

COUNCIL OF THE DISTRICT OF COLUMBIA

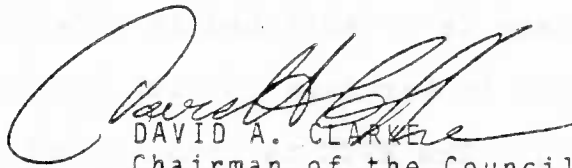
NOTICE

D.C. LAW 6-170

"Education in Partnership with Technology
Corporation Establishment Act of 1986".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-403 on first and second readings, September 23, 1986 and October 7, 1986, respectively. Following the signature of the Mayor on October 30, 1986, this legislation was assigned Act No. 6-219, published in the November 21, 1986, edition of the D.C. Register, (Vol. 33 page 7188) and transmitted to Congress on January 7, 1987 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-170, effective February 24, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7,8,9,12,13,14,15,16,20,21,22,23,26,27,28,29,30

February 2,3,4,5,6,9,10,11,17,18,19,20,23

D.C. LAW 6 - 170

EFFECTIVE DATE FEB 24 1987

AN ACT

D.C. ACT 6 - 219

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 30 1986

To establish the Education in Partnership with Technology Corporation as a nonprofit, quasi-public corporation for the purposes of strengthening educational opportunities for local residents, encouraging specialized training programs in the public schools and other educational institutions, and otherwise promoting cooperative efforts between education and technology.

Codification, New, Chapter 25 of title 3

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this bill may be cited as the "Education in Partnership with Technology Corporation Establishment Act of 1986".

Sec. 2. Education in Partnership with Technology Corporation established.

New, D.C. Cod sec. 31-2501 (1987 supp.)

There is established in the District of Columbia the Education in Partnership with Technology Corporation ("EPTC"). The EPTC is constituted as a quasi-public, nonprofit corporation organized for the purposes of:

(a) Planning and conducting activities that would develop and expand the technological and industrial job base of the District of Columbia;

(b) Encouraging specialized training programs in

the public schools, post-secondary school job training academies, and undergraduate and graduate college and university programs;

(c) Promoting the needs and demands of private industry and public institutions for sources of skilled labor.

Sec. 3. Functions.

New, D.C.
Code, sec.
31-2502
(1987 supp.)

In discharging its responsibilities under this act, the EPTC shall:

- (1) Create special projects to promote job training centers and programs;
- (2) Encourage training and personnel exchange programs;
- (3) Coordinate research and development with area colleges and universities, in particular the University of the District of Columbia, and technological and commercially-based institutions;
- (4) Advise and assist public and private educational institutions, government agencies, and scientific, technological and commercially-based institutions;
- (5) Issue within 90 days after the end of each fiscal year a detailed annual report, to be submitted to the Mayor, to the Council, and to the public, setting forth a description of the EPTC's operations and accomplishments

during the year, including an objective evaluation of the degree of success attained; and

(6) Make recommendations to the Mayor and to the Council and, where appropriate, to the Board of Education and to the University of the District of Columbia, to encourage the expansion of technology and industrial development within the District of Columbia.

Sec. 4. Private participation

New, D.C.
Code, sec.
31-2503
(1987 supp.)

Participation in the EPTC shall be open to all educational institutions operating within the District of Columbia; scientific, technological, and commercially-based institutions; and related service, legal, and financial institutions. Private members shall be encouraged to contribute a percentage of their annual research and development expenditures to the EPTC activities, as determined by the EPTC Board of Directors.

Sec. 5. Board of Directors; composition; appointment; term of office; vacancies; quorum.

New, D.C.
Code, sec.
31-2504
(1987 supp.)

(a) The EPTC shall be governed by a board of directors ("Board"), that shall be comprised of 23 members.

(1) There shall be 7 ex-officio members, each of whom may designate a representative to perform the member's respective duties and powers under this act including the power to vote, as follows:

(A) The Chairperson of the Board of Trustees

of the University of the District of Columbia;

(B) The President of the Board of Education;

(C) The Deputy Mayor for Economic

Development;

(D) The Chairman of the District of Columbia
Private Industry Council;

(E) The Director of the Department of
Employment Services;

(F) The Executive Director of the Office of
Business and Economic Development; and

(G) The Executive Director of the Minority
Business Opportunity Commission.

