 412(a) of the Charter (D.C. Official Code § 1-204.12(a)).

## COUNCIL RULES, PERIOD XXVI

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

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

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

(43) “Transcription” means a verbatim recordation, including a tape or video recording.

### ARTICLE II—ORGANIZATION.

#### A. OATH OF OFFICE AND OFFICIAL CONDUCT.

##### 201. OATH OF OFFICE.

(a) On January 2nd of each odd-numbered year, a Councilmember whose term of office begins at that time shall take and subscribe an oath of office in accordance with subsection (c) of this section. The oath of office to a Councilmember shall be administered by a person of the Councilmember’s choosing who is legally authorized to administer oaths. The Secretary shall supply printed copies of the oath that shall be subscribed by the Councilmembers, returned to the Secretary, and recorded in the Council records as conclusive proof of the fact that the signer took the oath in accordance with law.

(b) A Councilmember whose term of office does not begin at the beginning of a Council Period shall take and subscribe the oath of office as soon as practicable after the Councilmember 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 AND COUNCIL POLICIES.

(a) Councilmembers and staff shall maintain a high level of ethical conduct in connection with the performance of their official duties and shall refrain from taking, ordering, or participating in any official action that would adversely affect the confidence of the public in the integrity of the District government. In connection with the performance of official duties, Councilmembers and staff shall strive to act solely in the public interest and not for any direct

## COUNCIL RULES, PERIOD XXVI

and tangible personal gain and shall not 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.

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

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

(d) Councilmembers and staff shall adhere to the Sexual Harassment Policy. A violation of the Sexual Harassment Policy shall constitute a violation of these rules.

(e) All Councilmembers and employees shall complete mandatory trainings as follows:

- (1) Ethics training with the Office of the General Counsel within 2 months after beginning employment with the Council, and once per Council Period thereafter; and
- (2) Equal employment opportunity training on an annual basis, which shall include training on sexual harassment and retaliation.

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

#### **211. CHAIRMAN.**

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

#### **212. CHAIRMAN PRO TEMPORE.**

At the beginning of each Council Period or the next Legislative session after the position is vacated, the Chairman shall nominate one Councilmember as Chairman Pro Tempore who shall act in the place of the Chairman when the Chairman is absent or is recused. The Council shall, by resolution, act on the nomination.

**213. VACANCY IN OFFICE OF CHAIRMAN.**

Whenever a vacancy occurs in the Office of the Chairman or if the Chairman is serving as Acting Mayor, the Chairman Pro Tempore selected pursuant to Rule 212 shall convene the Council. The Council shall, by resolution, elect one of its at-large members as Chairman and another at-large member as Chairman Pro Tempore until the vacancy in the Office of Chairman is filled or until the return of the regularly elected Chairman.

**C. COMMITTEE MEMBERSHIP.**

**221. SELECTION.**

At the organizational meeting convened in accordance with Rule 301 at the beginning of the Council Period, the Chairman shall nominate the chairperson and members of each committee of the Council, and the Council shall, by resolution, act on the Chairman's nominations.

**222. CHAIRMAN AS EX OFFICIO MEMBER.**

The Chairman shall be an ex officio, voting member of all committees and subcommittees. The Chairman may be counted for purposes of a quorum but shall not increase the quorum requirement for the committee or subcommittee.

**223. VACANCIES.**

Whenever a vacancy occurs in the membership or chair of a committee, the Chairman may nominate a Councilmember to fill the vacancy, and the Council shall, by resolution, act on the Chairman's nomination.

**224. DISTRIBUTION OF RESPONSIBILITY.**

No individual Member may permanently chair more than one standing committee. The principle of seniority shall be respected in the assignment of committee chairs.

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

(a) Any Councilmember may attend the meeting of any committee and may participate in committee discussions, but only a committee member may make a motion or cast a vote.

(b) Any Councilmember may participate fully in a hearing or roundtable of any committee.



**226. RULES OF COMMITTEES.**

(a) Each committee shall adopt written rules, at its first meeting, to govern its procedures. The committee rules shall incorporate the following requirements:

- (1) The scheduling of regular meeting days for conducting business, which shall not conflict with the time of other committees' regular meetings;
- (2) A procedure for rescheduling or cancelling a regular meeting;
- (3) A procedure for holding additional meetings to be called by the chairperson;
- (4) A procedure for holding special meetings, which shall be called at the request of a majority of the members of the committee;
- (5) Procedures to govern the chairing of a committee meeting in the absence of the chairperson;
- (6) Procedures for keeping a complete record of all committee action, including roll-call votes;
- (7) If, at the time of approval of a measure by a committee, a member of the committee gives notice of the intention to submit supplemental, minority, or additional views, that member shall be entitled to not less than 5 business days within which to file the views, which shall be included in the report of the committee on the measure;
- (8) A procedure for amending the committee rules by a vote of a majority of the committee;
- (9) A requirement that if an oral amendment is moved during a committee meeting it shall, upon request by a member, be reduced to writing and read by the Committee Director or other Committee staff and made available for public inspection as soon as practicable;
- (10) A requirement for the circulation of notice of the date, hour, and place of all committee meetings to all Councilmembers at least 24 hours before the date of the meeting, along with a copy of the agenda of the meeting, a draft of any measures to be considered, and, if required pursuant to Rule 803(e)(7), a comparative print, unless at least 4 members of the committee agree, in a written record, to a shorter notice; and
- (11) A procedure for providing at least 24 hours' notice of the cancellation of a meeting.

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



(c) When these Rules are silent, a committee may adopt additional rules. Committee rules adopted under this section shall be consistent with these Rules and other applicable law and shall be filed with the Secretary and posted on the Council website.

## **227. COMMITTEE-ACTIVITY REPORT.**

Each committee shall file a committee-activity report before the end of each Council Period that details the committee's oversight and legislative activities during that Council Period. The format and content of the committee-activity report shall be determined by the Secretary.

## **D. STANDING COMMITTEES.**

### **231. COMMITTEE OF THE WHOLE.**

(a) The Committee of the Whole is responsible for the annual budget, including amendments, additions, or supplements to the budget, any revised, supplemental, or deficiency budget, and other matters pertaining 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 self-determination and statehood; matters affecting the Freedom of Information Act; coordinating the Council's relationships with appropriate regional, state, and national associations and organizations; the Council's relationship with regional authorities and other regional bodies and organizations not specifically assigned to other committees; all matters related to public education, including matters exclusively concerning the University of the District of Columbia or the Community College of the District of Columbia; District employees' retirement; the development of the Comprehensive Plan and other matters pertaining to land use; revision and codification of Title 49 of the D.C. Official Code; international business and affairs; all matters relating to building plans, construction permits, building inspections, building maintenance, and building safety; and other matters assigned to it by these Rules or by the Chairman.

(b) The Chairman is the chairperson of the Committee of the Whole, and its members include all members of the Council. The Committee of the Whole shall meet on the third Tuesday of each month, except during periods of Council Recess, in a work session to consider measures that have been reported and timely filed by committees pursuant to subsection (c) of this section. The Chairman shall prepare the agenda for each meeting of the Committee of the Whole. The Chairman may not withhold a measure properly reported and timely filed by another committee from the agenda of a regular Committee of the Whole meeting, and the Chairman

## COUNCIL RULES, PERIOD XXVI

may not hold a measure in the Committee of the Whole that has been properly reported by another committee unless the Committee of the Whole votes to table, postpone, or recommit the measure.

(c)(1) Except as provided in Rule 314, each measure reported by the committees of the Council identified in Rules 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 a legislative meeting.

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

(3) A measure and accompanying committee report, reported by a committee for consideration at the Committee of the Whole, may be presented by the chairperson of the committee or by another member of the committee designated by the chairperson of the committee. In the absence of the chairperson of the committee and the designation of a member of the committee, the Chairman shall present the measure and committee report for consideration at the Committee of the Whole.

(4) If amendments have been made to a measure by a committee that are substantial and outside the legislative jurisdiction of the committee, the Chairman may refer the measure to the relevant committee before the legislation is scheduled for a legislative meeting.

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

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

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

- Board for the Condemnation of Insanitary Buildings
- Board of Review of Anti-Deficiency Violations
- Commission on the Arts and Humanities
- Council of the District of Columbia
- Department of Buildings (including construction codes)
- Deputy Mayor for Education
- District of Columbia Auditor

District of Columbia Public Charter Schools  
District of Columbia Public Schools  
District of Columbia Retirement Board (including its plans)  
District of Columbia State Athletics Commission  
Historic Preservation Review Board  
Interstate Compact Commissions  
Law Revision Commission  
Metropolitan Washington Airports Authority  
Metropolitan Washington Council of Governments  
National Capital Planning Commission  
OCFO Office of Budget and Planning  
Office of Planning (including commemorative works)  
Office of the State Superintendent of Education  
Office of Zoning, including Zoning Commission and Board of Zoning Appeals  
Other Post-Employment Benefits/Retiree Health Contribution  
Pay-As-You-Go Capital  
Research Practice Partnership  
State Board of Education (including ombudsman and advocate)  
Statehood Commission and delegation  
Tax Revision Commission  
Tobacco Settlement Financing Corporation  
University of the District of Columbia

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

(a) The Committee on Business and Economic Development is responsible for matters concerning small and local business development policy; matters related to economic, industrial, and commercial development; the disposition of property for economic development purposes; joint jurisdiction with the Committee on Housing for New Communities; the regulation of alcoholic beverages and cannabis; public utilities; the establishment and oversight of business improvement districts (“BIDs”); matters relating to taxation and revenue for the operation of the government of the District of Columbia; industrial-revenue bonds; general-obligation bond acts and revenue anticipation notes; 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 and Economic Development:

Alcoholic Beverage and Cannabis Administration  
Board of Accountancy  
Board of Architecture, Interior Design, and Landscape Architecture

Board of Barber and Cosmetology  
Board of Consumer Claims Arbitration for the District of Columbia  
Board of Funeral Directors  
Board of Professional Engineering  
Captive Insurance Agency  
Combat Sports Commission  
Office of and Commission on Nightlife and Culture  
Department of Insurance, Securities and Banking  
Department of Small and Local Business Development  
Deputy Mayor for Planning and Economic Development  
Destination DC  
Multistate Tax Commission  
Office of Lottery and Gaming  
Office of the Chief Financial Officer (excluding the Office of Budget and Planning)  
Office of the People's Counsel  
Public Service Commission  
Real Property Tax Appeals Commission  
St. Elizabeth's East Redevelopment Initiative Advisory Board  
Washington Convention and Sports Authority (Events DC)

**233. COMMITTEE ON EXECUTIVE ADMINISTRATION AND LABOR.**

(a) The Committee on Executive Administration and Labor is responsible for matters related to the Executive Office of the Mayor; matters related to seniors; elections and campaign finance; labor relations; matters related to workforce development; and employment.

(b) The following agencies come within the purview of the Committee on Executive Administration and Labor:

Adult Career Pathways Task Force  
Advisory Committee on Community Use of Public Space  
Age-Friendly DC Task Force  
City Administrator  
Commission on Aging  
Commission on the Martin Luther King, Jr. Holiday  
Commission on Poverty  
Department of Aging and Community Living  
Department of Employment Services  
Department of Human Resources  
District of Columbia Board of Elections  
Employees' Compensation Fund

Executive Office of the Mayor  
Financial Literacy Council  
Inspector General  
Labor/Management Partnership Council  
Mayor's Office of Community Affairs  
Mayor's Office of Legal Counsel  
Mayor's Office on Volunteerism and Partnerships  
Office of Campaign Finance  
Office of Employee Appeals  
Office of Labor Relations and Collective Bargaining  
Public Employee Relations Board  
Secretary of the District of Columbia  
Unemployment Insurance Trust Fund  
Universal Paid Leave Fund  
Workforce Investment Council

**234. COMMITTEE ON FACILITIES.**

(a) The Committee on Facilities is responsible for matters concerning disability services; parks and recreation; Caribbean affairs; and matters relating to the maintenance of public buildings and property management, including the declaration of government property as no longer required for public purposes.

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

Commission on Persons with Disabilities  
Department of Buildings (jointly for oversight purposes only with the Committee of the Whole)  
Department of General Services  
Department on Disability Services  
Department of Parks and Recreation  
Developmental Disabilities State Planning Council  
Office on Caribbean Affairs (including Advisory Committee)  
Office for the Deaf, Deafblind, and Hard of Hearing  
Office of Disability Rights  
State Rehabilitation Council  
Statewide Independent Living Council

**235. COMMITTEE ON HEALTH.**

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

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

All of the advisory committees and professional boards serving the Department of Health  
or Department of Behavioral Health  
Behavioral Health Planning Council  
Cedar Hill Hospital  
Commission on Health Equity  
Council on Physical Fitness, Health, and Nutrition  
Department of Behavioral Health  
Department of Health  
Department of Health Care Finance  
Deputy Mayor for Health and Human Services  
District of Columbia Health Benefit Exchange Authority  
Food Policy Council  
Health Information Exchange Policy Board  
Health Literacy Council  
Metropolitan Washington Regional Ryan White Planning Council  
Not-For-Profit Hospital Corporation  
Statewide Health Coordinating Council

**236. COMMITTEE ON HOUSING.**

(a) The Committee on Housing is responsible for matters relating to the development, maintenance, preservation, and regulation of housing stock, including rental housing and public housing; neighborhood revitalization, development, improvement, and stabilization; joint jurisdiction for the purpose of oversight (not legislation) with the Committee on Business and Economic Development for New Communities; urban affairs; housing vouchers; matters regarding Advisory Neighborhood Commissions; and matters regarding returning citizens.

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

Advisory Neighborhood Commissions, including the Office of Advisory Neighborhood  
Commissions  
Board of Real Estate Appraisers  
Commission and Office on Re-Entry and Returning Citizen Affairs  
Department of Housing and Community Development

District of Columbia Housing Authority  
Housing Finance Agency  
Housing Production Trust Fund  
Office on Returning Citizen Affairs  
Office of the Tenant Advocate  
Real Estate Commission  
Rental Housing Commission

**237. COMMITTEE ON HUMAN SERVICES.**

(a) The Committee on Human Services is responsible for matters relating to human services; homelessness; housing voucher placement and related services; public libraries; cable television and entertainment; and Latino and Asian and Pacific Islander affairs.

