

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:** October 4, 2010

**SUBJECT:** Fiscal Impact Statement - "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010"

**REFERENCE:** Bill Number 18-724 - Draft Committee Print received on Sep 29, 2010

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**Conclusion**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the proposed legislation. The proposed legislation does not have an impact on the District's budget and financial plan.

**Background**

The proposed legislation would revise the quorum requirement for the Board of Trustees ("Board") of the University of the District of Columbia<sup>1</sup> such that instead of the current requirement of 8 voting members, a majority of the voting members serving on the Board would be considered to constitute a quorum. It would also require the minimum number of Board meetings to be held annually to increase from 4 to 6 and the minutes of all public meetings to be made available to the public. In addition, the proposed legislation would clarify when meetings may be held in an executive session and what matters may be addressed in executive sessions.<sup>2</sup>

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<sup>1</sup> By amending D.C. Official Code § 38-1204.01 (the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974, 88 Stat. 1423)

<sup>2</sup> Specifically, matters that relate to personnel or to practices of the Trustees, those that would result in the disclosure of matters specifically exempted from disclosure by statute, and those that would result in the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

The proposed legislation would also grant the Board independent procurement authority, would require the Board to submit proposed rules governing the procurement of goods and services to the Council for review and approval,<sup>3</sup> and would make conforming amends to the District of Columbia Procurement Practices Act of 1985 ("Act")<sup>4</sup> to exempt the Board from the requirements of the Act except for those pertaining to contract protests, appeals, and claims.

Lastly, as a conforming amendment, the proposed legislation would repeal a paragraph<sup>5</sup> related to the adult education program, which was transferred to the Office of the State Superintendent of Education (OSSE).<sup>6</sup>

### **Financial Plan Impact**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the proposed legislation. The proposed legislation does not have an impact on the District's budget and financial plan.

Federal and District anti-deficiency laws prohibit District officers and employees from exceeding agency appropriations in any fiscal year.<sup>7</sup> While the proposed legislation would grant procurement authority to UDC, the university cannot expend funds beyond its means, as required by such laws.

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<sup>3</sup> By amending D.C. Official Code § 38-1202.01(a) and adding a new paragraph (19) to D.C. Official Code § 38-1202.06

<sup>4</sup> D.C. Law 11-259, effective April 12, 1997; D.C. Official Code § 2-303.20; by adding a new subsection (w)

<sup>5</sup> D.C. Official Code § 38-1202.06, Paragraph 17

<sup>6</sup> By D.C. Official Code § 38-2608(b)

<sup>7</sup> 31 U.S.C.A §1341 (2000); D.C. Code §47.355.01 *et. seq.* (2003).