(2) There shall be 16 members appointed by the
Mayor of the District of Columbia with the advice and
consent of the Council of the District of Columbia. These
members shall have executive management experience in a
scientific, technological, or commercially-based institution
or a related educational, service, legal, or financial
institution and shall be presently associated with 1 or more
of these institutions. At least 1 member shall be a
representative of higher education.

(b)(1) Each member of the Board shall serve for a term
of 4 years, except that of the members first appointed
pursuant to subsection (a)(2) of this section, 4 shall serve
for a term of 4 years, 4 shall serve for a term of 3 years,

4 shall serve for a term of 2 years, and 4 shall serve for a term of 1 year as determined by the Mayor.

(2) The terms of the members 1st appointed shall be deemed to begin on the date when the 12th member takes office and thereafter all terms shall begin regularly on the anniversary date established by the initial appointment of the 12th member.

(c) Each member of the Board may be removed by the member's appointing authority for inefficiency, neglect of duty, or misconduct in office after having been given a copy of the charges against the member and an opportunity to be heard in person or by counsel in the member's defense upon not less than 10 days notice.

(d) A vacancy on the Board shall be filled in the same manner as the original appointment. Any person appointed to fill a vacancy caused by a reason other than the expiration of a member's term shall serve only for the remainder of the unexpired term. Upon the expiration of a member's term, the member shall be eligible for reappointment. The directors shall elect annually 1 of their members as chair and as vice-chair and shall designate a secretary-treasurer who shall keep the records of the EPTC and shall be the custodian of all books, records, documents, papers filed with the EPTC, the minute books of the EPTC, and its official seal.

(e) A member may serve as a member of the Board after the expiration of the member's term until the member's successor has been appointed to office, but may not serve as chairperson or vice-chairperson of the Board during the holdover period.

(f) A majority of the members of the Board of the EPTC shall constitute a quorum.

(g) Each member of the Board, except one who is a full-time employee of the District of Columbia, may be reimbursed for actual and necessary expenses incurred in the performance of official duties and may be compensated for each day, or part thereof, for time expended in the performance of official duties pursuant to section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-612.8(b)).

Sec. 6. Powers of the EPTC.

The EPTC shall have the power to:

- (1) Adopt an official seal;
- (2) Sue and be sued in its own name;
- (3) Adopt, amend, and repeal bylaws, rules, and

regulations to carry out its purposes under this act pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.);

New, D.C.
Code, sec.
31-2505
(1987 supp.)

(4) Make and enter into contracts and agreements necessary or convenient for the exercise of its powers and functions, including agreements with any person, District agency, or federal agency;

(5) Plan, develop, undertake, and operate projects;

(6) Acquire, purchase, hold, use, lease, or otherwise dispose of in its own name any project and property, real or personal, tangible or intangible, or any interest necessary or desirable for carrying out the purposes of this act;

(7) Select, employ, and fix the compensation for an executive director, and for other agents and professional and business advisors as may be necessary;

(8) Appear in its own behalf before boards, commissions, departments, or agencies of the federal or District governments;

(9) Procure insurance or self-insure against any loss in connection with its property or other assets. Whatever means the Board uses to insure its activities, the Board shall assure that the insurance is adequate to protect the interests of the District, the Board, Board members, and employees of the EPTC;

(10) Apply for, receive, and accept from any federal or District agency grants, loans, or advances for or

in aid of the purposes of this act, and receive and accept contributions from any source of money, property, labor, or other things of value to be held, used, and applied for these purposes;

(11) Set membership fees and qualifications, as appropriate;

(12) Fix, determine, charge, and collect any fees, charges, costs, and expenses for the use of projects of, or services rendered by, the EPTC, at rates to be determined by, the EPTC for payment of these services and in accordance with regulations adopted by the Board pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.);

(13) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement in any investments that are lawful for fiduciaries in the District of Columbia and that comply with the Prohibition of Investment of Public Funds in Financial Institutions and Companies Making Loans to or Doing Business with the Republic of South Africa or Namibia Act of 1983, effective March 8, 1984 (D.C. Law 5-50; D.C. Code, sec. 1-721 et seq.);

(14) Encourage the development of programs, alone or in conjunction with any person, District agency, or

federal agency, for scientific and technological research, management, in-service training, or continuing education at any post-secondary institution or higher education institution located in the District of Columbia;

