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2
3 Chairman Vincent C. Gray
4 at the request of the Mayor
5

6 A BILL
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8
9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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12 Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill,
13 which was referred to the Committee on _____.
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16 To amend the District of Columbia Public Post-secondary Education Reorganization Act to
17 provide budget, personnel, contracting and procurement and financial management
18 autonomy to the University of the District of Columbia; and to repeal and amend selected
19 provisions of the District of Columbia Self-Government and Governmental
20 Reorganization Act; the District of Columbia Procurement Practices Act of 1985; and the
21 District of Columbia Government Comprehensive Merit Personnel Act of 1978.
22

23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
24 act may be cited as the “The University of the District of Columbia Self-Governance
25 Amendment Act of 2008”.

26 Sec. 2.

27 *Findings*

28 The University of the District of Columbia (the “University”) was established as an urban
29 land-grant university to provide quality post-secondary education to District residents and
30 others, and to provide workers trained to meet the needs of employers in the District;

31 The University has made progress towards these goals since its inception, but more
32 slowly than was anticipated and is needed;

33 The Board of Trustees and the incoming President recognize the challenge of making the
34 University into a first-class institution that will achieve its goals and they are prepared to
35 make significant changes to achieve those goals;

36 The University requires substantial additional funding, both short term and long term, to
37 achieve its goals, but it is unrealistic to expect that the District Government can be a
38 source of funding much beyond its current annual payment; Additional sources of

1 funding for the University may include the Federal Government, local and national
2 businesses, foundations, and individuals from the greater Washington DC area;
3 Those additional funding sources are not likely to be forthcoming unless major changes
4 are made in the governance of the University, in particular in the ability of the University
5 to control its funds and operations, independently from the District, as do most other
6 public universities in the United States and as do some entities within the District, such as
7 the Convention Center Authority, the District Public Library, and the Water and Sewer
8 Authority; and in order to exercise the powers of self-governance granted in this Act in a
9 responsible manner, and

10 In order to attract the outside funding necessary to accomplish the University's goals, it is
11 essential that the University's Board of Trustees be comprised of highly qualified and
12 highly motivated individuals with a wide range of special expertise, including higher
13 education policy, finance and accounting, property management, procurement, law, the
14 operations of the District Government, community relations, and personnel practices,
15 among others.

16 *Purpose*

17 It is the purpose of this Act to transform the University from an agency of the District of
18 Columbia, operating under the authority of the Mayor and the Council, to an independent agency
19 within the District Government, with the full authority to carry out the functions set forth in this
20 Act, outside the control of the Mayor and the Council; provided that nothing herein shall be
21 construed to relieve the University from compliance with laws of general applicability of the
22 District.

23 Sec. 3. The District of Columbia Public Postsecondary Education Reorganization Act,
24 effective October 26, 1974, 88 Stat. 1424, Pub. L. 93-471, title II, § 201; D.C. Official Code §
25 38-1202.01, is amended as follows:

26 (a) Subsection (a) is amended to read as follows:

27 by inserting new clauses after "other property in its own name;" to read as follows:
28 "to borrow money, to issue bonds, notes or other obligations and to give security therefore; to
29 acquire (by purchase or otherwise), hold, sell, lease, use, encumber, transfer, exchange,
30 construct, maintain, repair, rehabilitate, and dispose of real and personal property as the Board of
31 Trustees shall from time to time determine; and to issue revenue or other bonds and otherwise

1 provide financing for the University without further authorization from the Mayor, the Council,
2 or any other authority of the District of Columbia Government; to establish a personnel system
3 as provided by law; to establish a system for the procurement of goods and services that shall be
4 governed by the laws of the District of Columbia, but that operate independently of the Office of
5 Contracts and Procurement established under Unit A of chapter 33 of Title II” and by striking
6 the clause that reads “that contracting for the purchase or disposal of goods and services shall be
7 carried out by the Office of Contracting and Procurement on behalf of the Board of Trustees,”
8 (b) Subsection b is deleted in its entirety.

9 Sec. 4. The District of Columbia Public Post-secondary Education Reorganization Act,
10 effective October 26, 1974, 88 Stat. 1427, Pub. L. 93-471, title II, § 206; D.C. Official Code §
11 38-1202.06, is amended as follows:

12 (a) by striking from paragraph (4) the phrase “The Mayor and the Council shall, after
13 review and consideration of the budget submitted by the trustees, establish the maximum amount
14 of funds for each of the major components of the university and the total University budget
15 which will be allocated to the Trustees.”