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

Commission on Latino Community Development  
Department of Human Services  
District of Columbia Public Library System  
Interagency Council on Homelessness  
Office and Commission on Asian and Pacific Islanders Affairs  
Office of Cable Television, Film, Music and Entertainment  
Office and Commission on Fathers, Men, and Boys  
Office and Commission on Latino Affairs  
Public Access Corporation

**238. COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY.**

(a) The Committee on the Judiciary and Public Safety is responsible for matters affecting the judiciary and legal systems; matters affecting criminal law, procedure, and justice; juvenile justice; public safety, including policing, violence prevention and intervention, and civilian police oversight; access to justice; family law, probate, and estates; fire, emergency medical services, and 9-1-1 and 3-1-1; homeland security; adult and youth corrections; forensic science; fatality review and medical examination; victim services and justice grants; child support; government ethics; and issues related to women. The Committee shall also serve as the Council's liaison to federal partners in the justice system, including the District of Columbia courts; the United States Attorney for the District of Columbia; the Public Defender Service for the District of Columbia; the Court Services and Offender Supervision Agency; the Pretrial Services Agency; the Federal Bureau of Prisons; and the United States Parole Commission.



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

Access to Justice Initiative  
Board of Ethics and Government Accountability  
Child Support Guideline Commission  
Clemency Board  
Commission on Judicial Disabilities and Tenure  
Commission on Women  
Corrections Information Council  
Criminal Code Reform Commission  
Criminal Justice Coordinating Council  
Department of Corrections  
Department of Forensic Sciences (including Science Advisory Board)  
Deputy Mayor for Public Safety and Justice  
District of Columbia National Guard  
District of Columbia Sentencing Commission  
Fire and Emergency Medical Services Department  
Homeland Security and Emergency Management Agency  
Judicial Nomination Commission  
Metropolitan Police Department  
Office of Neighborhood Safety and Engagement  
Office of Police Complaints  
Office of the Attorney General for the District of Columbia  
Office of the Chief Medical Examiner (including all of the fatality review committees at the Office of the Chief Medical Examiner)  
Office of Unified Communications  
Office of Victim Services and Justice Grants  
Office on Women's Policy and Initiatives  
Uniform Law Commission

**239. COMMITTEE ON PUBLIC WORKS AND OPERATIONS.**

(a) The Committee on Public Works and Operations is responsible for matters relating to the general operation and service of government, including procurement; human rights; partnerships and grants management; matters relating to lesbian, gay bisexual, transgender, and questioning affairs; veterans affairs; matters affecting administrative law and procedure; consumer and regulatory affairs; recycling; waste management; and regulation of for-hire vehicles.



## COUNCIL RULES, PERIOD XXVI

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

Advisory Committee on Street Harassment  
Board of Industrial Trades  
Commission on Fashion Arts and Events  
Contract Appeals Board  
Department of For-Hire Vehicles  
Department of Licensing and Consumer Protection  
Department of Public Works  
Interfaith Council  
Office of Administrative Hearings  
Office of Contracting and Procurement  
Office of and Commission on Human Rights  
Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs  
Office of Risk Management  
Office of the Chief Technology Officer  
Office of Veterans Affairs, including the Advisory Board  
Office on Religious Affairs, including Interfaith Council

### **240. COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT.**

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

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

Bicycle Advisory Council  
Commission on Climate Change and Resiliency  
Department of Energy and Environment  
Department of Motor Vehicles  
District Department of Transportation  
District of Columbia Water and Sewer Authority  
Green Buildings Advisory Council  
Green Finance Authority  
Pedestrian Advisory Council  
Soil and Water Conservation District  
Sustainable Energy Utility

Washington Aqueduct  
Washington Metropolitan Area Transit Authority  
Washington Metrorail Safety Commission

**241. COMMITTEE ON YOUTH AFFAIRS.**

(a) The Committee on Youth Affairs is responsible for matters relating to African, African American, and youth affairs (including juvenile justice).

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

Child and Family Services Agency  
Citizen Review Panel on Child Abuse and Neglect  
Department of Youth Rehabilitation Services  
Juvenile Abscondence Review Committee  
Office and Commission on African Affairs  
Office and Commission on African American Affairs  
Office of the Attorney General (juveniles matters; oversight only)

**E. CREATION OF SUBCOMMITTEES.**

**245. SUBCOMMITTEES.**

The Chairman shall nominate the chairperson and members of each subcommittee of the Council. The Council shall, by resolution, act on the Chairman's nominations. A subcommittee may use subpoenas to obtain testimony or documents only if the standing committee of which it is a subcommittee authorizes the issuance of subpoenas. Each bill or resolution reported by a subcommittee shall be referred to its standing committee for a vote and scheduling for the Committee of the Whole. Subcommittees shall comply with the requirements of these Rules and those of the standing committee of which it is a subcommittee.

**F. SPECIAL COMMITTEES AND SPECIAL PROJECTS.**

**251. SPECIAL COMMITTEES.**

The Council may, by resolution introduced by the Chairman, establish a special committee to consider investigations, ethics, or other matters. The resolution shall set forth the jurisdiction, size, duration, subpoena authority pursuant to Rules 601(a) and 611, and date for final action of the special committee.

**252. SPECIAL PROJECTS.**

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

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

**261. APPOINTMENT OF OFFICERS.**

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

**262. SECRETARY.**

(a) 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, notices of committee meetings, committee reports, and other records and reports assigned by these Rules, the Council, or the Chairman, and for proposing and administering the fiscal year budget of the Council. The Secretary shall only disburse funds for the direct operating expenses in the office of a Member or Officer.

(b) There is established a Council Office of Racial Equity under the Secretary to the Council, which shall be managed by a Director of Racial Equity. The Council Office of Racial Equity shall:

- (1) Produce racial equity training materials and provide ongoing racial equity training for Councilmembers and staff;
- (2) Issue Racial Equity Impact Assessments pursuant to Rule 311;
- (3) Coordinate and collaborate with the Judicial and Executive branches, including the Office of Racial Equity within the Office of the City Administrator and the Racial Equity Advisory Board, on matters of advancing racial equity; and
- (4) Accept public comment on any aspect of its duties or on matters related to racial equity before the Council.

**263. GENERAL COUNSEL.**

(a) The General Counsel is responsible for providing legal advice as provided in subsection (b) of this section; providing representation for the Council in any pending legal action to which the Council is a party or in which the Chairman determines that the Council has a significant interest; initiating lawsuits on behalf of the Council upon authorization by resolution of the Council; providing legal representation for a Member or employee consistent with subsection (c) of this section for actions taken within the scope of the Member or employee's official duties and in which the Chairman determines that the Council has a significant interest; retaining and supervising outside counsel as appropriate to conduct investigations and provide legal advice or representation to the Council, its Members, or employees; apprising the Council of developments in the law relating to Council legislation; supervising the publication of the District of Columbia Official Code; preparing technical-amendment and enactment bills; providing legislative-drafting assistance to all Members and staff; engrossing and enrolling measures, including making necessary technical and conforming changes; ascertaining the legal sufficiency of legislation and preparing legal sufficiency determinations pursuant to Rule 310; identifying legislative concerns and providing Members with alternative policy options to solve those concerns; advising the Council on matters of parliamentary procedure; compiling the parliamentary precedents of the Council; and providing support to the Law Revision Commission. The General Counsel, following consultation with the Chairman, may make a request of the Office of the Attorney General for legal representation for a Member or employee for actions taken within the scope of the Member or employee's official duties or for matters in which the Council has a significant interest.

(b) The General Counsel and the attorneys within the Office of the General Counsel ("OGC") shall, as a general matter, maintain confidentiality with respect to their discussions with Members and Council employees regarding legislation, legal advice on issues related to Council business, and ethics guidance. However, an attorney-client relationship exists only between the General Counsel/OGC and the Council as a body, and not between the General Counsel/OGC and any individual Member or Council employee. Accordingly, the Council, by resolution, may direct the General Counsel to reveal otherwise confidentially held discussions or information, including ethics advice, shared between the General Counsel or any OGC attorney and any individual Member or Council employee, if the Council finds that the discussions or information are integral to an investigation of or allegation against a Councilmember or Council employee.

(c) The General Counsel shall not represent a Member or Council employee whenever the alleged conduct with regard to which the Member or employee desires representation does not reasonably appear to have been performed within the scope of his or her official duties, such as conduct that is the subject of criminal proceedings or proceedings before the Board of Ethics and Accountability or the Office of the Inspector General.

(d) The General Counsel shall serve as Ethics Counselor for the Council.

**264. BUDGET DIRECTOR.**

The Budget Director is responsible for advising Councilmembers on budget-related matters; coordinating the development of the annual budget and financial plans and related legislation, including any proposed revised, supplemental, or deficiency budget; certifying committee budget reports pursuant to Rule 703(b)(2); and issuing fiscal impact statements pursuant to Rule 309. The Budget Director also is responsible for issuing policy and economic impact analyses pursuant to Rule 308, conducting research on matters of interest to the Council, and assisting the Council with performance oversight. The Budget Director serves as a resource for all Councilmembers and committees.

**H. COUNCIL PERSONNEL AND APPOINTMENTS.**

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

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

**272. COMMITTEE STAFF.**

(a) The chairperson of each committee shall appoint and shall present for the approval by resolution of the committee at the first committee meeting of the Council Period the names and titles of each committee staff person. Subsequent appointments shall be presented for approval of committee members at the meeting of the committee following the appointment. Staff appointments shall be filed with the Secretary.

(b) The chairperson shall determine the remuneration for the staff of the committee, subject to appropriations and positions allocated by the Council.

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

(d) In the case of a vacancy in the Office of a Councilmember who chairs a committee or a reorganization of Council committees, the committee staff may be transferred to the supervision of the Chairman.

**273. COUNCILMEMBERS' PERSONAL STAFF.**

(a) Each Councilmember may assign, remove, and determine the remuneration for the Councilmember's personal staff, subject to appropriations and positions allocated by the Council.

(b) In the case of a vacancy in the Office of a Councilmember, the employees of the Councilmember's personal office may be transferred to the supervision of the Chairman.

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

(a) Notwithstanding Rules 271, 272, and 273, when an employee is separated for non-disciplinary reasons, a Councilmember may authorize severance pay as provided by law.

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

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

When the law provides for the Council to appoint an individual to another body, the Chairman shall nominate an individual and the Council shall act, by resolution, on the nomination. Unless the General Counsel advises against doing so to maintain the separation of powers under the District Charter, a Council appointee shall report to the Council on a periodic basis and the Council may instruct, by resolution, its representative as to the position to take on a particular matter.

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

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

(b) When the law provides for a Councilmember to appoint or designate an individual to a board or commission, the Councilmember shall make the appointment or designation by filing a memorandum with the Secretary that states:

- (1) The legal capacity in which the Councilmember is acting, e.g., as a Councilmember or as a chairperson or member of a particular committee;
- (2) The date of appointment;
- (3) The official name of the board or commission to which the person is being appointed;
- (4) The name, complete mailing address, contact information, and ward designation of the person appointed; except, that such personal information is not required in the resolution;
- (5) The law under which the appointment or designation is being made; and
- (6) The term of the appointment or designation.

**277. RESIDENCY REQUIREMENT FOR APPOINTMENTS.**

Each member of a District board or commission who is appointed under Rule 275 or 276, if not already a resident of the District, shall become one within 180 days after the effective date of the appointment and shall remain a District resident for the duration of the appointment, unless the law or order that established the board or commission specifically authorizes the appointment of a nonresident as a member of the board or commission or if a majority of the Council present and voting waives the residency requirement.

**I. COMPUTING TIME, CIRCULATION, AND FILING REQUIREMENTS.**

**281. COMPUTING TIME.**

(a) Unless a law or rule specifically provides otherwise, when counting a time period:

(1) Stated in days or a longer unit of time:

(A) Exclude the day of the event that triggers the period;

(B) Count every day, including Saturdays, Sundays, and legal holidays;

(C) Exclude days of recess; and

(D) Include the last day of the time period, but if the last day is a Saturday, Sunday, legal holiday, or day of recess, the period continues to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(2) Stated in hours:

(A) Begin counting immediately on the first business hour after the occurrence of the event that triggers the period;

(B) Count each hour, including hours during intermediate Saturdays, Sundays, and legal holidays;

(C) Exclude hours during days of recess; and

(D) If the period would end on a Saturday, Sunday, legal holiday, or day of recess, the period continues to run until the same time on the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(b) For the purposes of these Rules, when counting a time period stated in “business days”:

(1) Exclude the day of the event that triggers the period;



## COUNCIL RULES, PERIOD XXVI

(2) Exclude intermediate Saturdays, Sundays, legal holidays, and days of recess;  
and

(3) Include the last day of the time period, but if the last day is a Saturday, Sunday, legal holiday, or day of recess the period continues to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or day of recess.

(c) For the purposes of these Rules, when counting a time period for a notice requirement under these Rules, include days of recess.

### **282. FILING WITH THE SECRETARY.**

(a) Unless a law or rule specifically provides otherwise, when a Councilmember is required to file a document with or provide notice to the Secretary, the Councilmember shall deliver an electronic or hard copy of the document or the notice to the Secretary.

(b)(1) A Councilmember shall also file an electronic copy in Word format of the following documents with the Secretary by uploading to the Council's intranet in a file under the name of the Councilmember:

(A) A measure introduced pursuant to Rules 401 and 402;

(B) A committee print and report;

(C) Amendments; and

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

(2) The text of any committee report uploaded to the Council's intranet in pdf format must be made text-readable prior to its upload.

