

COUNCIL OF THE DISTRICT OF COLUMBIA

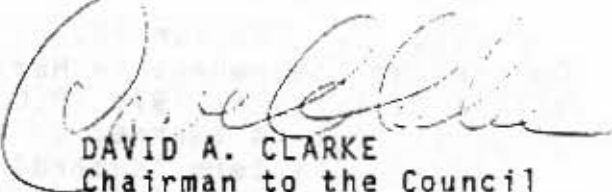
NOTICE

D.C. LAW 7-201

"Confirmation Procedures and Sanctions Amendment  
Act of 1988".

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. 7-95 on first and second readings November 15, 1988, and November 29, 1988, respectively. This legislation is deemed approved without the signature of the Mayor on December 23, 1988, pursuant to Section 404(e) of "the Act", and was assigned Act No. 7-271 published in the January 13, 1989, edition of the D.C. Register, (Vol. 36 page 248) and transmitted to Congress on January 23, 1989 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 7-201, effective March 16, 1989.

  
DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24,25,26,27,30,31  
February 1,2,3,6,7,8,9,21,22,23,24,27,28  
March 1,2,3,6,7,8,9,10,13,14,15

REACTIVE MAR 16 1989

CODIFICATION,  
District of Columbia  
(1989 Supp.)

AN ACT

D.C. ACT 7 - 271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 23 1988

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify provisions relating to the confirmation of subordinate agency heads; to provide sanctions for the failure of the Mayor of the District of Columbia to transmit nominations of persons subject to confirmation to the Council of the District of Columbia within 90 days of vacancies; to clarify the relationship between the District of Columbia Government Comprehensive Merit Personnel Act of 1978 and the Governmental Reorganization Procedures Act of 1981; and to authorize the Mayor to withdraw reorganization plans after submission to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Confirmation Procedures and Sanctions Amendment Act of 1988".

Sec. 2. Section 301(q) 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. 1-603.1(17)), is amended to read as follows:

Section 1-6

"(q) The term "subordinate agency" means any agency under the direct administrative control of the Mayor, including, but not limited to, the following:

- "(1) Office of Operations (Mayor's Order 83-17);
- "(2) Office of Economic Development (Mayor's Order 83-18);
- "(3) Office of Financial Management (Mayor's Order 83-19);
- "(4) Office of the Corporation Counsel (Reorganization Order 50);
- "(5) Department of Corrections (Organization Order 7);
- "(6) Department of Public Works (Reorganization Plan No. 4 of 1983);

- "(7) Department of Finance and Revenue (Commissioner's Order 69-96);
- "(8) Fire Department (Reorganization Order 6);
- "(9) Department of Administrative Services (Reorganization Plan No. 5 of 1983);
- "(10) Department of Housing and Community Development (Reorganization Plan 3 of 1975);
- "(11) Department of Public & Assisted Housing (Reorganization Plan No. 1 of 1987)
- "(12) Metropolitan Police force, established pursuant to An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Code, sec. 4-107);
- "(13) Department of Recreation (Organization Order 10);
- "(14) Department of Human Services (Reorganization Plan No. 2 of 1979 and Mayor's Reorganization Plan No. 3 of 1986), including:
  - (A) The Commission on Social Services;
  - (B) The Commission on Public Health; and
  - (C) The Commission on Mental Health;
- "(15) Department of Employment Services (Reorganization Plan No. 1 of 1980);
- "(16) Department of Consumer and Regulatory Affairs (Reorganization Plan No. 1 of 1983);
- "(17) Office of Emergency Preparedness (Commissioner's Order 74-261);
- "(18) Office of Human Rights (Commissioner's Order 71-224);
- "(19) Office of Personnel, established pursuant to section 402 of the District of Columbia Government Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-604.2);
- "(20) Office of Latino Affairs, established pursuant to section 301 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Code, sec. 1-2311);
- "(21) Office on Aging, established pursuant to section 301 of the District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Code, sec. 6-2211);
- "(22) Board of Appeals and Review (Organization Order 112);
- "(23) Board of Parole (Organization Order 6);
- "(24) Commission for Women (Organization Order 38);
- "(25) Office of Business and Economic Development, established pursuant to section 3 of the District of Columbia Business and Economic Development Act

of 1976, effective March 29, 1977 (D.C. Law 1-97; D.C. Code, sec. 1-2202);

"(26) Office of the Secretary of the District of Columbia (Mayor's Order 84-77);

"(27) Office of Inspector General, established pursuant to section 208 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1182.8);

"(28) Office of Policy (Mayor's Order 87-2);

"(29) Office of Program Evaluation (Mayor's Order 87-2);

