ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-285

"Confirmation Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-261 on first and second readings, November 10, 1998 and December 01, 1998, respectively. On December 29, 1998, Bill 12-261 was vetoed by the Mayor. The Council overrode the Mayor's veto on January 5, 1999. As a result of the Council's override Bill 12-261 was assigned Act 12-622 and it was published in the February 19, 1999 edition of the D.C. Register (Vol. 46, page 1335). The Act was transmitted to Congress on February 10, 1999 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day

Congressional review period has expired, and the Act is now D.C.Law 12-285,

effective June 12, 1999.

Andre W. Curff

LINDA W. CROPP Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Feb. 10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19,20,21,22,26,27,28,29,30

May 3,4,5,6,10,11,12,13,14,17,18,19,20,24,25,26,27

June 7,8,9,10,11

AN ACT

D.C. ACT 12-622

Codification
District of
Columbia
Code
1999 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 5, 1999

To amend the Confirmation Act of 1978 to reorganize existing statutory language governing Mayoral appointments of subordinate agency heads, to ban acting appointments to boards and commissions, to create time limits for Council consideration of appointments to boards and commissions, and to exempt certain boards and commissions from the confirmation process.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Confirmation Amendment Act of 1998".

- Sec. 2. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Code § 1-633.7), is amended to read as follows:
- "(a) The Mayor shall nominate persons to serve as subordinate agency heads in the Executive Service established by section 1001 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-611.1), subject to the advice and consent of the Council, within 180 calendar days of the date of the establishment of the subordinate agency or the date of a vacancy. 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, the nomination shall be deemed confirmed.

"(1) If the Mayor fails to nominate a person within 180 days of the establishment of the subordinate agency vacancy or the date of vacancy, no District funds may be expended to compensate any person serving in the position.

- "(2) The Mayor may designate an acting subordinate agency head, but this designation shall not suspend the requirements of this section.
- "(b) The Mayor shall not appoint board or commission members to serve in a position that the law requires to be filled by Mayoral appointment with the advice and consent of the Council.
- "(c) No person shall serve in a hold-over capacity for longer than 180 days after the expiration of the term to which he or she was appointed, in a position that is required by law to

Section 1-633.7

be filled by Mayoral appointment with the advice and consent of the Council including to positions on boards and commissions.

- "(d) The provisions of this section shall not be affected by any provision in the Governmental Reorganization Procedures Act of 1981, effective Oct. 17, 1981 (D.C. Law 4-42, § 1-299.1 et seq.).
- "(e) Notwithstanding any other provision of law, the Mayor shall transmit to the Council, for a 90-day period of review, excluding days of Council recess, nominations to the boards and commissions listed in paragraphs (1)-(24) of this subsection. If the Council does not approve by resolution within the 90-day period a nomination to these boards or commissions, the nomination shall be deemed disapproved.
- "(1) The Alcoholic Beverage Control Board, established by section 4(a) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 321; D.C. Code § 25-104(a));
- "(2) The District of Columbia Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Code § 37-104);
- "(3) The Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Code § 31-1511);
- "(4) The Board of Zoning Adjustment, established by section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 797; D.C. Code § 5-424);
- "(5) The Citizen Complaint Review Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, signed by the Mayor on October 16, 1998 (D.C. Act 12-495; to be codified at D.C. Code § 4-914);
- "(6) The Contract Appeals Board, established by section 901 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1189.1);
- "(7) The District of Columbia Board of Elections and Ethics, established by section 3 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Code § 1-1303);
- "(8) The District of Columbia Commission on Human Rights, established by Commission on Human Rights Order, issued July 8, 1971 (C.O. 71-224);
- "(9) The Health and Hospitals Public Benefit Corporation Board of Directors, established by section 203 of the Health and Hospitals Public Benefit Corporation Act of 1996, effective April 9, 1997 (D.C. Law 11-212; D.C. Code § 32-262.3);
- "(10) The District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective

