

A RESOLUTION

18-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, to adopt a Code of Official Conduct for the Council to ensure the full public confidence that representative government requires and recognize that public office is a public trust, to commit the Council to the highest standards of ethics, honesty, openness, and integrity, and to consistent adherence to these values.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Code of Official Conduct Rules Amendment Resolution of 2009".

Sec. 2. Article II of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, effective January 2, 2007 (18-1; 55 DCR 748), is amended as follows:

(a) A new section 201a is added to read as follows:

“201a. Code of Official Conduct.

“(a) Councilmembers and Council 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. Council members shall strive to act solely in the public interest and not for any personal gain or take an official action on a matter as to which he or she has a potential conflict of interest created by a personal, family, client, or business interest, avoiding both actual and perceived conflicts of interest and preferential treatment.

“(b) Councilmembers and Council 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, including those relating to conduct, conflicts of interest, gifts, disclosures, campaign finance, political activity, and freedom of information. This includes understanding and complying with Council Rules 201a and 202; D.C. Official Code § 1-615.51 (whistleblower protection); D.C. Official Code § 1-618.01, *et seq.*, and 6 DCMR, Chapter 18 (Standards of Conduct); District of Columbia Campaign Finance and Conflict of Interest Act (D.C. Official Code § 1-1104.03 (Constituent Services Funds); D.C. Official Code §

ENROLLED ORIGINAL

1-1105.06(a) and (b) (Lobbying); D.C. Official Code § 1-1106.01 - 1-1106.02, and D.C. Municipal Regulations, Title 3, Chapters 33 and 37 (conflict of interest); D.C. Official Code § 1-1106.51 (use of government resources); Official Correspondence Regulations (D.C. Official Code § 2-701 *et seq.*)(Official Mail); and all applicable federal conflict of interest and ethics rules and regulations: the Hatch Act (5 U.S.C. §§ 7321 -7326)(partisan political activity); 5 U.S.C. § 3110 (nepotism); 18 U.S.C. § 201(b)(2) (bribery); 18 U.S.C. § 207 (post-employment restrictions); 18 U.S.C. § 208 and 5 CFR Part 734 (conflict of interest).

“(c) Councilmembers and Council staff shall specifically adhere to the Council Code of Official Conduct that lists the core ethical principles, which build public trust in government. The Code of Official Conduct attached to this resolution is adopted.

“(d)(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, in coordination with the Office of Campaign Finance, shall conduct mandatory training on the conflict of interest and ethics laws and regulations applicable to Councilmembers and staff on at least an annual basis. 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 online and in print.”.

(b) Section 263 is amended by striking the period at the end of the sentence and inserting the phrase “, and shall serve as Ethics Counselor for the Council.” in its place.

Sec. 3. This resolution shall take effect immediately.

CODE OF OFFICIAL CONDUCT

Members of the Council of the District of Columbia shall at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering, or participating in any official action which would adversely affect the confidence of the public in the integrity of the government of the District of Columbia.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by elected officials is essential to assure the proper performance of government business and the maintenance of confidence by citizens in their government. The avoidance of misconduct and conflicts of interest on the part of Councilmembers is indispensable to the maintenance of these standards.

Councilmembers shall avoid all actions which might result in, or create the appearance of, the following:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person;
- (c) Impeding government efficiency or economy;
- (d) Losing complete independence or impartiality;
- (e) Making a government decision outside official channels; or
- (f) Affecting adversely the confidence of the public in the integrity of government.

Councilmembers shall not ask for or accept, either directly or through someone else, any gift, gratuity, favor, loan, entertainment, or anything of value from a person who has or is seeking a contract with the District of Columbia; is regulated by the District; or has any interest that may be affected by the Councilmember's performance of official duties. (See section 1803 for full rule.)

A Councilmember shall report immediately to the Office of the Inspector General, or other appropriate authorities any information concerning conduct that he or she knows, or should know, involves corrupt or other criminal activity, or conflict of interest of another Councilmember or employee of the District of Columbia or person dealing with the District. (See section 1803.8-11)

Councilmembers shall not order, direct, or request subordinates employees to perform during regular working hours any personal services not related to official District government functions and activities. (See section 1804.1(c))

Councilmembers shall avoid conflicts of interest concerning the award, implementation, monitoring, and performance of contracts for services. (See section 1803.14(a))

(This Code contains excerpts from the D.C. Personnel Regulations; Chapter 18, Part 1; Councilmembers are governed by the entire Chapter as well as by other District and federal ethics laws.)