

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 require that Advisory Neighborhood Commissioners and candidates for public office certify that they have filed and paid income and property taxes, diligently safeguarded the assets of the taxpayers and the District, reported known illegal activity, not accepted a bribe, not directly or indirectly received government funds through illegal or improper means, not raised or received funds in violation of federal or District law, and not received or been given anything of value based on any understanding that their official actions or judgment or vote would be influenced; and to remove the requirement that Advisory Neighborhood Commissioners file a confidential disclosure of financial interest.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists 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 maintain existing law and to require public financial disclosure certifications be submitted to the Board of Ethics and Government Accountability (BEGA) by Advisory Neighborhood Commissioners and candidates for public office.

(b) On September 17, 2013, the Council passed Bill 20-455, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment of 2013. This emergency legislation required Advisory Neighborhood

37 Commissioners to file an annual public financial disclosure certification instead of a confidential  
38 financial disclosure with BEGA. Bill 20-455 expired on January 2, 2014.

39 (c) The Council passed identical temporary legislation, Bill 20-456, which became  
40 effective on December 13, 2013. This legislation will expire on July 25, 2014. The Government  
41 Operations Committee will hold a public hearing on Bill 20-507, the permanent version of the  
42 legislation, on June 9, 2014, and will mark-up the bill soon thereafter.

43 (d) It is therefore necessary to pass emergency legislation while the permanent bill is  
44 awaiting a markup.

45 (e) This emergency legislation maintains existing law by requiring that Advisory  
46 Neighborhood Commissioners file a public financial disclosure certification instead of the  
47 confidential disclosure required by BEGA's enabling legislation. This approach recognizes that  
48 the role of volunteer Advisory Neighborhood Commissioners is fundamentally different than the  
49 role of Councilmembers or high-ranking officials, as they do not vote or affect policy or  
50 decision-making in the same, direct way as do other public officials, but it still requires  
51 transparency through a public certification.

52 (f) The emergency legislation additionally requires that candidates for nomination for  
53 election, or election, to public office, file the same public financial disclosure certification as  
54 Advisory Neighborhood Commissioners. Following the April 1, 2014, primary election,  
55 unsuccessful candidates were still required to file the more intrusive public financial disclosure  
56 statement required of sitting public officials. This legislation would exempt candidates who did  
57 not file with BEGA by the May 15, 2014, deadline, but requires that candidates file a public  
58 financial disclosure certification going forward.

59           Sec. 3. The Council of the District of Columbia determines that the circumstances  
60 enumerated in section 2 constitute emergency circumstances, making it necessary that the Board  
61 of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform  
62 Emergency Amendment of 2014 be adopted after a single reading.

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

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