"(30) Office of Cable Television, established pursuant to section 6 of the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code, sec. 43-1805);

"(31) Office of Housing Reorganization (Mayor's Order 86-101);

"(32) Commission on Asian and Pacific Islander Affairs (Mayor's Order 86-130);

"(33) Office of Communications (Mayor's Order 87-75);

"(34) Office of the Budget (Mayor's Order 79-5);

"(35) Office of Documents, established pursuant to section 2(b) of the District of Columbia Office of Documentments Act, effective March 6 1979 (D.C. Law 2-153; D.C. Code, sec. 1-1611(b));

"(36) Office of Banking and Financial Institutions, established pursuant to section 3a(a)(1) of the District of Columbia Regional Interstate Banking Act of 1985, effective November 23, 1985 (D.C. Law 6-63; D.C. Code, sec. 26-802.1(a)(1)); and

"(37) Office of International Business (Mayor's Order 87-262).

Sec. 3. The Confirmation Act of 1978, effective March 2, 1979 (D.C. Law 2-142; D.C. Code, sec. 1-633.7) is amended to read as follows:

Section 1-6

"(a) The Mayor shall nominate persons to serve as subordinate agency heads in the Executive Service established by Title X 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. 1.611.1 et seq.), subject to the advice and consent of the Council within 180 calendar days of the date of the establishment of a subordinate agency or the date of a vacancy, whichever is applicable. A nomination shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination by resolution within

this 90-day review period, this nomination shall be deemed approved.

"(b) If the Mayor fails to nominate a person as required by subsection (a) of this section, no District funds may be expended to compensate any person serving in the position until the Mayor has submitted a nomination to the Council.

"(c) The designation of an acting subordinate agency head shall not suspend the requirements of subsections (a) and (b).

"(d) The provisions of this section shall apply to all 15 members of the Board of Appeals and Review, to nominees to the Public Employee Relations Board and to the Office of Employee Appeals.

"(e) The provisions of this section shall not be affected by any provision in the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 et seq.)."

Sec. 4. The Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 et seq.), is amended as follows:

(a) Section 5 (D.C. Code, sec. 1-299.4) is amended by Section 1-299 adding a new subsection (d) to read as follows:

"(d) Unless the Council has adopted a disapproval resolution by the time of the request, the Mayor may by written request transmitted to the Chairman of the Council withdraw a reorganization plan prior to the expiration of the 60-day review period."

(b) Section 7 (D.C. Code, sec. 1-299.6) is amended to Section 1-299 read as follows:

The Mayor shall annually submit to the Council, on or before February 1st for a 45-day period of review, a revised chart detailing the organization and structure of the District government that shall reflect any reorganization plans or legislative changes relating to the structure of the District government. If the Council does not approve or disapprove the chart, by resolution, within a 45-day review period, excluding Saturdays, Sundays, holidays and days of Council recess, the chart shall be deemed approved."

Sec. 5. Subsection 208(a) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1182.8(a)) is amended as follows: Section 1-118

(a) By amending paragraph (a)(1) to read as follows:

"(a)(1) There is created within the executive branch of the District government the Office of the Inspector General. The office shall be headed by an Inspector General who shall be appointed by the Mayor with the advice and



consent of the Council, without regard to party affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial management analysis, public administration, or investigations. The Inspector General shall be a lawyer admitted to practice in the District of Columbia. The Inspector General shall serve for a term of 4 years, but in no event shall that term extend for more than 3 months beyond the term of the Mayor who appointed him or her. The Inspector General shall be subject to removal for cause only."

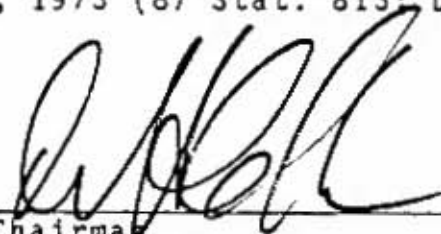
(b) By striking the word "and" after paragraph "D";

(c) By striking the period after subparagraph (E) and inserting the phrase "; and" in its place; and

(d) By adding a new subparagraph (F) to read as follows:

"(F) Forward to the Mayor and the appropriate authority any evidence of criminal wrongdoing, that is discovered as a result of any investigation or audit conducted by the office."

Sec. 6. 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

Not Signed

Mayor  
District of Columbia

DEEMED APPROVED WITHOUT  
SIGNATURE UPON EXPIRATION  
OF 10-DAY MAYORAL REVIEW

APPROVED: December 23, 1988



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B7-95

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-15-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Smith

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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

12-2-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-29-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Rolark

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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

[Signature]  
Secretary to the Council

12-2-88  
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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
Date