- March 3, 1979 (D.C. Law 2-135; D.C. Code § 45-2112);
- "(11) The District of Columbia Lottery and Charitable Games Control Board, established by section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code § 2-2501);
- "(12) The District of Columbia Sports Commission Board of Directors, established by section 5 of the Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Code § 2-4004);
- "(13) The Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Code § 5-1003);
- "(14) The Metropolitan Washington Airports Authority Board of Directors, established by section 6007(e) of the Metropolitan Washington Airport Act of 1986, approved October 30, 1986 (100 Stat. 3341; D.C. Code § 7-1506(e));
- "(15) The National Capital Revitalization Corporation Board, established by section 4 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; to be codified at D.C. Code § 1-2295.3);
- "(16) The Office of Employee Appeals, established by section 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-606.1);
- "(17) The Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-605.1);
- "(18) The Public Service Commission, established by paragraph (97) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 995; D.C. Code § 43-401);
- "(19) The Rental Housing Commission, established by section 201 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 45-2511);
- "(20) The Washington Convention Center Authority Board of Directors, established by section 202 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Code § 9-803);
- "(21) The Water and Sewer Authority Board of Directors, established by section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 43-1674);
- "(22) The Zoning Commission for the District of Columbia, established by section 1 of An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved December 24,

- 1973 (87 Stat. 810; D.C. Code § 5-412);
- "(23) The Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code § 1-1143);
- "(24) The District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code § 40-1704).
- "(f) Notwithstanding any other provision of law, the Mayor shall transmit to the Council, for a 45-day period of review, excluding days of Council recess, nominations to the boards and commissions listed in paragraphs (1)-(35) of this subsection. The Council shall be deemed to have approved a nomination under this subsection if during the 45-day period, no member introduces a resolution disapproving the nomination. If a member introduces a resolution disapproving the nomination within the 45-day period, the Council shall have an additional 45 days, excluding days of Council recess, to disapprove the nomination by resolution, or it will be deemed approved.
- "(1) The Apprenticeship Council, established by section 2 of An Act To provide voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Code § 36-402);
- "(2) The Armory Board, established by section 2 of An Act To establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code § 2-302);
- "(3) The Board of Appeals and Review, established by Mayor's Order 94-115, issued May 9, 1994 (41 DCR 2864);
- "(4) The Board of Dentistry, established by section 201 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.1);
- "(5) The Board of Medicine, established by section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.3);
- "(6) The Board of Nursing, established by section 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.4);
- "(7) The Board of Nursing Home Administration, established by section 205 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.5);
- "(8) The Board of Psychology, established by section 211 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.11);
 - "(9) The Board of Real Property Assessments and Appeals, established by

- section 47-825.1 of the District of Columbia Code;
- "(10) The Child Support Guideline Commission, established by section 16-916.2 of the District of Columbia Code;
- "(11) The Commission on the Arts and Humanities, established by section 4(a) of the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Code § 31-2003(a));
- "(12) The District of Columbia Boxing and Wrestling Commission, established by section 5 of the District of Columbia Boxing and Wrestling Commission Act, effective October 5, 1975 (D.C. Law 1-20; D.C. Code § 2-604);
- "(13) The Multistate Tax Commission, established by section 47-441 of the District of Columbia Code;
- "(14) The Public Access Corporation Board of Directors, established by section 30 of the District of Columbia Telecommunications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code § 43-1829);
- "(15) The Real Estate Commission of the District of Columbia, established by section 4 of the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Code § 45-1923);
- "(16) The Sex Offender Registration Advisory Council, established by section 4 of the Sex Offender Registration Act of 1996 (D.C. Law 11-274; D.C. Code § 24-1103);
- "(17) The Board of Dietetics and Nutrition, established by section 202 of District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.2);
- "(18) The Board of Occupational Therapy, established by section 206 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.6);
- "(19) The Board of Optometry, established by section 207 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.7);
- "(20) The Board of Pharmacy, established by section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.8);
- "(21) The Board of Physical Therapy, established by section 209 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.9);
- "(22) The Board of Podiatry, established by section 210 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.10);
- "(23) The Board of Social Work, established by section 212 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99;