(15) Acquire, in its own name, a propriety interest in any patent, copyright, or trademark developed through an EPTC program and receive, administer, and market this interest;

(16) Solicit, study, and assist in the preparation of business plans and proposals of new or established technologically oriented businesses suitable for support by the corporation;

(17) Prepare, publish, and distribute, with or without charge as the Board may determine, technical studies, reports, bulletins, and other materials as it deems appropriate, subject only to the maintenance and respect for confidentiality of client proprietary information;

(18) Organize, conduct, sponsor, or cooperate in and assist the conduct of special institutes, conferences, demonstrations, and studies relating to the stimulation and formulation of technologically oriented business and industry endeavors; and

(19) Do any and all things necessary or convenient to carry out the purposes of this act and to exercise the powers expressly granted in this act.

Sec. 7. Duties and responsibilities; authorizations; promulgation of rules.

New, D.C.
Code, sec.
31-2506
(1987 supp.)

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

(1) The Board shall adopt and publish internal operating rules for the conduct of Board meetings.

(2) The Board shall develop and establish not later than 3 years after the effective date of this act a personnel system by rule, setting forth minimum standards for all employees including but not limited to pay, contract terms, vacations, leave, retirement, residence, health and life insurance, employee disability and death benefits, not later than 3 years after the effective date of this act. The Board shall adopt interim personnel rules and regulations until a personnel system is established.

(3) The Board shall select, employ, and fix the compensation for staff of the Board as it deems necessary. All staff shall serve at the pleasure of the Board.

(4) The Board shall prepare and submit a budget to the Mayor for inclusion in the annual budget presentation. The annual budget presentation shall include a request for any funds as may be required to plan, promote, and prepare for the activities of the EPTC, anticipated income, expenses and capital outlays (including a capital improvement plan), all Board expenses, and a listing of all

agreements and contracts entered into by the Board in excess of \$25,000.

(5) Pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), the Board shall issue rules and establish policies for contracting and procurement. The rules shall also provide for the participation of minorities and locally based businesses in accordance with the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code, sec. 1-1141 et seq.), and shall be consistent with all laws of the District of Columbia pertaining to contracting and procurement.

(6) The Board shall establish an accounting and financial reporting system compatible with the financial management system of the District of Columbia.

(7) The Board shall advise the Mayor and the Council of all property acquired or disposed of by the Board.

(8) The Board shall issue, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), rules governing the Board's property management function.

(b) All proposed rules of the Board shall be issued

under the provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.). After the proposed rules have been published, the Board should submit them to the Mayor and to the Council for a 30-day period review, excluding Saturdays, Sundays, holidays, and days of Council recess. The Council may approve the proposed rules or may disapprove the proposed rules in whole or in part by resolution. Any rule not disapproved by the Council at the expiration of the 30-day review period shall be deemed approved and shall be published by the Board as final in the District of Columbia Register.

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

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

Sec. 8. Conflict of interest.

The EPTC may purchase from, sell to, borrow from, loan to, contract with, or transact business with any corporation or other legal entity of which any director of the EPTC is also a member or officer, if the interest of the director in the corporation or legal entity is disclosed in advance to members of the Board and recorded in the minutes of the EPTC. No director having such an interest may participate in any decision affecting the transaction.

Sec. 9. Capitalization.

New, D.C. Cod
sec. 31-2508
(1987 supp.)

The EPTC shall be capitalized as follows:

(1) There is authorized to be appropriated out of revenues available to the District, for use of the EPTC, the sum of \$100,000 in each of the first 3 years of the EPTC's operation, for a total of \$300,000 over the 3-year period. These funds shall be in addition to all other funds received by the EPTC pursuant to this section and section 6.

(2) The EPTC, in consultation with the Mayor, may solicit, receive, accept, and expend contributions and grants from private sources to be used as part of the EPTC's operating capital. The EPTC shall seek to obtain \$100,000 or more in private funds in each of the first 3 years of operation for the purpose of increasing its operating capital beyond the level provided in subsection (a) of this section.

(3) Notwithstanding subsections (a) and (b) of this

section, during the first year of the EPTC's operation there is authorized to be appropriated any available funds, not to exceed a total of \$50,000, to be used to provide a long-term loan, grant, or other form of start-up assistance to the EPTC.

