

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2011 Winter
Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Public Postsecondary Education Reorganization Act to revise the quorum requirement for the Board of Trustees of the University of the District of Columbia, to grant the Board of Trustees of the University of the District of Columbia independent procurement authority, to require the Board of Trustees of the University of the District of Columbia to submit proposed rules governing the procurement of goods and services to the Council for review and approval, to increase the minimum number of board meetings to be held annually from 4 to 6, to clarify when meetings may be held in executive session and what matters may be addressed in executive session, and to require that the minutes of all public meetings be available to the public; and to amend the District of Columbia Procurement Practices Act of 1985 to make a conforming amendment to exempt the Board of Trustees of the University of the District of Columbia from the requirements of the District of Columbia Procurement Practices Act of 1985 except for those pertaining to contract protests, appeals, and claims.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010".

Sec. 2. The District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-1201.01 *et seq.*), is amended as follows:

(a) Section 201(a) (D.C. Official Code § 38-1202.01(a)) is amended to read as follows:

“(a) There is established a body corporate by name of the Board of Trustees of the University of the District of Columbia, which by that name and style shall have perpetual succession. It shall be charged with the responsibility of governing the University of the District of Columbia and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties authorized by this section, and sections 206 and 403, including the power to:

Amend
§ 38-1202.01

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“(1) Adopt, alter, and use a corporate seal, which shall be judicially noticed;
“(2) Make contracts;
“(3) Sue and be sued;
“(4) Complain and defend in its name in any court of competent jurisdiction;
“(5) Make, deliver, and receive deeds, leases, and other instruments;
“(6) Take title to real and other property in its name;
“(7) Adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations it considers necessary for the governance and administration of the University; and
“(8) Procure and contract for goods and services.”.

(b) Section 206 (D.C. Official Code § 38-1202.06) is amended as follows:

**Amend
§ 38-1202.06**

(1) Paragraph (15) is amended by striking the word “and” at the end.

(2) Paragraph (16) is amended to read as follows:

“(16) Generally determine, control, supervise, manage, and govern all affairs of the University;”.

(3) Paragraph (17) is repealed.

(4) Paragraph (18) is amended by striking the period and inserting the phrase “; and” in its place.

(5) A new paragraph (19) is added to read as follows:

“(19)(A) Procure all goods and services necessary to operate the University independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*) (“Act”), except as specified in section 320 of the Act; provided, that the Council has approved proposed rules governing the procurement of goods and services.

“(B) Submit any proposed rules governing the procurement of goods and services promulgated subsequent to the effective date of the University of the District of Columbia Board of Trustees Quorum and Contracting Reform Emergency Amendment Act of 2010, effective October 9, 2010 (D.C. Act 18-542; 57 DCR 9627), to the Council for its review and approval.”.

(c) Section 401 (D.C. Official Code § 38-1204.01), is amended to read as follows:

**Amend
§ 38-1204.01**

“Sec. 401. Meetings of Trustees.

“(a)(1) The chairperson or a majority of the members of the Trustees may convene a meeting. The Trustees shall hold meetings periodically, as scheduled by the Trustees; provided, that at least 6 meetings shall be held each year. All meetings shall be held in the District of Columbia. Except as provided in paragraph (2) of this subsection, meetings shall be noticed to the public and open to the public.

“(2) The Trustees may convene in executive session by a vote of a majority of the voting members serving to take action on matters that:

“(A) Relate to personnel or to practices of the Trustees;

“(B) Would result in the disclosure of matters specifically exempted from

disclosure by statute; or

“(C) Would result in the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

“(3) The Trustees shall keep the minutes of each meeting of the Trustees and shall make the minutes of each public meeting available to the public for inspection and distribution.

“(b) No official action may be taken at a meeting or an executive session unless a quorum is present; except, that a lesser number may hold a hearing. A majority of the voting members serving on the Board of Trustees shall constitute a quorum.”.

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (w) as follows:

**Amend
§ 2-303.20**

“(w) Nothing in this act shall affect the authority of the Board of Trustees of the University of the District of Columbia; except, that Title IX shall apply to a contract protest, appeal, or claim arising from a procurement of the Board of Trustees of the University of the District of Columbia.”.

Sec. 4. 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. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia