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Chairman Phil Mendelson

at the request of the Board of Ethics

and Government Accountability

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Chairman Phil Mendelson, at the request of the Board of Ethics and Government Accountability, introduced the following bill, which was referred to the Committee on \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

To amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to establish the Office of Government Ethics and to provide that the Ethics Board shall prepare and submit an annual budget; to amend the Open Meetings Act to make technical amendments; and to amend the Open Government Office Act to provide that the Director of the Open Government Office shall be employed by, and serve at the pleasure of, the Ethics Board and to establish the Open Government Office Fund.

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

That this act may be cited as the “BEGA Amendment Act of 2017”.

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 202(a)(3) (D.C. Official Code § 1-1162.02(a)(3)) is amended by striking the phrase “Director of the Ethics Board;” and inserting the phrase “Director of the Ethics Board (Director of Government Ethics);” in its place.

(b) A new section 205a is added to read as follows:

“Sec. 205a. Establishment of the Office of Government Ethics.

“The Office of Government Ethics is established within the Ethics Board. The Office of

Government Ethics shall be headed by the Director of Government Ethics appointed pursuant to

section 206.”.

(c) Section 206(a) (D.C. Official Code § 1-1162.06(a)) is amended to read as follows:

“(a) The Ethics Board shall select, employ, and fix the compensation for a Director of

Government Ethics and such staff as the Ethics Board considers necessary, subject to the pay

limitations of section 117 of the Merit Personnel Act. The Director of Government Ethics shall

serve at the pleasure of the Ethics Board and shall serve as the agency Director and perform such other duties as may be delegated or assigned by regulation or by order of the Ethics Board. The Ethics Board shall provide to the Director of Government Ethics employees to carry out the powers and duties of the Director of Government Ethics.Employees assigned to the Director of Government Ethics, while so assigned, shall be under the direction and control of the Director of Government Ethics and may not be reassigned without the concurrence of the Director of Government Ethics.”.

(d) Section 207(a) (D.C. Official Code § 1-1162.07(a)) is amended to read as follows:

“(a) The Ethics Board shall prepare and submit to the Mayor, for inclusion in the

annual budget of the District of Columbia under part D of Title IV of the Home Rule Act for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Ethics Board for the year. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to sections 446 and 603(c) of the Home Rule Act, in addition to the Mayor’s recommendations.”.

Sec. 3. The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350;

D.C. Official Code § 2-571 *et seq*.), is amended as follows:

1. Section 409(b) (D.C. Official Code § 2-579(b)) is amended to read as follows:

“(b) In any lawsuit filed under this section, the burden shall be on the public body to sustain its action or proposed action. The court shall determine the matter de novo and may examine the record of a closed meeting to determine whether this title has been violated.”.

1. Section 409(c) (D.C. Official Code § 2-579(c)) is amended by striking the phrase

“subsection (d) of this section,” in the lead-in language and inserting the phrase “this title,” in its place.

Sec. 4. The Open Government Office Act, effective March 31, 2011 (D.C. Law 18-350;

D.C. Official Code § 2-591 *et seq*.), is amended as follows:

(a) Section 502 (D.C. Official Code § 2-592) is amended to read as follows:

“Sec. 502. Establishment of the District of Columbia Open Government Office.

“The District of Columbia Open Government Office (“Open Government Office”) is

established within the Board of Ethics and Government Accountability (“Ethics Board”) to promote open governance in the District of Columbia. All assets, staff, and unexpended appropriations of the Open Government Office shall be transferred to the Ethics Board.”.

(b) Section 504 (D.C. Official Code § 2-594) is amended to read as follows:

“Sec. 504. Director.

“(a) The Open Government Office shall be headed by a Director. The Ethics Board shall select, employ, and fix the compensation for the Director and such staff as the Ethics Board considers necessary, subject to the pay limitations of section 117 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.17). The Director shall serve at the pleasure of the Ethics Board and shall perform such duties as may be delegated or assigned by regulation or by order of the Ethics Board. The Ethics Board shall provide to the Director employees to carry out the Director’s powers and duties.Employees assigned to the Director, while so assigned, shall be under the direction and control of the Director and may not be reassigned without the concurrence of the Director.

“(b) The Director of the Open Government Office shall be a District resident and failure to maintain District residency shall result in forfeiture of the position.”.

1. A new section 505 shall be added to read as follows:

“Sec. 505. Open Government Office Fund.

“(a) There is established as a nonlapsing fund the Open Government Office Fund (“Fund”), which shall be administered by the Ethics Board. The funds in the Fund shall be used exclusively by the Ethics Board. All fines collected under section 409 shall be deposited into the Fund.

“(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in this title and Title IV without regard to fiscal year limitation, subject to authorization by Congress.”.

Sec. 5. Applicability.

Amendatory section 504 of the Open Government Office Act, effective March 31,

2011 (D.C. Law 18-350; D.C. Official Code § 2-594), within section 4(b), shall apply upon the end of the current 5-year term of the Director of the Open Government Office or at such

time as the Director may earlier leave office.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.