

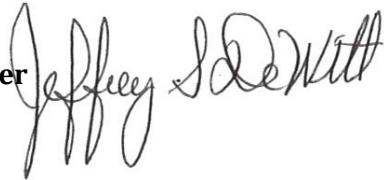
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: June 11, 2018

SUBJECT: Fiscal Impact Statement – Office of and Commission on Nightlife and Culture Establishment Act of 2018

REFERENCE: Bill 22-508, Committee Print as shared with the Office of Revenue Analysis on June 4, 2018

Conclusion

Funds are sufficient in fiscal year 2018 and the proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill will cost \$291,000 in fiscal year 2019 and \$1.21 million over the four-year financial plan.

Background

The bill establishes¹ a Commission on Nightlife and Culture (Commission) and an Office of Nightlife and Culture (Office) within the executive branch of the District government. The purpose of the Office is to serve as an intermediary between nightlife establishments, residents living near nightlife establishments, and the District government.

The Office will be headed by a Director who is appointed by the Mayor and confirmed by Council.² The Director is required to:

- Serve as a liaison to nightlife establishments on District government policies and procedures;
- Advise the Mayor, Council, and District government agencies on issues affecting nightlife establishments;

¹ Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)).

² Pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

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- Review information obtained from District government agencies on complaints against and citations issued to nightlife establishments and develop recommendations to address recurring problems or trends;
- Serve as the intermediary when any issues arise between the District government, Advisory Neighborhood Commissioners, residents, and nightlife establishments;
- Obtain and provide to the Department of Employment Services information relating to the workplace conditions at nightlife establishments;
- Identify practices that promote the safety and security of nightlife establishments' patrons, workers, and District residents and provide information to nightlife establishments on how to implement such practices;
- Provide information to nightlife establishments on training programs for preventing sexual harassment and assault in the workplace;
- Provide input to the District Department of Transportation and the Office of Planning in furthering the development of accessible and safe nighttime transportation options;
- Provide input to the Office of Planning for the creation and preservation of creative spaces in the District;
- Attend Commission meetings, provide updates to the Commission on the Office's activities, and consult with the Commission on policies that affect the nightlife establishments and residents living near such establishments;
- Beginning in 2020, prepare an annual report for submission to the Mayor, Chairman of the Council, and Commission, detailing actions undertaken by the Office during the previous calendar year; and,
- Perform other duties, consistent with the purpose of the Office, as the Commission may request

The Commission will advise the Mayor, Council, Office, and public on ways to improve laws and policies that impact nightlife establishments and residents living near such establishments. The Commission is required to meet at least once every three months in a space provided by the District government. The Commission will have eight ex-officio members including the following officials or their designees:

- The Deputy Mayor for Planning and Economic Development;
- The Director of the Department of Consumer and Regulatory Affairs;
- The Director of the Department of Small and Local Business Development;
- The Director of Alcoholic Beverage Regulation Administration;
- The Executive Director of the Commission on the Arts and Humanities;
- The President of Destination DC;
- The President of Events DC; and
- The President of the Washington, DC Economic Partnership.

Additionally, the Commission will have seven members appointed by the Mayor that must be confirmed by Council. Members are required to serve without compensation for a term of three years. The Commission members must meet the following requirements:

- One member must be an owner of a business holding an on-premises retailer's license;³
- One member must be on the board of directors of a Business Improvement District;⁴

³ Pursuant to D.C. Official Code § 25-113.

⁴ As defined in Section 3(7) of the Business Improvement Districts Amendment Act of 1997, effective October 8, 1997 (D.C. Law 12-26; D.C. Official Code § 2-1215.02(7)).

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- One member must be a dean, director, or equivalent position focused on student life at a District-based college or university;
- One member must be a representative of an organization that advocates for preventing sexual harassment and assault;
- One member must be a District-based musician or producer working in the music industry;
- One member must be a District-based artist or director in the performing arts; and,
- One member shall be a District-based visual artist.

Financial Plan Impact

Funds are sufficient in fiscal year 2018 and the proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill will cost \$291,000 in fiscal year 2019 and \$1.21 million over the four-year financial plan.

The fiscal year 2019 budget and financial plan includes reoccurring local funds to implement the bill. In total, the fiscal year 2019 budget allocates \$291,000 towards the establishment of the Office and the Commission.⁵ This funding will support the salary and fringe benefits of three employees, including the Office Director, and \$60,000 for computers, office supplies, travel, and outreach materials.

Office of and Commission on Nightlife and Culture Establishment Act of 2018						
Total Fiscal Impact						
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total
Salary and Fringe ^(a)	\$0	\$231,067	\$237,999	\$245,139	\$252,493	\$966,698
Other ^(b)	\$0	\$60,000	\$61,050	\$62,118	\$63,205	\$246,374
Total	\$0	\$291,067	\$299,049	\$307,257	\$315,699	\$1,213,072

Table notes:

- a) Includes salaries for a director, community liaison, and staff assistant. Assumes a fringe rate of 20.4 percent and 3 percent growth to account for salary increase.
- b) Includes funding for computers, office supplies, travel, and outreach materials. Assumes annual cost growth of 1.75 percent.

⁵ Commission expenses are limited to the extent of appropriated funds in the budget and financial plan.