- D.C. Code § 2-3302.12);
- "(24) The Board of Professional Counseling, established by section 213 of the District of Columbia Health Occupations Revision Act of 1985, effective July 22, 1992 (D.C. Law 9-126; D.C. Code § 2-3302.13);
- "(25) The Board of Respiratory Care, established by section 214 of the District of Columbia Health Occupations Revision Act of 1985, effective March 14, 1995 (D.C. Law 10-203; D.C. Code § 2-3302.14);
- "(26) The Board of Massage Therapy, established by section 215 of the District of Columbia Health Occupations Revision Act of 1985, effective March 14, 1995 (D.C. Law 10-205; D.C. Code § 2-3302.15);
- "(27) The Board of Chiropractic, established by section 216 of the District of Columbia Health Occupations Revision Act of 1985, effective March 21, 1995 (D.C. Law 10-231; D.C. Code § 2-3302.16);
- "(28) The Statewide Health Coordinating Counsel, established by section 4 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Code § 32-353);
- "(29) The Barber and Cosmetology Board, established by section 3 of the Barber and Cosmetology Revision Act of 1992, effective March 17, 1993 (D.C. Law 9-245; D.C. Code § 2-422);
- "(30) The Board of Appraisers, established by section 3 of the District of Columbia Real Estate Appraiser Act of 1990, effective March 7, 1991 (D.C. Law 8-219; D.C. Code § 45-3202);
- "(31) The Board of Chiropractic, established by section 216 of the District of Columbia Health Occupations Revision Act of 1994, effective March 21, 1995 (D.C. Law 10-231; D.C. Code § 2-3302.16);
- "(32) The Board of Funeral Directors, established by section 4 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Code § 2-2803);
- "(33) The Board of Respiratory Care, established by section 214 of the District of Columbia Health Occupations Revision Act of 1994, effective March 14, 1995 (D.C. Law 10-203; D.C. Code § 2-3302.14);
- "(34) The Board of Social Work, established by section 212 of the District of Columbia Health Occupations Revision Act of 1984, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3302.12);
- "(35) The Board of Veterinary Examiners, established by section 6 of the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Code § 2-2725).
- "(g) Notwithstanding any other provision of law, the Mayor shall directly appoint members to boards and commissions, without the advice and consent of the Council, to the

boards and commissions not contained in subsections (e) and (f) of this section.

- "(h) This section shall not apply to positions on boards and commissions that are designated by law for the Mayor, his or her designee, or another member of the executive branch or his or her designee."
- Sec. 3. Section 301(q) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 7-271; D.C. Code § 1-603.1(17)), is amended as follows:
 - "(1) By striking the word "and" at the end of paragraph (36);
- "(2) By striking the period at the end of paragraph (37) and inserting the phrase "; and" in its place; and
 - "(3) By adding a new paragraph (38) to read as follows:
 - "(38) Office of Planning (Mayor's Order 83-25).".

Sec. 4. Conforming amendments.

- (a) Section 203 of the Health and Hospitals Public Benefit Corporation Act of 1996, effective April 9, 1997 (D.C. Law 11-212; D.C. Code § 32-262.3), is amended as follows:
- Section 32-262.3

Section

1-603.1

- (1) Subsection (d) is repealed.
- (2) The last sentence of subsection (e) is amended to read as follows:

"The Mayor shall transmit to the Council for a 90-day period of review, excluding days of Council recess, mayoral nominations to the Board. If the Council does not approve the nomination by resolution within the 90-day period, the nomination shall be deemed disapproved.".

(b) Section 5(a) of the Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Code § 2-4004(a)), is amended by striking the third and fourth sentences and inserting 2 new sentences in their place to read as follows:

Section 2-4004

"The nomination of the 8 members shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.".

