

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to subject certain conduct to the Code of Conduct enforceable by the Board of Ethics and Government Accountability; to clarify that the Code of Conduct applies to the entire District government and its instrumentalities, while excluding the courts; to require the Board to develop a comprehensive Code of Conduct for review and approval by the Council; to allow the Director 30 business days from the initiation of a formal investigation to present evidence to the Board; to allow the Director to pursue a civil fine and refer matters for criminal prosecution; and to clarify that any failure to obey the order of the court enforcing a penalty imposed by the Board may be treated by the court as contempt.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Comprehensive Code of Conduct and BEGA Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists an emergency with respect to the need to clarify the jurisdiction of the Board of Ethics and Government Accountability (BEGA) over, and the applicability of the District’s Code of Conduct to, all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts.

(b) 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.*), established BEGA as an independent agency

1 tasked with administering and enforcing the Code of Conduct (*see* D.C. Code § 1-1161.01(7)).
2 Recent litigation has brought to light an ambiguity in BEGA’s enabling legislation that requires
3 clarification. There is no indication that the Council intended to exclude any employees or
4 agencies from BEGA’s jurisdiction or the Code of Conduct. Such an approach would run counter
5 to the Council’s objective in creating BEGA to establish a single agency charged with consistent
6 application of the District’s ethics laws.

7 (c) The Comprehensive Code of Conduct and BEGA Emergency Amendment Act of
8 2014 additionally instructs BEGA to submit to the Council proposed legislation to consolidate
9 the Code of Conduct, after the passage of which BEGA will be authorized to issue rules to
10 implement the Code. The complete Code of Conduct is currently scattered between statutes,
11 regulations, and the Council’s Code of Official Conduct, creating a lack of clarity and uniformity
12 for the Council, BEGA, and more than 30,000 District government employees.

13 Sec. 3. The Council of the District of Columbia determines that the circumstances
14 enumerated in section 2 constitute emergency circumstances making it necessary that the
15 Comprehensive Code of Conduct and BEGA Emergency Amendment Act of 2014 be adopted
16 after a single reading.

17 Sec. 4. This resolution shall take effect immediately.