(c) When an electronic copy is required under subsection (b) of this section, the document shall not be considered as filed pursuant to subsections (a) and (b) of this section until the electronic copy is filed. No measure may be noticed for a hearing or roundtable or added to the agenda of the Committee of the Whole unless an electronic copy, in Word format, of the measure has been uploaded to the Council's intranet.

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



**283. CIRCULATION TO MEMBERS AND COMMITTEES.**

(a) The Secretary shall distribute, upon introduction or referral, an electronic copy of each measure to each Councilmember. The Secretary shall also distribute to each Councilmember, upon introduction or filing, a notice of investigation by subpoena, and a Mayoral disapproval of a Council act.

(b) Any document that is required to be circulated by a rule or law shall be distributed electronically to all Members and staff and posted on the Council's website.

(c) A Councilmember may elect to receive a hard copy of any document that is required to be circulated by the Secretary or a Member.

**ARTICLE III—PROCEDURES FOR MEETINGS.**

**A. LEGISLATIVE MEETINGS.**

**301. ORGANIZATIONAL MEETING.**

On the first day of each Council Period that is not a Saturday, Sunday, or legal holiday, the Council shall convene an organizational meeting for the purpose of considering the adoption of Rules of Organization and Procedure and Code of Official Conduct, selecting a Chairman Pro Tempore pursuant to Rule 212, appointing committee chairs and memberships, appointing Councilmembers to regional bodies, and appointing Council officers. If a quorum is not present, the Chairman shall convene an organizational meeting as soon as feasible.

**302. REGULAR MEETINGS.**

(a) The Council shall hold a regular legislative meeting on the first Tuesday of every month except during a Council Recess or an election year. When the day for a regular legislative meeting falls on a legal holiday, the meeting shall be held at the same time on the next day. Regular legislative meetings shall begin at 12:00 p.m.

(b) Regular meetings of the Council shall be a hybrid of in-person and video conferencing and held in the Council Chamber, Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, and via the Zoom platform, or other such video conferencing platform as from time to time may be designated by the Secretary.

(c) The Chairman may designate another time, day, or place for a legislative meeting at a prior legislative meeting or meeting of the Committee of the Whole or by circulating and filing notice with the Secretary at least 48 hours before the meeting.

(d) The Chairman may cancel a future regularly scheduled meeting. The Secretary shall circulate notice to each Councilmember and the public of a meeting cancellation.

**303. ADDITIONAL AND SPECIAL MEETINGS.**

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

(b) Any 2 Councilmembers may request that the Chairman call a special legislative meeting. The request in writing shall be filed with the Secretary. Immediately upon the filing of the request, the Secretary shall notify the Chairman and other Councilmembers of the filing of the request. If, within 3 business days after the request is filed, the Chairman does not call the requested special meeting, a majority of the Councilmembers may file with the Secretary a written notice that a special legislative meeting shall be held, specifying the date, hour, place, and agenda of the special legislative meeting; provided, that the meeting shall not occur less than 48 hours after the notice. Immediately upon the filing of the notice, the Secretary shall circulate notice to each Councilmember as provided in subsection (c) of this section.

(c) Whenever an additional or special legislative meeting is called, the Secretary shall circulate notice to each Councilmember not less than 48 hours before the additional or special meeting. An additional legislative meeting to consider an emergency and temporary matter may be called upon shorter notice, if a majority of the Members agree in writing to the shorter notice. The Secretary shall provide prompt notice of the meeting to the public, including on the Council website. The notice shall state the date, hour, place, and agenda of the meeting and may state whether items are to be considered on a consent or non-consent agenda.

(d) No matter shall be considered at an additional or special legislative meeting except those stated in the request and notification.

(e) The Chairman may add to the agenda of an additional legislative meeting that has been noticed, with the written agreement of a majority of the Councilmembers, an emergency or temporary measure or, without objection, a permanent measure.

**304. QUORUM.**

(a) A majority of the Councilmembers shall constitute a quorum for the lawful convening of a meeting and for the transaction of business, except as provided in Rule 502.

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

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

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

## COUNCIL RULES, PERIOD XXVI

(e) During a Call of the House, the Council shall stand in recess for no more than 20 minutes to find absent Members. After the recess, the roll shall be called again. If a quorum is present, the meeting shall proceed. If a quorum is not present, the meeting shall be recessed or adjourned.

### **305. HEARING THE MAYOR.**

The Mayor has the right to be heard by the Council upon request and at reasonable times set by the Council.

### **306. RECESS.**

(a) Except as set forth in subsection (b) of this section, no measure, other than an emergency declaration resolution, emergency measure, and accompanying temporary bill, a veto override, or a resolution to approve or disapprove a contract, to be considered at a special or additional meeting called pursuant to these Rules, may be introduced during a recess of the Council, and no committee may take official action during a recess of the Council; provided, that when specifically authorized to do so by a vote of a majority of the Council, a committee may hold a public hearing or roundtable. A notice of future committee action may be filed during a recess of the Council.

(b)(1) A resolution approving or disapproving a contract in excess of \$1 million or a multiyear contract may be introduced during any recess period.

(2) A proposed contract that is required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be transmitted to the Secretary during the 30-day period before the end of the summer recess of the Council, and a committee may hold a public hearing and take official action on the proposed contract.

(3) A proposed federal-aid highway contract in excess of \$1 million during a 12-month period that is required to be submitted to the Council for its review pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be transmitted to the Secretary during a recess of the Council. A committee may hold a public hearing and take official action on the proposed federal-aid highway contract during the recess, and a resolution approving or disapproving the proposed federal-aid highway contract may be introduced during the recess and during the 10-day period following submission of the proposed federal-aid highway contract to the Council.

(4) The Committee of the Whole may hold a hearing or roundtable on any matter relating to the affairs of the District during the recess; except, that this paragraph shall not be used to comply with the requirement of Rule 501(a)(2).

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

### **307. COUNCIL REVIEW OF CONTRACTS.**

(a) There is a 4.00 p.m. filing deadline for all proposed contracts required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51). The Secretary shall ensure that a copy of the proposed contract or contract modification is designated as urgent and circulated electronically or otherwise to the office of each member of the Council, the General Counsel, and the Budget Director within 24 hours (excluding Saturdays, Sundays, and holidays) following its receipt by the Secretary.

(b) Notwithstanding Rule 402(b), the time period for Council review of a proposed contract or contract modification pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) shall begin on the first day (excluding Saturdays, Sundays, and legal holidays) following receipt by the Secretary of the proposed contract or contract modification.

(c) Notwithstanding Rules 401 and 402, no proposed contract or contract modification that is required to be submitted to the Council pursuant to section 451 of the Charter (D.C. Official Code § 1-204.51) may be submitted between July 5, 2023, and July 15, 2023, or between July 5, 2024, and July 15, 2024.

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

(e) Review and approval by the Council of the annual capital program of federal-aid highway projects shall constitute Council review and approval of the individual contracts that make up the annual program.

(f) The Secretary shall place an electronic copy of the summary of a proposed contract on the Legislative Information Management System so that it may be accessed through the Council website within 24 hours (excluding Saturdays, Sundays, and legal holidays) following its receipt.

### **308. POLICY AND ECONOMIC IMPACT ANALYSES.**

(a) The Budget Director may prepare a policy and economic impact analysis of a permanent bill.

(b) The purpose of a policy and economic impact analysis is to offer Councilmembers an independent, data and evidence-based resource for weighing the policy implications and economic costs and benefits of legislation. The analysis may include research on the District's existing legal framework, policy choices made by other jurisdictions, a review of the academic literature on the subject, consideration of demographic data, and the estimated costs or benefits

to the District's economy.

(c) If the Budget Director prepares a policy and economic impact analysis for a permanent bill, it shall be circulated no later than noon on the business day before the legislative meeting at which the permanent bill is to be considered.

(d) A Councilmember may request that the Budget Director develop a policy and economic impact analysis outside of the legislative process.

(e) The findings and conclusions of an economic-impact analysis, if any, are not binding on the Council, and the findings and conclusions shall not prevent the Council from considering the bill.

### **309. FISCAL IMPACT STATEMENTS.**

(a)(1) Except as provided in paragraphs (2) and (3) of this subsection, a fiscal impact statement is required for each measure, as provided in subsections (b) and (c) of this section.

(2) A fiscal impact statement is not required for an emergency declaration, a ceremonial, a confirmation or appointment, or a sense of the Council resolution, or a resolution that expresses a simple determination, decision or direction of the Council of a special or temporary character, or for a proposed amendment to those measures.

(3) A funding certification issued by an independent agency or the Chief Financial Officer for a contract shall be sufficient to meet the requirements of this section.

(b)(1) Pursuant to subsection (a) of this section, a fiscal impact statement issued by the Chief Financial Officer is required at the time of consideration of a permanent bill or resolution being marked up by a committee. A bill or resolution that has been sequentially referred pursuant to Rule 404(c) must have a fiscal impact statement by the Chief Financial Officer at the time of each committee markup in the sequential referral.

(2) A committee shall not mark up a bill or resolution unless a fiscal impact statement has been circulated to all Councilmembers before the measure is considered at markup.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, a fiscal impact statement shall not be required at the Committee of the Whole markup of a Local Budget Act, Federal Portion Budget Request Act, or Budget Support Act; except, that the Chief Financial Officer shall issue a fiscal impact statement for a Local Budget Act, Federal Portion Budget Request Act, and Budget Support Act by final reading of those measures.

## COUNCIL RULES, PERIOD XXVI

(c) A fiscal impact statement provided by the Budget Director or the Chief Financial Officer is required at the time of consideration of:

- (1) A proposed amendment to a resolution or a bill being marked up by a committee;
- (2) A proposed amendment to a resolution or a bill that is moved at first, second, or any subsequent reading of the Council;
- (3) An emergency resolution or bill; provided, that a new fiscal impact statement is not required for a congressional review emergency (“CRE”) when the CRE is identical, except for technical changes, to the preceding emergency measure;
- (4) A temporary bill; and
- (5) A revenue bond resolution.

(d) A Councilmember requesting a fiscal impact statement from the Budget Director shall endeavor to make the request at the earliest opportunity prior to circulation of the measure pursuant to Rule 424. The request shall include a draft of the measure and, when the measure is amendatory, a comparative print.

### **310. LEGAL SUFFICIENCY DETERMINATIONS.**

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

- (1) A resolution or bill being marked up by a committee;
- (2) A resolution retained by the Council;
- (3) An emergency resolution or bill; provided, that a new legal sufficiency determination is not required for a congressional review emergency (“CRE”) when the CRE is identical, except for technical changes, to the preceding emergency measure;
- (4) A temporary bill; and
- (5) An amendment to a resolution or a bill that is moved at mark-up, first, second, or any subsequent reading of the Council.

(b) A Councilmember requesting a legal sufficiency determination from the General Counsel pursuant to subsection (a) of this section shall endeavor to make the request:

- (1) For a measure listed in subsection (a)(1) of this section, at least 10 days before the markup. Notwithstanding the term “endeavor,” the Councilmember shall notify the General

## COUNCIL RULES, PERIOD XXVI

Counsel at least 10 days before a markup of the intent to mark up the measure and shall provide a draft of the measure.

(2) For a measure listed in subsection (a)(2) through (5) of this section, at least 2 business days prior to the time of consideration, unless the request is for an amendment to a measure that was circulated less than 2 business days before a scheduled vote.

(c) A legal sufficiency determination is not required for:

- (1) An emergency declaration resolution;
- (2) A ceremonial resolution;
- (3) A sense of the Council resolution;
- (4) A resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or otherwise pertaining to the internal operation or organization of the Council;
- (5) A resolution listed in this subsection that is moved on an emergency basis;
- (6) An amendment to a resolution listed in this subsection; or
- (7) An amendment to a budget measure that contains only adjustments to a dollar amount or other budget numbers.

### **311. RACIAL EQUITY IMPACT ASSESSMENTS.**

(a)(1) Except as provided in this subsection or subsection (b) of this Rule, the Council Office of Racial Equity shall, within 30 days after the hearing record is closed, issue a Racial Equity Impact Assessment for each bill for which a hearing is held.

(2) If there are multiple hearings on a bill, the Council Office of Racial Equity may comply with this subsection by issuing the REIA within 30 days after the close of the hearing record of any of the hearings on the bill.

(3) If a Committee provides notice to the Council Office of Racial Equity before 30 days after the close of the hearing record for the last hearing on a bill for which no Racial Equity Impact Assessment was issued, the Council Office of Racial Equity may issue a Racial Equity Impact Assessment on the committee print before the markup in lieu of complying with paragraph (1) of this subsection.

(b) This rule shall not apply to:



## COUNCIL RULES, PERIOD XXVI

- (1) Public space designations;
- (2) Street or Alley closures, openings, dedications, changes to building restriction lines, or highway plan amendments;
- (3) General-obligation bond acts and revenue anticipation notes acts;
- (4) Interstate compacts;
- (5) Transfers of jurisdiction;
- (6) Tax abatements, exemptions, rebates, and other tax legislation that is not of general applicability;
- (7) Acts authorizing the issuance of specialty motor-vehicle identification tags;
- (8) A Local Budget Act, a Budget Support Act, or a Federal Portion Budget Request Act;
- (9) Enactment legislation or technical-amendment legislation; or
- (10) Bills for which the Committee chair of each committee to which the bill was referred notifies the Council Office of Racial Equity that the Committee does not intend to mark up the legislation in this Council Period.

(c)(1) Each Racial Equity Impact Assessment shall include a statement of the bases for the estimated impact on racial equity, as that term is defined in Rule 101, and shall describe the sources, assumptions, and methodologies used in arriving at the assessment.

(2) Where a Racial Equity Impact Assessment identifies a negative impact on racial equity, the Council Office of Racial Equity may recommend policy proposals closely related to the proposed bill and within the Council's authority to mitigate such negative impact.

(3) The findings of a Racial Equity Impact Assessment shall not be binding and shall not prevent the Council or committee from considering the bill.