16 (b) by striking from paragraph (5) the semicolon and inserting in its place a period after
17 the word “Trustees,” and by striking the phrase “provided that any such action under this
18 paragraph shall be taken in accordance with the provisions of the reprogramming policy and
19 laws of the District of Columbia.”

20 (c) by striking from paragraph (9) the phrase “derived from tuition and fees received from
21 students with the District of Columbia Treasurer under regulations established by the Mayor,
22 which revenues shall be accounted for in the Municipal University Fund as a separate revenue
23 source allocated to provide authority for such university purposes as the Board of Trustees may
24 approve,” and inserting in its place “with a separate University of the District of Columbia
25 Revenue Fund ("Fund") which shall be established by the Board of Trustees to be used for such
26 purposes as the Board of Trustees may approve. No revenues received by the University
27 including any monies in the funds shall be a part of, nor shall lapse into, the General Fund of the
28 District. The Board of Trustees shall contract with an independent certified public accountant to
29 audit the books and accounts of the University on an annual basis and shall transmit the final
30 audit to the Mayor and Council within 10 business days of receipt.”

1 (d) by striking from paragraph (10) the phrase “subject to the provisions of chapter 6 of
2 Title 1.”

3 (e) by striking from paragraph (16) the phrase “provided, however, except as provided in
4 § 38-1203.01, that procurement and disposal of goods and services shall be carried out by the
5 Office of Contracting and Procurement on behalf of the Trustees. Toward this end the Trustees
6 are authorized to adopt such policies and regulations as it may deem wise. subject to the
7 provisions of chapter 6 of Title 1.”

8 (f) by adding a new paragraph (19) to read as follows:

9 "Adopt a personnel system for the University that is based on the personnel rules in effect
10 for the District Government, with appropriate modifications to take into account the fact that
11 some personnel are university faculty, for whom different rules are more appropriate, and with
12 such other modifications as the Board deems appropriate. Such system shall comply with all
13 laws of general applicability in the District and shall be developed in consultation with all
14 interested parties, including but not limited to, representatives of collective bargaining units. A
15 proposal for such a system shall be made available for comment for a period of 30 days before it
16 is finally adopted. The Board shall submit its final proposal to the Council not later than 180
17 days after the effective date of this Act, and unless the Council disapproves the proposal within
18 60 calendar days of its presentment to the Council, the Board shall implement the proposal.

19 (g) by adding a new paragraph (20) to read as follows:

20 “Submit to the Mayor and Council within 180 days of the effective date of this Act, a
21 plan for the transfer of title of all land ,facilities, and other real or personal property of any kind
22 whatsoever currently utilized by the University from the District of Columbia to the University.

23 Sec. 5. The District of Columbia Self-Government and Governmental Reorganization
24 Act, effective December 24, 1973, 87 Stat. 774, Pub. L. 93-198, § 424(a); D.C. Official Code §
25 1-204.25, is amended by adding a new paragraph (f) to read as follows:

26 “(f) Inapplicability to University of the District of Columbia. The authority of the Chief
27 Financial Officer under this section does not apply to personnel of the University of the District
28 of Columbia who are performing functions pursuant to Chapter 12 of Title 38 of the Post
29 Secondary Education Reorganization Act.”

1 Sec. 6. The District of Columbia Self-Government and Governmental Reorganization
2 Act, effective December 24, 1973, 87 Stat. 803, Pub. L. 93-198, title IV, § 451, D.C. Official
3 Code § 1-204.51, subsection (d) is amended by adding paragraph (4) as follows:

4 “(4) Any contract entered into by the University of the District of Columbia provided that
5 such contract is specifically approved by the Board of Trustees thereof.”

6 Sec. 7. Fiscal Impact Statement

7 The Council adopts the fiscal impact statement in the committee report as the fiscal
8 impact statement required by section 602(c) (3) of the District of Columbia Home Rule Act,
9 approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c) (3)).

10 Sec. 8. Effective date.

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12 This Act shall take effect following approval by the Mayor (or in the event of veto by the
13 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
14 provided in section 602(c) (1) of the District of Columbia Home Rule Act, approved December
15 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c) (1)), and publication in the District of
16 Columbia Register; provided that the provisions of Section 6 shall not take effect until approved
17 in accordance with Subchapter III of Chapter 2, Title I.