

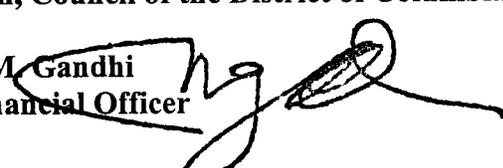
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: DEC 28 2007

SUBJECT: Fiscal Impact Statement: "Compensation and Holdover Clarification Amendment Act of 2007"

REFERENCE: Bill Number 17-452, As Introduced

Conclusion

Funds are sufficient in the FY 2008 through FY 2011 budget and financial plan to implement the proposed legislation. The \$28,608 cost of the proposed legislation can be absorbed within the budget of the Office of the People's Counsel.

Background

The proposed legislation would amend D.C. Official Code § 34-804(b) to fix the compensation of the People's Counsel within the Public Service Commission's Office of the People's Counsel at the *maximum* rate of Level III of the Senior Executive Attorney Service (in FY 2008, \$172,315). Currently, the People's Counsel is entitled to receive compensation at the *midpoint* rate for Level III of the Senior Executive Attorney Service (in FY 2008, \$143,707). The proposed legislation would also allow the People's Counsel to hold over until a successor has been confirmed by the Council.

Financial Plan Impact

Funds are sufficient in the FY 2008 through FY 2011 budget and financial plan to implement the proposed legislation. The cost of the proposed legislation can be absorbed within the budget of the Office of the People's Counsel, which is funded through a special franchise tax paid by

public utilities.¹ This special revenue is used exclusively by the Office of the People's Counsel for the payment of authorized expenses pursuant to D.C Code § 34-912(a). It is non-lapsing and non-reverting, and expenses are subject to the applicable appropriation laws of the District of Columbia.

Federal and District anti-deficiency laws² prohibit District officers and employees from exceeding agency appropriations in any fiscal year.

¹ Pursuant to D.C. Code § 34-912(a).

² 31 USCA § 1341 (2000) and D.C. Official Code § 47-355.01 *et sequitor* (2003).