(4) No public funds, other than the funds, not to exceed \$50,000, to be appropriated during the first year of the EPTC's operation, may be expended on the activities of the EPTC until a commitment for funding from private sources, at levels satisfactory to the Council, has been received by the Chairman of the Council and circulated to all Councilmembers prior to Council action on the appropriation.

Sec. 10. Exemption from District of Columbia taxes and assessments. New, D.C.
Code, sec.
31-2509
(1987 supp.)

Since the exercise of powers granted by this act will be in all respects for the benefit of the people of the District of Columbia, and since the operation and maintenance of projects and programs by the EPTC in furtherance of the purposes of the EPTC is deemed to constitute the performance of essential governmental functions, the EPTC shall not be required to pay any District of Columbia taxes or assessments upon any project or any property acquired or used by the EPTC under the provisions of this act or upon income derived from the

projects or property. This provision shall not be construed to:

(1) Exempt the EPTC from collecting sales tax from a purchaser on the sale of tangible personal property or services, and the remittance of this tax in accordance with section 125 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2001 et seq.); or

(2) Exempt persons conducting a business on the premises of an EPTC facility from any taxes otherwise required to be paid.

Sec. 11. Annual audit; report.

(a) The Auditor of the District of Columbia shall examine annually and as appropriate all accounts and records of financial transactions of the EPTC, including its receipts, income from whatever source derived, disbursements, contracts, agreements, resources, and any other matter relating to its financial operations and standings, in accordance with the provisions of section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774; D.C. Code, sec. 47-117).

(b) A report of all audits shall be submitted to the Mayor and to the Council.

Sec. 12. Employee requirements.

New, D.C.
Code, sec.
31-2510
(1987 supp.)

New, D.C.
Code, sec.
31-2511
(1987 supp.)

(a) Any person, not a bona fide resident of the District of Columbia, who applies for a position with the EPTC and who accepts appointment or is hired to fill a position with the EPTC, shall become a bona fide resident of the District within 180 days of the effective date of the appointment or installation and shall maintain residence in the District of Columbia for the duration of the employment or term of office. Twelve of the 16 members of the Board appointed by the Mayor under section 5(a)(2) must be residents of the District of Columbia and shall maintain residency in the District of Columbia for the duration of the term of office. Four may be non-residents. Any person who is a resident of the District of Columbia on the date of appointment or on the date of taking office shall maintain the residency for the duration of the employment or term of office. Failure to become a District resident, or to maintain District residency, as provided in this section, shall result in the forfeiture of the position to which the person has been appointed or in which the person has taken office.

(b) With the exception of titles V and XVII, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), shall not apply to employees of the EPTC.

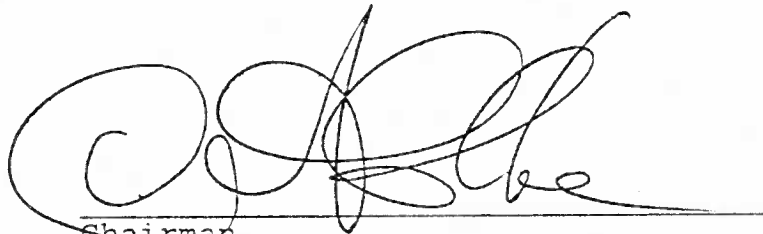
Sec. 13. Title to property upon dissolution.

Upon dissolution of the EPTC, title to all property held in the name of the EPTC shall vest in the District of Columbia.

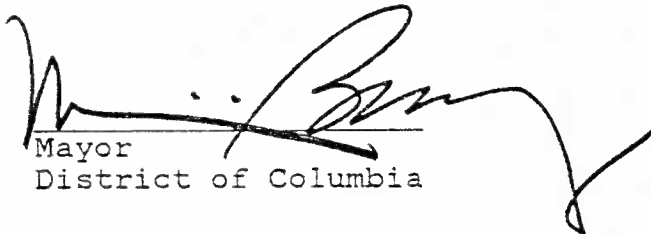
New, D.C.
Code, sec.
31-2512
(1987 supp.)

Sec. 14. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

Approved October 30, 1986



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-403

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-23-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell J. Smith
Secretary to the Council

10/15/86
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-7-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Kane and Mason

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell J. Smith
Secretary to the Council

10/15/86
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date