(4) Where a Racial Equity Impact Assessment identifies a negative impact on racial equity, the bill may be placed on the non-consent agenda and the committee report on the bill shall acknowledge and respond to the negative racial equity impacts identified.

(d)(1) For bills that received a Racial Equity Impact Assessment pursuant to subsection (a) of this Rule, the Council Office of Racial Equity may issue a supplemental Racial Equity Impact Assessment in advance of the markup of those measures.



## COUNCIL RULES, PERIOD XXVI

(2) At least 10 business days before the markup of a bill, the Committee chair shall notify the Director of Racial Equity of the intent to mark up the measure and shall provide a draft of the measure and comparative print. When a bill is sequentially referred, the requirements of this paragraph shall only apply to the last Committee in the sequential referral.

(3) If a Committee intends to mark up a bill for which a hearing was held in a prior Council Period, but for which no Racial Equity Impact Assessment was issued, the Committee shall comply with paragraph (2) of this subsection and the Council Office of Racial Equity shall issue a Racial Equity Impact Assessment on the committee print before the markup.

(e) The Council Office of Racial Equity may, at the request of a committee chair, conduct a Racial Equity Impact Assessment on any matter under the requesting committee's jurisdiction; provided, that such assessment does not inhibit the issuance of Racial Equity Impact Assessments under subsection (a) or (d) of this Rule.

(f) The framework for the Racial Equity Impact Assessment shall be developed by the Director of Racial Equity, or the Director's designee, in close consultation with individuals and organizations with expertise in racial equity analysis, and published online.

### **312. PRESENTATION OF LEGISLATION TO THE COUNCIL.**

A measure reported by a committee may be presented by the chairperson of the committee or by another member of the committee designated by the chairperson of the committee. In the absence of the chairperson of the committee and the designation of a member of the committee, the Chairman may present the measure for consideration by the Council.

### **313. [RESERVED].**

### **314. EXPEDITED OPTIONAL PROCEDURE FOR REVENUE BONDS AND REVIEW RESOLUTIONS.**

- (a) This section shall apply to:
- (1) Revenue bonds resolutions; and
  - (2) Resolutions regarding agency rules, confirmations, and other actions that:
    - (A) Are proposed by the Mayor or an independent agency for promulgation or adoption; and
    - (B) Will be deemed approved or disapproved after a set period of time by operation of law.

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

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

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

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

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

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

- (1) Call to order at the time and place set forth pursuant to Rule 302;
- (2) Moment of silence;
- (3) Determination by the Chairman of the presence of a quorum;
- (4) Secretary's report on the filing of reports by committees, unless the formal reading of the report is waived by the Council;
- (5) Secretary's report on the introduction of new measures filed with that office, unless the formal reading of the report is waived;
- (6) Approval of the consent agenda without objection;
- (7) Final reading by short title and final vote on bills that have been pending at least 13 days since they were previously read, except as provided in paragraph (6) of this section;
- (8) Reading by short title and vote on reported and discharged bills, except as provided in paragraph (6) of this section;
- (9) Reading by short title and vote on proposed resolutions, except as provided in paragraph (6) of this section;

(10) Reading by short title and vote on resolutions declaring the existence of emergencies and accompanying emergency measures, except for contracts placed on the consent agenda;

(11) Reading by short title and vote on temporary legislation;

(12) Official communications received from the Mayor or an agency; and

(13) Other business.

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

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

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

(2) Moment of silence;

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

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

### **317. PROCEEDING OUT OF ORDER.**

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

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

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

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

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

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

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

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

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

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

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

(c) Unless permitted by the Chairman, no person, other than Council staff may enter the area designated as the well or the dais of the Chamber during an official meeting of the Council.

(d)(1) No signs, placards, posters, or attention-seeking devices of any kind or nature shall be carried or placed within the Council hearing or meeting rooms or Chamber or any area where a public hearing is being conducted. 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, emblems, badges, or other articles are of such a size and nature as not to interfere with the vision or hearing of other persons at a meeting nor extend from the body, potentially causing injury to another.

(3) Any person who violates the provisions of this subsection relating to signs, or who willfully interrupts or disturbs Council proceedings, after a warning to desist, may be removed from the proceeding or premises.

(4) Models, photographs, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person in testimony before the Council shall be permitted without objection.

(e) No person, except a Councilmember or Council staff, shall be allowed in the anterooms of the Chamber during the course of any hearing or other proceeding of the Council or any committee of the Council, except upon invitation of the Chairman or the chairperson of the committee holding the public hearing.

**D. RULES OF DEBATE.**

**331. OBTAINING THE FLOOR.**

A Councilmember who wishes to speak, give notice, make a motion, submit a report, or obtain the floor for any other purpose, shall address and be recognized by the Chairman before addressing the Council.

**332. TIME LIMITS FOR DEBATE.**

(a) No Councilmember may be recognized more than once to debate or make a motion relating to a pending matter until all Councilmembers who wish to speak have been recognized.

(b) A Councilmember may speak no more than 3 minutes during the first round of debate on a pending matter, and no more than 2 minutes during a subsequent round.

(c) A Councilmember may yield all or part of the Councilmember's time provided by this section to another Councilmember.

(d) The Chairman may, in the Chairman's discretion, modify time limitations with respect to specific matters scheduled for debate.

**333. PERSONAL PRIVILEGE.**

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

**334. APPEAL.**

An appeal may be made from any decision of the Chairman. A Councilmember shall state the basis for appealing a decision, to which the Chairman may respond. An appeal from a decision of the Chairman must be made promptly and before other business has intervened. A majority or tie vote of the Members present and voting on the question (whether the decision of the Chairman shall be sustained) sustains the decision. An appeal is not debatable; provided, that the Chairman may explain the basis for the Chairman's decision.

**335. POINT OF ORDER.**

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

**336. PARLIMENTARY INQUIRY.**

A parliamentary inquiry is made when a Member raises a question to the Chairman seeking information about the procedure or business before the Council. The Chairman shall answer the question about the procedure or business before the Council, or, when the Chairman does not possess the information sought may direct the question to a Member or the General Counsel who may be in possession of the information. A parliamentary inquiry is not debatable or appealable.

**337. RECOGNITION OF NON-MEMBERS.**

The Chairman may recognize a person who is not a Councilmember if the participation of the person would, in the judgment of the Chairman, enhance the understanding of the matter under consideration by the Council.

**E. MOTIONS.**

**341. MOTIONS RECOGNIZED DURING DEBATE.**

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

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

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

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

**343. ADJOURN.**

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

**344. RECESS.**

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

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

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

(3) If a motion to recess does not specify the time, day, or place at which the meeting will reconvene, the Chairman may set a time, day, or place, or call the meeting to order and summons the Members in accordance with Rule 368.

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

(c)(1) A committee chairperson may, without a vote, recess a hearing or roundtable and reconvene the hearing or roundtable at a future time, day, or place.

(2) If a hearing or roundtable is recessed without specifying the future time, day, or place for the hearing or roundtable, the chairperson of that committee shall circulate notice of the new time, day, or place in accordance with Rule 283.

**345. RECONSIDER.**

(a) A Councilmember recorded as having voted with the prevailing side on a question may move to reconsider the question at any time, except as limited by this section.

(b)(1) A bill may be reconsidered before it has been signed or vetoed by the Mayor, or before it has been deemed approved by operation of section 404 of the Home Rule Act (D.C. Official Code § 1-204.04).

## COUNCIL RULES, PERIOD XXVI

(2) A resolution may be reconsidered at any time before its implementation.

(3) A committee may reconsider its vote to report a measure at any time before the Council votes on the measure.

(4) A motion to reconsider a question considered at a different meeting shall not be in order unless the motion to reconsider has been noticed in accordance with Rule 429.

(c) For the purpose of this rule, a Councilmember who was present and voting on a question decided by a voice vote shall be considered as having voted with the prevailing side on the question, unless the Councilmember had asked to be recorded as voting against the prevailing side or recorded as "PRESENT".

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

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

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

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

(g) If a motion to reconsider fails, the motion cannot be repeated.

(h) A motion to reconsider is not required to consider amendments accepted or rejected on a previous reading of a measure.

(i) Votes to approve or amend these Rules may not be reconsidered pursuant to this section.

### **346. LAY ON THE TABLE.**

(a)(1) A Councilmember may make an unqualified motion to lay a question on the table, which is not debatable and, if adopted by a majority of Councilmembers present and voting, shall immediately end debate on the question.

(2) If an amendment to a measure is pending before the Council, a Councilmember may make a motion to lay the amendment on the table, which is not debatable and, if adopted by a majority of Councilmembers present and voting, shall immediately end debate on the amendment.

(b) A motion to lay on the table may be applied to main motions only.



(c) A committee chairperson may carry over a measure reported by that committee from Council consideration until the next regular legislative meeting (or additional meeting, with the Chairman's concurrence) in this Council Period. If a measure has been sequentially referred, the committee chairperson of the last-reporting committee may carry over a measure under this subsection.

**347. MOTION TO MOVE THE PREVIOUS QUESTION.**

(a) A Councilmember may limit debate by making a motion to move the previous question, which shall require approval of 2/3rds of the Councilmembers present and voting. If a motion to move the previous question carries, no further debate is in order on the pending question, and no further amendments to the main motion are in order absent a motion to reconsider the motion to move the previous question.

(b) A Motion to move the previous questions is not debatable.

**348. MOTION TO CLOSE DEBATE.**

(a) A Councilmember also may limit debate by making a motion to close debate, which is not debatable.

(b) A motion to close debate shall require approval of 2/3rds of the Councilmembers present and voting. If a motion to close debate carries, no further debate is in order, except that:

(1) Each Councilmember who has not spoken on the pending question may speak for no more than 2 minutes; and

(2) The Chairman may recognize the maker of the pending motion.

**349. POSTPONE TO A CERTAIN TIME.**

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

(b) A motion to postpone to a certain time may be applied to main motions only.

**350. RECOMMIT.**

A Councilmember may move to recommit a measure pending before the Council to a standing committee. If a majority of Councilmembers present and voting approve a motion to recommit, the Chairman shall refer the measure to a standing committee or committees in accordance with Rule 404. A motion to recommit is debatable, though debate shall be limited to

the desirability of committing the measure to the committee. Debate on the merits of the measure is not in order while a motion to recommit is pending.

**351. AMEND.**

A Councilmember may move to amend a measure pursuant to Part F of this Article.

**352. POSTPONE INDEFINITELY.**

(a) A Councilmember may move to postpone indefinitely any question pending before the Council. A motion to postpone indefinitely is debatable, and it is in order to debate the merits of the underlying question.

(b) A motion to postpone indefinitely requires a vote of the majority of Councilmembers present and voting.

(c) Upon adoption of a motion to postpone indefinitely, the question may not be reconsidered unless 2/3rds of Councilmembers present and voting agree to reconsider the question.

(d) A motion to postpone indefinitely may be applied to main motions only.

**353. DISCHARGE.**

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

**354. TAKE FROM THE TABLE.**

(a) When no question is pending before the Council, a Councilmember may move to take from the table any measure previously tabled during the legislative meeting.

(b) When a measure is pending before the Council, a Councilmember may move to take from the table any amendment to the measure that was previously tabled.

(c) Provided that a Councilmember provided the notice required by Rule 429(2), the Councilmember may move to take from the table any measure tabled during a previous legislative meeting.

(d) A motion to take from the table is not debatable and shall be adopted by a majority vote of Councilmembers present and voting.

## COUNCIL RULES, PERIOD XXVI

(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.

### **F. AMENDMENTS.**

#### **355. AMENDMENTS TO BE WRITTEN.**

(a) Councilmembers shall endeavor to file with the Secretary amendments to pending measures by 6:00 p.m. on the business day before the legislative meeting at which they are to be moved. The Secretary shall circulate links to the amendments shortly after 6:00 p.m.

(b)(1) If a Councilmember has not filed an amendment with the Secretary in accordance with subsection (a) of this section, the Councilmember shall circulate copies to each Councilmember.

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

(c) Notwithstanding any other rule, if an oral amendment is made before a vote on a measure, such oral amendment shall be reduced to writing and read by the General Counsel, and made available for public inspection as soon as practicable.

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

(e) As required by Rule 310, no amendment may be approved by the Council without a legal sufficiency determination presented to the Council at the time of its consideration; provided, that the Chairman may waive these requirements if the Chairman concurs with the General Counsel that the amendment is legally sufficient.

#### **356. GERMANE AMENDMENTS.**

(a) To be germane to a measure, the amendment is required to relate in an appropriate, relevant, and logical way to the subject of the main measure. It may entirely change the effect of or be in conflict with the spirit of the main measure and still be germane to the subject.

(b) An amendment in the nature of a substitute may be offered as long as it is germane to the subject matter of the main measure.

(c) An amendment to a prior-offered amendment must be germane to the subject of the prior-offered amendment and to the subject matter of the main measure.

(d) Every amendment proposed to an emergency or temporary measure must be germane to the subject matter of the main measure to be amended.

(e) A non-germane amendment to a permanent bill requires 2 readings and must be approved by 2/3rds of the Members present and voting.

### **357. FRIENDLY AMENDMENTS.**

Without objection, the mover of a motion or a measure may accept a friendly amendment, which, if accepted, shall be voted on simultaneously with the motion or measure. A friendly amendment to a second-degree amendment is not considered a third-degree amendment.

### **358. AMENDMENT IN THE NATURE OF A SUBSTITUTE.**

(a) A notice of intent to move an amendment in the nature of a substitute to a measure at a legislative meeting shall be filed with the Secretary and circulated by noon on the business day before the legislative meeting. The filed notice shall explain the rationale and the mover's reasoning for the amendment and be accompanied by the proposed amendment in the nature of a substitute, which shall reflect all substantive changes from the prior version of the legislation (committee print or engrossment) by using strikeovers on the language that is proposed to be deleted from the prior version and underscore on all new language that is proposed to be added by the amendment in the nature of a substitute.