(c) Section 4(b)(2)(A) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; to be codified at D.C. Code § 1-2295.3), is amended to read as follows:

Section 1-2295.3

"(2)(A) Five public citizen Board members, appointed by the Mayor with the advice and consent of the Council. The fifth Board member shall serve only during control years. The nomination of each public citizen Board member shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.".

(d) Section 204(a)(2) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 43-1674(a)(2)), is amended to read as follows:

Section 43-1674

Section 4-914

- "(2) Six Board members shall be District residents, appointed by the Mayor with the advice and consent of the Council, of whom no more than 4 may be District employees or officials. The nomination of a Board member shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.".
- (e) Section 5(a) of the Office of Citizen Complaint Review Establishment Act of 1998, signed by the Mayor on October 16, 1998 (D.C. Act 12-495; to be codified at D.C. Code § 4-914(a)), is amended to read as follows:

"(a) There is established a Citizen Complaint Review Board ("Board"). The Board shall be composed of 5 members, 1 of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with any law enforcement agency. All members of the Board shall be residents of the District of Columbia. The members of the Board shall be appointed by the Mayor, subject to confirmation by the Council. The Mayor shall submit a nomination to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved. ".

(f) Section 6 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code 40-1705), is amended by striking the sixth sentence and inserting 2 new sentences in its place to read as follows:

Section 40-1705

"The Mayor shall transmit to the Council, for a 90-day period of review, excluding days of Council recess, a nominee for member or chairperson. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.".

(g) Section 2(b) of the Make a Difference Selection Committee Establishment Act of 1998, effective April 30, 1998 (D.C. Law 12-98; D.C. Code § 7-231(b)), is amended to read as follows:

Section 7-231

- "(b) The Committee shall consists of 9 members, with 3 *ex-officio* members and 6 members appointed by the Mayor."
- (h) Section 4 (a) of the Automobile Consumer Protection Act of 1984, effective March 14, 1985(D.C. Law 5-162; D.C. Code § 40-1303(a)), is amended by striking the phrase "with advice and consent of the Council".
- (i) Section 402 of the District of Columbia Act on Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Code §6-2222), is amended in the first sentence by striking the phrase "with the advice and consent of the Council of the District of Columbia".

Section 40-1303

Section 6-2222

(j) Section 402 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Code § 1-2322), is amended by striking the phrase ", with the advice and consent of the Council".

Section 1-2322

(k) Section 3(a) of the District of Columbia Commission for Women Act of 1978, effective September 22, 1978 (D.C. Law 2-109; D.C. Code § 2-802(a)), is amended by striking the phrase "of the District of Columbia (hereinafter referred to as the "Mayor"), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the "Council")".

Section 2-802

(1) Section 7(b) of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Code § 8-306(b)), is amended by striking the phrase "with the advice and consent of the Council".

Section

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the Committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 913; D.C. Code § 1-233 (c)(3)).

Sec. 6. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-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. Code)§ 1-233(c)(2)), and publication in the District of Columbia Register.

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Council of the District of Columbia

VETOED

Mayor

District of Columbia

December 29, 1998

COUNCIL OVERRIDE: 1-5-99



COUNCIL OF THE DISTRICT OF COLUMBIA

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COUNCIL OF THE DISTRICT OF COLUMBIA

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Chmn. Cropp					Chavous			<u> </u>		Orange				<u> </u>
Allen	ļ			<u> </u>	Evans					Patterson	ļ			
Ambrose			ļ	<u> </u>	Graham				<u> </u>	Schwartz	ļ			
Brazil			<u> </u>	<u> </u>	Jarvis		ļ	<u> </u>	ļ		<u> </u>		<u> </u>	
Catania	<u> </u>	<u> </u>		<u> </u>	Mendelson	<u> </u>			<u> </u>		1	<u> </u>	l	
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Secretary to the Council

Date