(b) The mover of an amendment in the nature of a substitute may have a separate amendment considered simultaneously with the amendment in the nature of a substitute.

(c) Notwithstanding subsection (a) of this section, if the Council is closed for a legal holiday on the day before a legislative meeting, the notice and accompanying amendment shall be filed and circulated no later than close of business on the business day before the legislative meeting.

## **G. VOTING.**

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

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

**362. VOICE VOTES.**

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

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

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

**364. CALLING THE ROLL.**

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

**365. RECORDS OF VOTES.**

(a) When a measure is approved or disapproved by voice vote, the Secretary shall record all Members present as voting on the prevailing side, unless there has been a request to be recorded as having voted "YES", "NO", or "PRESENT", or a Member has recused himself 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 visible or in the Chamber when a vote is taken. Voting records are official records of the Council.

(c) After the Chairman has announced the result of a vote, a Councilmember may not change his or her vote.

**366. TAX ABATEMENT FINANCIAL ANALYSIS (TAFAs)**

(a) A TAFAs is required at the time of committee mark up for each measure that grants an exemption or abatement of a tax imposed by D.C. Official Code § 42-1103 or Title 47 of the District of Columbia Official Code, unless the exemption or abatement is one of general applicability.

(b) Where a TAFE issued by the Chief Financial Officer states that an abatement or tax relief is not necessary, a measure authorizing such abatement or tax relief shall, at first reading, require approval of 2/3rds of the Councilmembers present and voting.

**367. PROXY VOTING PROHIBITED.**

(a) Proxies shall not be permitted either for the purpose of voting or for the purpose of obtaining a quorum.

(b) Virtual participation (e.g. videoconference) is permitted provided the Member's camera is on and the Member can be seen by the Secretary. An unstable connection shall not require delay in Council proceedings.

**368. SUMMONS OF MEMBERS.**

(a) Before putting a question to vote, the Chairman may hold open the vote for no more than 2 minutes for the purpose of summoning Members who are absent. During that time, the Secretary shall summon the Members who are absent from the Chamber. At the Chairman's direction, the Secretary shall call the names of the absent Members.

(b) No Councilmember may be summoned more than once at the same legislative meeting.

**H. OPEN MEETINGS.**

**371. OPEN MEETINGS, GENERALLY.**

(a) Except as provided in Rule 375, a meeting of the Council and a meeting of a committee shall be open to the public.

(b) The Council or a committee shall not keep the number of attendees below a quorum to avoid the requirements of this section.

(c) For the purposes of this part, the terms:

(1) "Meeting of a committee" means a gathering of a quorum of a committee of the Council, whether informal or formal, regular, special, additional, or emergency, at which the Councilmembers consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. A meeting of a committee shall not include:

(A) A chance or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

(B) Press conferences.

(2) “Meeting of the Council” means a gathering of a quorum of the Council, including hearings and roundtables, whether informal or formal, regular, special, additional or emergency, at which the Councilmembers consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication. A meeting of the Council shall not include:

(A) A chance meeting or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

(B) Press conferences.

### **372. MEETINGS DEEMED OPEN.**

A meeting of the Council or a meeting of a committee is deemed open if the:

(1) Public is permitted to be physically present;

(2) News media is permitted to be physically present;

(3) Meeting is televised;

(4) Meeting is virtual and the public or news media are permitted to attend, and this is permissible under the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*); or

(5) Meeting otherwise complies with section 405(a) of the Open Meeting Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(a)).

### **373. NOTICE OF MEETINGS.**

(a)(1) Before a meeting of the Council is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary at least 48 hours before the meeting, unless emergency circumstances require less notice.

(2) Before a meeting of a committee is held, whether open or closed, at least one Councilmember attending the meeting shall notify the Secretary at least 24 hours before the meeting, unless emergency circumstances require less notice.

(b) Notice provided pursuant to this section shall be posted by the Secretary in plain view in the John A. Wilson Building, except during a period for which a public emergency has been declared pursuant to section 5 of the District of Columbia Public Emergency Act of 1980,

## COUNCIL RULES, PERIOD XXVI

effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304), and on the website of the Council.

(c) A notice for a meeting of the Council or a meeting of a committee provided pursuant to this section shall include the:

- (1) Date;
- (2) Time;
- (3) Location; and
- (4) Planned agenda, if applicable, for the meeting.

(d) If a meeting of the Council or a meeting of a committee, or any portion of a meeting, is expected to be closed, the notice shall include a statement of the intent to close the meeting, including the reasons for the closure.

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

(f) Notice for hearings or roundtables shall be provided pursuant to Rule 421.

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

(a) Except as provided in subsection (c) of this section, all meetings, whether open or closed, shall be recorded electronically. In accordance with Rule 807 and 808, the electronic recording shall be produced and maintained by the Secretary; provided, that if a recording is not possible, detailed minutes of the meetings shall be kept by the Secretary.

(b) If a meeting is open:

(1) Copies of the records shall be provided to the public or any requester at his or her expense;

(2) A copy of the draft minutes shall be made available to the public or requester no more than 3 business days after the meeting; and

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

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



**375. EXCEPTIONS TO OPEN MEETINGS.**

A meeting, or a portion of a meeting, may be closed for the following reasons:

- (1) A law or court order requires that a particular matter or proceeding not be public;
- (2) To discuss, establish, or instruct a public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;
- (3) To discuss, establish, or instruct a public body's staff or negotiating agents concerning the position to be taken in negotiating incentives relating to the location or expansion of industries or other businesses or business activities in the District;
- (4) 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; provided, that nothing herein shall be construed to permit the Council or Council committee 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;

## COUNCIL RULES, PERIOD XXVI

(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;

(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; and

(15) Any other reason provided in section 405(b) of the Open Meeting Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(b)).

### **376. CLOSED MEETINGS**

(a)(1) Before a meeting or portion of a meeting may be closed, the Council or committee shall meet in public session at which a majority of the members present vote, upon good cause shown, in favor of closure.

(2) The presiding officer shall make a statement providing the reason for closure, including citations from Rule 375, and the subjects to be discussed. A copy of the roll call vote and the statement shall be provided in writing and made available to the public.

(3) A Council or committee that meets in closed session shall not discuss or consider matters other than those matters listed under Rule 375.

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

(c)(1) Upon good cause shown and, if applicable, after the 10-day period described in paragraph (3) of this subsection, a majority of the Council or committee may approve the release of the record, including testimony taken or evidence received in a closed meeting.

(2) Ten days before the release of testimony taken or evidence received in a closed meeting, the Council or committee must notify, in writing, the affected witness that the Council or committee intends to release the testimony or evidence.

(3) Before the expiration of the 10-day period, the affected witness may request, in writing directed to the presiding Council or committee member, and the Council or committee may consider withholding the testimony or evidence described in the notice.

## ARTICLE IV—LEGISLATION.

### A. INTRODUCTION OF LEGISLATION.

#### 401. WHO MAY INTRODUCE.

(a)(1) Only a Councilmember may introduce legislation for consideration by the Council.

(2) At the time a measure is filed with the Secretary, in accordance with Rule 282, the measure shall be filed in Word and PDF format via the LIMS e-Filing module.

(b)(1) Proposed legislation transmitted to the Council by the Mayor, the Uniform Law Commission, or an independent agency shall be submitted in Word format, shall be complete, and shall comply with these Rules. It shall be introduced by the Chairman, at the request of the Mayor (or as submitted by the Mayor), or the independent agency. Legislation transmitted by the Mayor or an independent agency shall not be introduced on the dais at a legislative meeting or a work session of the Committee of the Whole.

(2)(A) To be considered at a legislative meeting, legislation transmitted by the Mayor or an independent agency that requests Council approval of a contract shall be filed with the Secretary, with the required contract summary and contract, including relevant modifications, no later than the close of business on the fourth business day before the meeting.

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

(3) Proposed legislation from the Mayor, the Uniform Law Commission, or an independent agency shall be transmitted to the Council by hard copy or a copy in Word format by email, or any other medium as determined by the Secretary. All confirmation resolutions submitted to the Council by the Mayor shall include a copy of the current resume of the nominee. The Secretary shall place a Word format copy of the proposed legislation on the Council's intranet.

(4) Legislation transmitted under this subsection shall be filed with the Secretary during normal business hours.

(5) The Secretary shall determine whether the proposed legislation is in the appropriate form, complete, and complies with these Rules, and may return any proposed

legislation that is not in the appropriate form or complete to the Mayor, the Uniform Law Commission, or the independent agency.

**402. MANNER OF INTRODUCTION.**

(a) A Councilmember may introduce a measure by filing the signed original of the measure with the Secretary during normal business hours.

(b) An introduced measure may be accompanied by a Statement of Introduction at the time of filing, which shall be available on LIMS and made part of the official record of the measure.

(c) Co-introduction of a measure shall be evidenced by the signature of the co-introducer on the face of the measure at the time of filing. Co-sponsorship shall be permitted by a memo to the Secretary pursuant to Rule 802(b).

(d) A Councilmember may withdraw as a co-introducer or a co-sponsor by filing a notice of withdrawal with the Secretary.

(e) 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 read at a legislative meeting or work session of the Committee of the Whole pursuant to Rule 403.

(f) 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, or the Mayor if the measure is introduced at the request of the Mayor, shall provide the Secretary with the last-known address of the recipient.

(g) Proposed legislation transmitted for introduction by the Mayor, the Uniform Law Commission, 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. 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 Rules 401 and 402 between the previous reporting period and 10 a.m. of the business day before the legislative meeting or Committee of the Whole work session, and provide the numbers assigned as provided in Rule 805 and the committee referrals as provided in Rule 404.

(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.

#### **404. COMMITTEE REFERRAL.**

(a) When a measure is introduced, the Chairman shall refer it to the appropriate committee or committees, unless the Council retains the measure. Such referral is not official until it is read at a meeting pursuant to Rule 403.

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

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

(c) The Chairman may re-refer a measure 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, although a hearing or roundtable notice may be filed in the meantime.

#### **405. 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.

#### **406. 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.

## COUNCIL RULES, PERIOD XXVI

(b) Except as provided above in subsection (a) of this Rule, a proposer may withdraw any measure he or she introduced before a vote has been taken by the committee to which the measure has been referred. A withdrawal shall be filed with the Secretary. A withdrawal shall render the original measure a nullity, as if it were never introduced. If a measure has been introduced by more than one Councilmember, all co-introducers must consent to withdrawal under this subsection.

(c) Notwithstanding subsection (a) of this section, if a Councilmember withdraws a resolution approving or disapproving a contract or reprogramming after the date the contract or reprogramming would otherwise have been deemed approved, the measure shall be deemed approved on the date the resolution is withdrawn, unless it has been deemed approved before that time by operation of law.

### **407. COMMITTEE APPROVAL**

(a) Each committee may take action on any measure referred to the committee, except as provided in subsection (b) of this section.

(b) A committee may not vote on a measure sequentially referred to that committee until all conditions of the referral have been met to make such measure ripe for consideration by the committee.

(c) A hearing on a measure by any committee of the Council shall satisfy the requirements of Rule 501(a)(2) for measures referred sequentially to committees.

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

## **B. COUNCIL APPROVAL.**

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

(a) The Chairman shall prepare a consent agenda for each legislative meeting that shall include measures that the Chairman believes will be adopted by unanimous vote. 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 a Committee of the Whole meeting and circulated to the Councilmembers at the Committee of the Whole meeting.

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

## COUNCIL RULES, PERIOD XXVI

(c) Measures removed from the consent agenda shall be considered as provided in Rule 315 or 316, except that the Chairman may first consider items removed from the consent agenda.

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

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

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

(a)(1) When a Councilmember proposes a measure to be approved 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 members find that emergency circumstances exist, the Council shall consider the measure on its merits.

(b) For the purposes of this section, an “emergency” means a situation that adversely affects the health, safety, welfare, or economic well-being of the District, its residents, its businesses, or other persons or entities 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 circumstances which the legislation is intended to protect.

(c) An emergency resolution shall take effect, according to its terms, either immediately or at a specific time. Pursuant to section 412(a) of the Charter (D.C. Official Code § 1-204.12(a)), an emergency act shall be effective law for no more than 90 days.

(d) As required by Rule 309, no emergency measure may be approved by the Council without a fiscal impact statement presented to the Council at the time of its consideration; provided, that the Chairman may waive this requirement if the Chairman concurs with the Budget Director that the measure does not have a negative fiscal impact.

(e) As required by Rule 310, no emergency measure may be approved by the Council without a legal sufficiency determination presented to the Council at the time of its consideration; provided, that the Chairman may waive this requirement if the Chairman concurs with the General Counsel that the measure is legally sufficient.



(f) An emergency measure on the agenda for the legislative meeting shall be moved by the Councilmember who noticed the measure or, in the absence of that Councilmember, may be moved by another Councilmember designated by the Councilmember who noticed the measure. If no Councilmember has been designated to move the measure in the absence of the Councilmember who noticed the measure, the measure shall be considered to have been withdrawn.

(g) The Chairman may rule out of order an emergency measure that is subject to inclusion in an approved budget and financial plan.

#### **413. TEMPORARY LEGISLATION.**

If the Council approves an emergency bill under Rule 412, the Council may, at the same legislative meeting, consider a temporary bill on first reading without committee referral. At first reading, the temporary bill must be substantially similar to the emergency bill and may remain effective for no more than 225 days.

#### **414. TECHNICAL-AMENDMENT LEGISLATION.**

(a) On an occasional basis, the General Counsel shall prepare a technical-amendment bill for introduction by the Chairman.

(b) Notwithstanding Rule 501(a), no hearing is required before final adoption of a technical-amendment bill prepared in accordance with this section.

(c) A technical-amendment bill shall contain only amendments to existing law, and no amendment included in the technical-amendment bill may make substantive changes to the existing law. Any amendment to the technical-amendment bill must be certified as technical by the General Counsel.

(d) An amendment to a technical-amendment bill that has not been certified as technical by the General Counsel shall be out of order for Council consideration.

#### **415. ENACTMENT LEGISLATION.**

(a) On an occasional basis, the General Counsel shall prepare an enactment bill for introduction by the Chairman.

(b) Notwithstanding Rule 501(a), no hearing is required before final adoption of an enactment bill prepared in accordance with this section.

(c) An enactment bill shall present, for each title of the District of Columbia Official Code proposed to be enacted into positive law, a compilation, restatement, and revision of the general and permanent laws of the District of Columbia that conforms to the understood policy,



## COUNCIL RULES, PERIOD XXVI

intent, and purpose of the Council or Congress in the original enactments, with such amendments and corrections as to remove ambiguity, contradictions, and other imperfections, both of substance and of form.

(d) An amendment to an enactment bill that has not been proposed by the General Counsel as an amendment consistent with subsection (c) of this section shall be out of order for Council consideration.

### **416. VETOED LEGISLATION.**

(a) Whenever the Mayor disapproves and returns an act pursuant to section 404(e) of the Charter (D.C. Official Code § 1-204.04(e)), the disapproved act shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved act from a committee or committees. A Councilmember may move for the Council to reenact the disapproved act before the end of the 30-day review period provided in section 404(e) of the Charter. If 2/3rds of the Councilmembers present and voting vote to reenact the act, the act shall become law subject to the provisions of section 602(c) of the Home Rule Act (D.C. Official Code § 1-206.02(c)).

(b) Whenever the Mayor disapproves and returns any item or provision of a budget act pursuant to section 404(f) of the Charter (D.C. Official Code § 1-204.04(f)), the act containing the disapproved item or provision shall be the property of the full Council. The Chairman may solicit comments or recommendations on the disapproved item or provision from a committee or committees. A Councilmember may move for the Council to reenact any disapproved item or provision of the budget act before the end of the 30-day review period provided in section 404(f) of the Charter. If 2/3rds of the Councilmembers present and voting vote to reenact any item or provision of the budget act, the item or provision so reenacted shall be incorporated in the budget and become law subject to the provisions of section 602(c) of the Home Rule Act (D.C. Official Code § 1-206.02(c)).

### **417. TRANSMISSION OF ACTS.**

The Chairman shall transmit adopted acts to the Mayor and enacted acts to the United States Senate and the United States House of Representatives as required by the Charter.

### **418. EFFECT OF END OF COUNCIL PERIOD.**

(a)(1) A measure that has not been finally adopted by the Council before the end of the Council Period in which the measure was introduced lapses without prejudice to the measure's reintroduction in a subsequent Council Period.

(2) If temporary legislation has been passed on first reading pursuant to Rule 413 in a Council Period, it may be considered on final reading during the next Council Period.

## COUNCIL RULES, PERIOD XXVI

(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.

(4) A sanction resolution introduced pursuant to Rule 652 that is pending at the end of a Council period shall be in the same status that the resolution was in at the end of the prior Council period and 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. NOTICE AND PUBLICATION OF INTENDED ACTIONS.**

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

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

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

(b) No prior notice by publication in the Register is required for the adoption of a ceremonial resolution, an emergency bill or resolution, an emergency-declaration resolution, a contract approval resolution (including multiyear) submitted by the Executive, or a resolution adopting Council Rules, appointing Council officers and committee chairpersons and members, or otherwise pertaining to the internal operation or organization of the Council.

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

## COUNCIL RULES, PERIOD XXVI

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

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

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

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

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

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

(e)(1) Notice of a roundtable on a resolution or an oversight roundtable shall be filed with the Secretary and circulated to Councilmembers at least 24 hours before the roundtable.

(2) Notwithstanding the requirements of paragraph (1) of this subsection, when a committee elects to conduct a roundtable on a confirmation resolution, 5 calendar days' notice is required before the conduct of the roundtable, such notice to be filed with the Secretary and circulated to Members. The notice shall also be posted on the Council website.

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

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

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

### **423. METHODS OF NOTICE.**

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

(1) Publication in the Register;

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

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

#### **424. NOTICE OF EMERGENCY ACTIONS.**

(a)(1) When an emergency measure is to be considered, a notice that includes the following 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:

(A) A statement of the circumstances making it necessary that the measure be considered on an emergency basis, which shall comply with Rule 412(b);

(B) A statement of the intended effect of the emergency measure; and

(C) A draft of the emergency measure and emergency-declaration resolution.

(2) If the nature of the emergency precludes the notice required by paragraph (1) of this subsection, 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) In addition to the provisions of subsection (a) of this section, public notice of intended emergency action shall be given by the Council before adoption of an emergency bill or resolution by at least one method provided in Rule 423.

#### **425. NOTICE OF TEMPORARY LEGISLATION.**

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

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

#### **426. NOTICE OF WAIVER OF RULE 231(c).**

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

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

(c) Before approval of a motion to waive Rule 231(c), a certification shall be made of a measure's legal sufficiency and technical compliance with the drafting rules of the Council; the fiscal impact; the completion of the record; and a determination made of the fiscal impact.

(d) Approval of a motion to waive Rule 231(c) shall require a vote of 2/3rds of the Members present and voting.

(e) A motion to waive Rule 231(c) is not in order if the legislation includes amendments made by one or more committees that are beyond the jurisdiction of the committee or committees.

(f) At the discretion of the Chairman, a notice of a request to waive Rule 231(c) may be considered as notice of a request to consider the measure at a meeting of the Committee of the Whole, pursuant to Committee of the Whole Rule 403(b), preceding the legislative meeting for which the request to waive was filed.

#### **427. CEREMONIAL RESOLUTIONS.**

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

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

Each measure adopted by the Council shall be published in the Register.

**429. NOTICE OF NEW BUSINESS.**

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

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

**430. NOTICE OF COMMITTEE MEETINGS.**

(a)(1) A committee shall file and circulate notice, which shall be made publicly available at least 24 hours before a meeting, of the date, hour, and place of a committee meeting. Such notice shall include a copy of the agenda and a draft, including a comparative print when required by Rule 803(e)(7), of any measures to be considered at the meeting.

(2) In addition to the requirements in paragraph (1) of this subsection, during the last 2 months of a council period, when an agenda for a committee meeting contains more than 3 bills, a committee shall file and circulate notice at least 48 hours before a meeting of the date, hour, and place of a committee meeting. Such notice shall include a copy of the agenda and a draft of the bills to be considered at the meeting.

(b) If at least 4 members of the committee agree in writing to a shorter notice, the committee may consider matters not included on the agenda.

(c) A committee shall file and circulate notice, at least 24 hours before a meeting, of the cancellation of a committee meeting.

**ARTICLE V—HEARING PROCEDURES.**

**A. PROCEDURES FOR HEARINGS.**

**501. AUTHORITY TO CALL HEARINGS.**

(a)(1) The Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District. A Council hearing may be called by the Chairman.

(2) A hearing shall be held on all permanent bills before final adoption by the Council. A hearing shall not be required when a hearing on the same or a similar bill was held in the same or immediately preceding Council Period.

(b) A committee of the Council shall hold a hearing when required by law and may hold a hearing on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules.

(c) Unless a hearing is required by law or regulation, a committee may hold a roundtable on any matter relating to the affairs of the District that is properly within the committee's jurisdiction as provided in these Rules. A roundtable shall comply with the hearing requirements set forth in this Article.

(d) A notice of a hearing or 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. WITNESSES AT A PUBLIC HEARING.**

(a) If a committee, in the publication of notice of a hearing or roundtable, sets a deadline before which a person must contact the committee to be permitted to be a witness at the public hearing, then at the time that the public hearing is held, each person who complied with the committee's requirements shall be given an opportunity to testify.

(b) A person who fails to comply with the requirements of this section may not testify unless the presiding member allows the person to testify.

(c) The Secretary shall maintain a Hearing Management System (“HMS”) to facilitate witness registration, allow for the submittal of public testimony, and make available to the public such testimony for all committee hearings and roundtables. A committee shall add a hearing or roundtable to HMS within 48 hours of the approval of a filed notice pursuant to Rule 421, and the Secretary shall endeavor to approve a hearing or roundtable within 24 hours of a committee adding the hearing or roundtable to HMS. Each committee shall manage its hearings and roundtables utilizing HMS.

## **B. RECEIVING TESTIMONY.**

### **511. QUESTIONING WITNESSES.**

(a) The Mayor and all agency witnesses shall be affirmed or sworn to give truthful testimony.

(b) 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 their remarks to the question under discussion and shall avoid making negative personal comments.

(c) The presiding member shall maintain order in the hearing or roundtable and, after issuing a warning, may order the removal of a disorderly person as provided in Rule 322.

## **C. RIGHTS OF WITNESSES.**

### **521. RIGHT TO COUNSEL.**

Any witness who appears before the Council or a committee has the right to be represented by counsel.

### **522. RIGHT TO MAKE OPENING STATEMENT.**

(a) Each witness testifying on behalf of the Executive Branch, including an agency, entity, board, commission, or independent agency of the Executive Branch must submit written testimony to the chair of the committee before which the witness is to testify at least 48 hours



before the commencement of a hearing or roundtable. This requirement may be waived by the presiding chairperson if the presiding chairperson determines there is good cause.

(b) Any witness testifying at a hearing or roundtable may submit an opening statement, which shall be placed in the record of the hearing or roundtable if timely submitted. The presiding member may permit the witness to read the witness's statement at the hearing or roundtable.

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

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

(a) Within 20 business days after the close of the record for a hearing or roundtable, a committee shall file with the Secretary a hearing record, which shall be a complete record of the hearing or roundtable. The hearing record shall contain the following:

- (1) A copy of the published notice;
- (2) A copy of the witness list;
- (3) Copies of written testimony;
- (4) Statements or other materials submitted for the record;
- (5) Important correspondence with the Mayor, if applicable; and
- (6) Other information that the committee chairperson considers necessary.

(b) If new materials are provided to the committee after the close of the record, the committee chairperson may supplement the hearing record.

##### **532. CLOSE OF RECORD.**

Unless otherwise provided in the hearing notice or stated at the hearing, the record for a hearing or roundtable shall close 10 business days after the hearing or roundtable. A committee may not mark-up a measure within its jurisdiction until after the official close of the record on such measure.

**ARTICLE VI—INVESTIGATIONS AND SUBPOENAS.**

**A. PROCEDURES FOR INVESTIGATIONS USING SUBPOENAS.**

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

(a) In order to use subpoenas to obtain testimony or documents, the Council shall adopt a resolution authorizing an investigation by the Council.

(b) In order to use subpoenas to obtain testimony or documents, a standing committee, an ad hoc committee, or, if authorized by the resolution establishing it, a special committee, shall adopt a resolution of the committee authorizing an investigation. This resolution shall be filed in the Office of the Secretary.

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

**602. NOTICE OF INVESTIGATION.**

The Secretary shall publish a notice of each investigation authorized under Rule 601 in the Register, which notice shall include a copy or description of the resolution authorizing the investigation and the date the resolution was filed in the Office of the Secretary.

**603. REPORT OF INVESTIGATION.**

(a) Within 90 days after 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 vote of the Members present and voting, may vote not to release all or part of its report. The Council, by a majority vote 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, an ad hoc committee, and, if authorized by the resolution establishing it, any special committee, may subpoena the attendance and testimony of witnesses and the production of documents and other tangible items at meetings, hearings, and depositions in connection with an investigation. Subpoenas shall be issued in the form set forth in Appendix A, and, except as provided in Rule 613(b), shall be served not less than 5 business days before the return date.

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

Before issuing a subpoena, the Council, a standing committee, an ad hoc 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 the witness by claiming the witness's Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

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

**622. NOTIFICATION OF RIGHTS.**

When a witness under subpoena is not represented by counsel, the presiding member shall advise the witness of the witness's 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 the witness's testimony in connection with an investigation.

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

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

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

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

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

**651. ESTABLISHING AN AD HOC COMMITTEE.**

(a) An ad hoc committee may be established pursuant to subsection (b) or (c) of this section for the purposes of considering allegations of a violation of a law or rule by a Councilmember and making recommendations for further action.

(b) An ad hoc committee shall be established, pursuant to subsection (d) of this section, within 3 business days after:

(1) BEGA censures a Councilmember;

(2) Outside counsel delivers to the Council an investigative report that contains a finding that a Councilmember has violated the Council's sexual harassment policy; or

(3) 5 Councilmembers file with the Secretary a written request for the establishment of an ad hoc committee, which shall include a description of the alleged violation of law or rule that forms the basis of the request.

(c) The Chairman may establish an ad hoc committee pursuant to this section at the Chairman's discretion, regardless of whether one of the events described in subsection (b) of this section has occurred. If the Chairman establishes an ad hoc committee under this subsection, the memorandum filed pursuant to subsection (d) of this section shall include a description of the alleged violation of law or rule committed by the Councilmember whose conduct will be under consideration by the ad hoc committee.

(d) To establish an ad hoc committee, the Chairman shall file a memorandum with the Secretary appointing 3 or more Councilmembers to serve on the ad hoc committee, and designating one of the appointed members to serve as the chairperson. The ad hoc committee shall not include any Councilmember whose conduct is under consideration by the ad hoc committee.

(e) The Secretary shall deliver a copy of the memorandum filed pursuant to subsection (d) of this section to each Councilmember, including the Councilmember whose conduct is under consideration by the ad hoc committee, within 48 business hours of the Secretary's receipt of that memorandum.

(f) No sanction pursuant to Rule 655 shall be imposed unless:

(1) First recommended by an ad hoc committee; and

(2) A proceeding is held pursuant to Rule 653.

(g) The ad hoc committee's proceedings may be conducted in executive session in accordance with Rule 375, except that its recommendation for further action shall be made public. In connection with any action taken under this part, the Council shall take all reasonable steps to protect the identity of any complainant who alleges sexual harassment, as defined in the Sexual Harassment Policy. Such actions may include voting to close meetings under Part H of Article III and withholding or redacting identifying information in written documents.

(h) For the purposes of this part, the term "Chairman" means, if the Chairman is the Councilmember whose conduct is under consideration by the ad hoc committee, the Chairman Pro Tempore.

#### **652. AD HOC COMMITTEE PROCEDURES.**

(a) An ad hoc committee established pursuant to Rule 651 shall:

(1) In the case of an ad hoc committee established pursuant to Rule 651(b)(1) or (2), consider BEGA's findings or outside counsel's investigative report;

(2) In the case of an ad hoc committee established pursuant to Rule 651(b)(3), consider the description of the alleged violation of law or rule in the written request filed pursuant to Rule 651(b)(3);

(3) In the case of an ad hoc committee established pursuant to Rule 651(c), consider the description of the alleged violation of law or rule in the memorandum filed pursuant to Rule 651(d);

(4) Permit testimony from the Councilmember whose conduct is under consideration by the ad hoc committee;

(5) Except as provided in subsection (b) of this section, collect more evidence, as needed, including by authorizing an investigation pursuant to Rule 601(b); except, that the Chairman, pursuant to an authorizing resolution, may appoint any person to perform the actions described in this paragraph in lieu of the ad hoc committee;

(6) Consider the findings of any other investigation of the conduct that is under consideration by the ad hoc committee; and

(7) File a report, as described in subsection (c) of this section, with the Secretary within:

(A) In the case of an ad hoc committee established pursuant to Rule 651(b)(1) or (2), 45 days after the ad hoc committee is established; or

## COUNCIL RULES, PERIOD XXVI

(B) In the case of an ad hoc committee established pursuant to Rule 651(b)(3) or (c), 90 days after the ad hoc committee is established; provided, that the ad hoc committee may extend the time required to file a report by up to an additional 30 days if requested by the ad hoc committee and approved by the Council.

(b) An ad hoc committee created pursuant to Rule 651(b)(2) may not engage in additional fact finding and shall rely on the findings of outside counsel for the purposes of the report required by subsection (a)(7) of this section.

(c)(1) The report required by subsection (a)(7) of this section shall:

(A) Summarize the actions taken by the ad hoc committee;

(B) Describe the findings of the ad hoc committee, including identifying the law or rule that has been violated and summarizing the evidence in support of those findings; and

(C) Recommend sanctions, if any, including reprimand, censure, or expulsion.

(2)(A) If the report required by subsection (a)(7) of this section recommends a sanction that would require a resolution of the Council to implement, the chairperson of the ad hoc committee or the Chairman shall introduce such resolution at the same time the report is filed; except, that, if the report recommends multiple actions, including censure or expulsion, the resolution of censure or expulsion shall be introduced as a separate measure.

(B)(i) A resolution of censure or expulsion introduced pursuant to this paragraph shall identify specific charges against the accused.

(ii) Each charge shall set forth an offense of which the accused is alleged to have committed, including a citation to the law or rule alleged to have been violated.

(iii) Each charge shall be accompanied by at least one specification, which shall state what actions the accused is alleged to have taken, which, if true, would constitute an instance of the offense indicated in the charge, and a description of the evidence supporting the specification.

(iv) The resolution(s) introduced pursuant to this paragraph shall be retained by the Council.

(d) Failure of an ad hoc committee to file its report by the deadline provided in subsection (a)(7) of this section shall be construed as having failed to reach a decision.

**653. COUNCIL CONSIDERATION OF REPORT.**

(a)(1) If an ad hoc committee recommends censure or expulsion, the Chairman, or another Councilmember designated by the Chairman, shall hold a proceeding within 45 days after the ad hoc committee files its report pursuant to Rule 652.

(2) At least 30 days before the proceeding, the Secretary shall provide written notice of the proceeding to the accused or the accused's Council office, which shall include a copy of the report and resolution filed pursuant to Rule 652.

(3)(A) The Chairman, or another Councilmember designated by the Chairman, shall preside over the proceeding. At the beginning of the proceeding, the Chairman shall:

(i) Read the charges and specifications listed in the resolution filed pursuant to Rule 652(c)(2); and

(ii) Ask the accused how the accused answers—admit or deny—first to each specification, and then to each charge.

(B) If the accused admits all charges, no further action at the proceeding shall be required and the Council shall consider the resolution of censure or expulsion at the next legislative meeting.

(C) At the proceeding, the chairperson of the ad hoc committee, or the chairperson's designee, shall be given the opportunity to make an opening and a closing statement, to call witnesses, and to question any witnesses called by the accused; except, that nothing in this paragraph shall be construed to require the chair to present evidence against the accused at the proceeding.

(D) At the proceeding, the accused shall be given the opportunity to make an opening and a closing statement, to call witnesses on the accused's behalf, and to question any witnesses called by the chairperson of the ad hoc committee; except, that the accused shall have no right to have the Council compel the production of evidence or the testimony of witnesses.

(E) The accused may be represented by a person of the accused's choice, whether or not the person is an attorney at law, and may have that representative speak or question witnesses on the accused's behalf.

(F) The questioning or cross-examining of witnesses, if any witnesses testify, may be reasonably limited by the presiding member.

(G) If testimony is taken from witnesses, such testimony shall only be taken from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration.



## COUNCIL RULES, PERIOD XXVI

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

(4) The accused shall have no rights beyond those stated herein and the accused shall not be entitled to any process beyond notice and an opportunity to be heard.

(5)(A) Following the proceeding, the chairperson of the ad hoc committee shall request that the resolution of censure or expulsion be agendized for the next legislative meeting.

(B) During the consideration of a resolution of censure or expulsion, a Councilmember may offer an amendment to the resolution; except, that a resolution of censure may not be amended to impose expulsion.

(6) The accused shall be recused from voting on a resolution of expulsion.

(7) The accused may participate but shall not vote on a resolution of censure.

(b) Any other resolution pertaining to sanctions, introduced pursuant to Rule 652(c)(2), shall be placed on the agenda of a forthcoming legislative meeting by the Chairman.

### **654. REPRIMAND.**

(a) A reprimand is a formal statement of the Council officially disapproving the conduct of one of its members. A reprimand shall be directed to a particular member of the Council based on a particular action or set of actions that is determined to be in violation of the Council's Rules, law, or policy, or otherwise inappropriate, but is considered to be not sufficiently serious to require censure or expulsion.

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

### **655. CENSURE AND EXPULSION.**

(a)(1) 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 Councilmember committed a violation of a law or rule of a serious nature.

## COUNCIL RULES, PERIOD XXVI

(2) The Council may, by a 2/3rds vote of Councilmembers present and voting, adopt a resolution of censure if it finds, based on substantial evidence contained in the resolution or presented at the proceeding, that the Councilmember committed a violation of a law or rule of a serious nature.

(b)(1) 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 Councilmember committed a violation of law of the most serious nature, including a violation that substantially threatens the public trust.

(2) The Council may, by a 5/6 vote of Councilmembers, adopt a resolution of expulsion if it finds, based on substantial evidence contained in the resolution or presented at the proceeding, that the Councilmember committed a violation of law that amounts to a gross failure to meet the highest standards of personal and professional conduct.

(c) To protect the exercise of official Councilmember duties and the overriding principle of freedom of speech, the Council shall not impose censure or expulsion on any Councilmember for the exercise of the Councilmember's First Amendment right, no matter how distasteful the expression of that right was to the Council and the District.

(d) For the purposes of this section, the term "substantial evidence" means proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of censure or expulsion.

### **ARTICLE VII—BUDGET PROCEDURES.**

#### **A. BUDGET REVIEW PROCEDURES.**

##### **701. ROLE OF THE COMMITTEE OF THE WHOLE.**

The Mayor's annual proposed budget for the District government and any revised, supplemental, or deficiency budget submitted to the Council pursuant to section 442 of the Charter (D.C. Official Code § 1-204.42) shall be referred to the Committee of the Whole.

##### **702. BUDGET-REVIEW SCHEDULE.**

(a) The Budget Director, at the direction of the Chairman, shall prepare a budget-review schedule, including committee hearings; and other budget activities as necessary or appropriate.

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

**703. ROLE OF COUNCIL COMMITTEES.**

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

- (1) Holding public hearings;
- (2) Recommending funding and personnel levels for each agency;
- (3) Identifying additional budget needs not included in the committee's recommendation under paragraph (2) of this subsection, for which funding is sought;
- (4) Identifying legislative actions required to implement the committee's budget recommendations; and
- (5) Identifying issues for further analysis by the Mayor pursuant to section 442(a)(6) of the Charter (D.C. Official Code § 1-204.42(a)(6)).

(b)(1) Each standing committee shall hold a markup of its report of recommendations to the Committee of the Whole for the proposed budget for agencies within its purview, in accordance with report requirements issued by the Budget Director.

(2) The committee report of recommendations shall be balanced. No report shall result in a net increase in the total amount of the budget request for all agencies under its purview unless that report also identifies additional revenue sources, additional budget reductions, or both, within the committee's jurisdiction, sufficient to provide funding for the increase, except where another committee has directed funds to the committee.

(3) Each proposed subtitle in the committee report shall be within the purview of the committee.

(4) No amendment offered at markup shall have the effect of putting the committee budget recommendations out of balance.

(5) No transfers or substantive changes shall be made after the markup that were not approved at the markup.

(c)(1) Each standing committee shall submit its committee report to the Budget Director for certification by close of business the day before the Committee of the Whole working session.

(2) Following certification by the Budget Director, each committee shall file its report with the Secretary.

**704. COMMITTEE OF THE WHOLE CONSIDERATION OF PROPOSED BUDGET.**

(a) The Budget Director, upon receipt of committee reports and at the direction of the Chairman, shall prepare a summary of committee recommendations for presentation at a working session of the Committee of the Whole.

(b) Following the working session, the Budget Director, at the direction of the Chairman, shall prepare a draft report and print for the budget measures that includes the Chairman's recommendations. The report shall include a comparison of the budget levels recommended by committees with any changes recommended by the Chairman. The Committee of the Whole shall meet to consider and mark up the draft report and print.

(c) An amendment offered to a budget measure shall be accompanied by a fiscal impact statement and a legal sufficiency determination, as required by Rules 309 and 310, respectively. No amendment shall have the effect of putting the budget out of balance.

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

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

(b) An amendment offered to a budget measure shall be accompanied by a fiscal impact statement and a legal sufficiency determination, as required by Rules 309 and 310, respectively. No amendment shall be in order if it has the effect of putting the budget out of balance.

**B. REPROGRAMMING POLICY ACT PROCEDURES.**

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

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

**712. COMMITTEE REFERRAL OF REQUESTS.**

The Chairman may refer reprogramming requests for comments to the standing committee having oversight responsibility for the program or agency affected.

**713. CIRCULATION OF REQUESTS.**

The Secretary shall circulate a copy of a reprogramming request or a grant budget modification request within one business day after the filing of the request with the Secretary.

**714. PUBLICATION OF NOTICE.**

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

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

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

**715. WITHDRAWAL OF REPROGRAMMING REQUESTS.**

The Mayor may withdraw a reprogramming request or grant budget modification request at any time before the Council takes final action on the request, or before it takes effect without Council action.

**716. REQUIREMENTS FOR DISAPPROVAL OF REQUESTS.**

(a) To initiate disapproval of a reprogramming request or a grant budget-modification request, a Councilmember shall file a written notice of disapproval with the Secretary within 14 days after the Council receives the request. The Secretary shall circulate copies of the written notice of disapproval.

(b) If this notice is given, the Council may consider and take final action, as provided in this section, to disapprove the request within 30 calendar days after the Council receives the request.

**717. AUTOMATIC APPROVAL OF REQUESTS.**

If the notice of disapproval provided in Rule 716 is not given within 14 days after the Council receives the request, the reprogramming request or a grant budget modification request shall be deemed approved. If the notice is given as provided in Rule 716(a) and the Council does not take final action to disapprove the request as provided in Rule 716(b), the reprogramming request or a grant budget modification request shall be deemed approved.

**718. TRANSMITTAL TO MAYOR.**

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

**C. FUNDS CONTROL ACT PROCEDURES.**

[RESERVED].

**D. SPECIFIED FUNDING ALLOCATION PROCEDURES.**

**730. REQUIRED INFORMATION PRIOR TO APPROVAL.**

(a) To receive an earmarked grant through the budget process or a supplemental budget, each grantee, no later than 7 days following the inclusion of funding in the budget at first reading, or if applicable, at second reading, shall submit electronically to the Budget Director the following:

(1) The organization's Articles of Incorporation;

(2)(A) Internal Revenue Service certification that the organization is tax-exempt under 26 U.S.C. § 501(c)(3); or

(B) A notarized statement that the organization has filed for tax-exempt status and the application is still under consideration by the Internal Revenue Service;

(3)(A) The organization's most recent financial audit, not more than 2 years old; or

(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and that delineates its:

(i) Existing assets and liabilities;

(ii) Pending lawsuits, if any; and

(iii) Pending and final judgments, if any;

(4) The most recently filed Internal Revenue Service Form 990 or 990EZ covering one of the organization's most recently completed 2 fiscal years;

(5) A notarized statement from the grantee certifying that:

(A) The organization is current on District and federal taxes;

## COUNCIL RULES, PERIOD XXVI

(B) The Council of the District of Columbia is authorized to verify the organization's tax status with the District of Columbia Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the Council, the Mayor, and the Auditor;

(C) The organization focuses primarily on services to District of Columbia; and

(D) The District government shall have access to its financial, administrative, and operational records, including specific consent for the Auditor to access its books, accounts, records, findings, and documents related to the grant; and

(6) A comprehensive program statement that includes a detailed:

(A) Scope of work for the grant funds; and

(B) Budget that describes how the grant funds shall be spent.

(b) Nothing in this part shall be construed as waiving the requirements to submit information required of all grantees by the grantor agencies or organizations.

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

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

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

(2) The fiscal agent or fiscal sponsor shall be required to submit the following 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)(1) All earmarked grants shall be listed in the Budget Support Act to include the grantee name, grant amount, and purpose of the grant.

(2) Before the second reading of the Budget Support Act, the Council's Budget Director shall certify which grantees have met the requirements of subsection (a) of this section.



Any grantee that has not met the requirements shall be removed from the Budget Support Act on second reading and shall not receive funding through an earmarked grant.

(e) This part shall not apply to funds or grants provided to instrumentalities of the District or entities that are named in a Local Budget Act.

**731. [RESERVED].**

**732. LIMITS ON AWARD AMOUNTS.**

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

**733. AUDIT REQUIREMENTS.**

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

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

**734. DISCLOSURE REQUIREMENTS.**

Councilmembers and staff and the officers and directors of a proposed grantee shall disclose the existence of any personal, familial, or financial relationship between a Councilmember or staff and any officer or director of the grantee.

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

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

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

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

(a) A law, or provision of a law, that will be applicable subject to inclusion in a budget and financial plan that remains unfunded for 2 fiscal years shall be subject to repeal in the Budget Support Act on the third fiscal year following its enactment.



(b) The Budget Director shall prepare and submit a list of the laws, or provisions thereof, that meet the criteria for repeal to the Chairman that the Chairman may propose for approval by the Committee of the Whole for inclusion in the Budget Support Act.

## ARTICLE VIII—COUNCIL RECORDS

### A. COUNCIL RECORDS.

#### 801. RESPONSIBILITY FOR RECORDS.

(a) The Secretary shall maintain accurate and up-to-date Council records, described in Rules 806 and 807, and shall make the records available to the public.

(b) Each committee shall make records on legislation assigned to the committee and on other committee activities and shall file the records, when the record on a matter is closed post-hearing in accordance with Rule 532, with the Secretary. When records are in the custody of the committee, the committee shall make them available to the public.

#### 802. FORM FOR INTRODUCTIONS.

(a) Each measure shall be introduced in typewritten form, signed by the Councilmember introducing it, include a long title that summarizes 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.

(c) A Councilmember may withdraw as a co-introducer or a co-sponsor pursuant to Rule 402.

#### 803. REPORTS ON LEGISLATION.

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

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

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

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

## COUNCIL RULES, PERIOD XXVI

(1) A comprehensive section stating the measure's background, need, purpose, and effect. This section shall also include the committee's reasoning, analysis of relevant issues, legislative intent, and, if applicable, guidance on statutory construction;

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

(A) Of introduction;

Register;

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

Register;

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

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

adopted;

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

(3) The position of the Executive, if any, on the measure;

(4) The committee's response to the relevant recommendations 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 roundtable, or who submitted a statement for the record before close of the record, and a brief summary of each witness's position;

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

(7) A summary of the fiscal impact, including whether funds are sufficient to implement the legislation, and, if applicable, a summary of the tax abatement financial analysis conducted pursuant to D.C. Official Code § 47-4701;

(8) A summary of the racial equity impact, if an assessment has been provided pursuant to Rule 311, and the committee's response to the assessment;

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

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

(11) A summary of the committee's markup of the measure, including:

## COUNCIL RULES, PERIOD XXVI

(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; and

(12) The report adopted by the final committee in cases of a sequential referral may summarize paragraphs (2), (4), and (5) of this subsection, if the previous committee report (in the sequential referral) is included (with or without attachments).

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

(1) The measure, as introduced, along with any 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 Racial Equity Impact Assessment, if one has been issued pursuant to Rule 311;

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

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

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

(7) If reporting a bill repealing or amending existing law, a comparative print showing, by italic, underscore, strikethrough, or other typographical device, the changes proposed; except, that when a new section, or greater part is being added, such as a new chapter or title, a comparative print shall not be required but a reference to the new section or part shall be included in the committee report; and

(8) A committee print that states the number of the measure and, in the top left-hand corner of the measure, the name of the committee, the date of the committee markup, and the words "committee print".

(f) Each report prepared by the Committee of the Whole on a Council appointment to another body and each report prepared by another committee on a confirmation shall include a current resume of the nominee.

(g) As required by Rule 309, no measure may be approved by a committee without a fiscal impact statement on the measure that is included in the committee report at the time of its consideration.

(h) As required by Rule 310, no measure may be approved by a committee without a legal sufficiency determination on the measure that is included in the committee report at the time of its consideration.

(i)(1) A committee chairperson shall file a reported bill or resolution with the Secretary within 20 business days after committee action on the bill or resolution unless the committee votes to reconsider the bill or resolution.

(2) If a committee chairperson has failed to file a reported measure within the period of time specified in paragraph (1) of this subsection, the committee, by a majority vote of the members of the committee, may vote to have the measure as reported filed immediately with the Secretary, to be agendaized at the next scheduled Committee of the Whole meeting.

(j) This section shall not apply to a budget measure or an emergency or temporary measure.

(k) The Secretary shall determine whether the report complies with this section.

#### **804. SUPPLEMENTAL COMMITTEE REPORT.**

A committee may adopt a supplemental committee report on a measure that expounds on the intent of that measure and explains the reasoning for any amendments to the measure by the Council after the filing of the committee report on the measure. A supplemental committee report adopted by a Committee shall be filed with the Secretary.

#### **805. IDENTIFICATION OF COUNCIL DOCUMENTS.**

(a) Legislative documents shall be identified by a name that describes the type of document and a 2-part document number.

(b) Legislative documents shall be identified by the following names:

(1) A bill, whether permanent, temporary, or emergency, shall be known as a “Bill”;

(2) A resolution, before its adoption, shall be known as a “Proposed Resolution”;

(3) An enacted bill signed by the Mayor, a bill vetoed by the Mayor and approved by members of the Council, or an approved initiative certified by the Board of Elections shall be known as a “District of Columbia Act”;

## COUNCIL RULES, PERIOD XXVI

(4) An adopted resolution shall be known as a “Resolution”;

(5) A ceremonial resolution, whether proposed or adopted, shall be known as a “Ceremonial Resolution”;

(6) An act that has taken effect following a congressional review period shall be known as a “District of Columbia Law”;

(7) A proposed reorganization plan shall be known as a “Reorganization Plan”;

(8) A request for a reprogramming shall be known as a “Reprogramming Request”;

(9) A proposed state plan shall be known as a “Proposed State Plan”; and

(10) A request for a grant budget modification shall be known as a “Grant Budget Modification”.

(c) The Secretary shall assign 2-part numbers to Council documents identified in subsection (b) of this section in the order of introduction, filing, adoption, or approval. The first part of the number consists of the current Council Period, and the second part consists of a consecutive serial number beginning with the number “1” in each Council Period.

(d) A report on a measure or a topic shall be titled as a “Report on \_\_\_\_\_” (with the name to be filled in as appropriate under subsection (b) of this section). Titled reports shall be further identified by:

(1) A number corresponding to the number, if any, assigned to a measure; or

(2) If the report is not on a measure, a sequential number preceded by the year filed.

### **806. LEGISLATIVE FILES.**

(a) The Secretary shall maintain an official file on each bill and proposed resolution, which shall include the original of the following:

(1) The introduced version of the bill or proposed resolution;

(2) Any recordings, transcripts, or items submitted for the record of hearings on the legislation;

(3) The committee report on the legislation;

## COUNCIL RULES, PERIOD XXVI

- (4) Files transmitted from the committee regarding committee consideration of the bill or resolution;
- (5) Any amendments to the bill or proposed resolution presented in legislative meetings;
- (6) The engrossed and enrolled versions of the legislation;
- (7) Records of the publication and notice given of Council consideration of the legislation;
- (8) Records of official transmittal of the legislation to the Mayor, to Congress, or other agencies or entities as required by law or the legislation; and
- (9) Records from the Mayor, including vetoes and other statements transmitted to the Council by the Mayor, records from independent agencies or entities, such as the Office of the Chief Financial Officer and the Washington Metropolitan Area Transit Authority, and records from Congress or a member of Congress.

(b) The posting of draft measures and associated notices on the Council's website shall not be considered official documents unless expressly incorporated in the official file by the Secretary pursuant to subsection (a) of this section.

### **807. OTHER OFFICIAL RECORDS.**

The Secretary shall maintain other official Council records, including:

- (1) Transcripts and recordings of all legislative meetings;
- (2) Audio and video recordings and minutes of all committee meetings;
- (3) Audio and video recordings and documents submitted for the record of all legislative hearings;
- (4) Audio and video recordings and documents submitted for the record of investigative hearings, recordings and transcripts of depositions and other testimony taken in connection with investigations, and reports of investigations;
- (5) Records of all committee meetings to include the meeting agenda, the draft committee print considered at the meeting, and each amendment to a measure moved at the meeting; and
- (6) Any other document or record required by law or these Rules to be filed with the Council or with the Secretary.

**808. RECORDS OF LEGISLATIVE MEETINGS.**

A recording of each legislative meeting shall be produced and maintained by the Secretary. A written transcript or a transcription of each legislative meeting shall be made available upon request. The Council may establish a fee to cover the cost of production of any recording or transcript.

**809. COMMITTEE RECORDS.**

Whenever there is a change in the chairperson of a committee, the incumbent committee chairperson shall ensure that official committee files and records are maintained and transmitted to the incoming committee chairperson.

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

**811. FOIA PROCEDURES.**

(a) For the purposes of the Freedom of Information Act (D.C. Official Code § 2-531 *et seq.*) (“FOIA”), the General Counsel, or the General Counsel’s designee, shall be the Council’s FOIA Officer.

(b) To ensure accurate and timely compliance with FOIA, if a Councilmember, staff member, or Council office receives a request for information contained in a record or access to a record, the request shall be forwarded to the FOIA Officer within one business day after receipt. The FOIA Officer shall endeavor to provide documents under FOIA to requesters as soon as possible, and within the time period prescribed in D.C. Official Code § 2-532.

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

(2) For FOIA requests for public records within the control and possession of a Councilmember or Council office, the FOIA Officer shall instruct the subject to put a preservation hold on, to search for, and to provide copies of any public records responsive to the request to the FOIA Officer.

(3) For FOIA requests for public records in any electronic format, the FOIA Officer shall instruct the subject to put a preservation hold on such records responsive to the request.

(d)(1) Upon receipt of a written request for access to a record, the FOIA Officer shall make a good-faith effort to determine if the record requested is a public record and whether the Council possesses the identified record.

(2) If a requester specifically identifies a public record that is not in the possession of the Council and has made a reasonable showing that the record is in the possession of a Council employee, including the Chairman and each Councilmember, the FOIA Officer shall request that the employee search for and produce the public record believed to be in the employee's possession. An employee receiving a request under this paragraph shall make reasonable efforts to search for and produce the public record to the FOIA Officer within the time and in the form prescribed by the FOIA Officer and shall verify in writing that reasonable efforts were made.

(e) Before releasing any documents, emails, or materials, the FOIA Officer shall give the subject 2 business days to review the documents, emails, and materials, and to assert any legally cognizable privileges or statutory exemptions from disclosure for a specific document, email, or material.

(f) The General Counsel shall make the final determination on whether particular public records are responsive to the request and privileged or otherwise subject to disclosure.

(g) For the purposes of this rule, the term "public record" shall have the same meaning as provided in D.C. Official Code § 2-539.

#### **812. TRANSACTION OF PUBLIC BUSINESS BY ELECTRONIC FORMAT.**

A Council employee, including the Chairman and each Councilmember, shall use only the employee's government-provided email account, cellular phone, or tablet device to transact public business by email, text or other electronically transmitted message, including official action of any kind, unless the employee takes steps to ensure that any emails, text messages, or other electronically transmitted messages including those designed to disappear after a certain time period, sent or received on an account other than the email account, cellular phone, or tablet device provided by the government are otherwise incorporated into the Council's records in a text-searchable format.

#### **813. SERVICE OF PROCESS.**

(a) For the purpose of receiving legal correspondence (including summonses, complaints, and subpoenas), only the Secretary and the General Counsel, or their designees, may accept service of process for the Council or any Councilmember in an official capacity.

(b) To ensure timely responses to legal pleadings, and to timely assert the Council's legislative privilege for actions taken within the scope of a Member's legislative duties, the Office of the General Counsel shall be notified immediately of receipt of any legal correspondence, and such legal correspondence shall be transmitted to the Office of the General Counsel within one business day after receipt.



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

**ARTICLE IX—AUDITOR.**

**901. SELECTION.**

The Chairman shall nominate the Auditor, and the Council shall, by resolution, act on the nomination.

**902. TERM AND COMPENSATION.**

The Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Council.

**903. VACANCY.**

A vacancy in the Office of the Auditor shall be filled in the manner prescribed for full-term appointments to that office, and any person appointed to fill the vacancy shall serve until the end of the predecessor's term.

**904. STAFF.**

The Auditor shall appoint, remove, and set the relative remuneration, in accordance with the budget of the Office of the Auditor, of the Auditor's subordinate staff.

**905. REPORTS AVAILABLE TO THE PUBLIC.**

The Council shall make audit reports submitted to the Council by the Auditor, and any other material it deems pertinent to the report, available for public inspection.

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

**1001. PARLIAMENTARY AUTHORITY.**

Matters not covered by these Rules shall be governed by Mason's Manual of Legislative Procedure. It is the duty of the Chairman to interpret the Rules. Matters not covered by Mason's Manual of Legislative Procedure shall be determined by the Chairman subject to the right of a Member to appeal the Chairman's ruling. The Council recognizes the principle of *stare decisis* in resolving questions of order.

**1002. GENDER RULE OF CONSTRUCTION.**

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

**1003. SUSPENSION OF RULES.**

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

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

**1004. AMENDMENT OF RULES.**

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

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

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

**1005. EFFECTIVE PERIOD.**

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

**APPENDIX A.**

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

\_\_\_\_\_

(Address)

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

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

Chairman/Member of the Secretary to the Council

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

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

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

RETURN:

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

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

(Address) Washington, D.C.

DISTRICT OF COLUMBIA: SS

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

\_\_\_\_\_

NOTARY PUBLIC, D.C.

MY COMMISSION EXPIRES:

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

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