

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 4-158

"District of Columbia Board of Education Leasing Authority Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-223 on first and second readings, June 22, 1982, and July 6, 1982, respectively. Following the signature of the Mayor on July 29, 1982, this legislation was assigned Act No. 4-232, published in the August 20, 1982, edition of the D.C. Register, (Vol. 29 page 3632) and transmitted to Congress on August 2, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-158 effective September 29, 1982.

  
ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 2,3,4,5,6,9,10,11,12,13 16,17,18,19,20

September 8,9,10,13,14,15,16,17,20,21,22,23,24,27,28

D.C. ACT 4-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 29 1982

To authorize the Board of Education to enter into lease and other agreements for the use of public school buildings and to utilize the proceeds from such agreements to defray costs associated with the operation and maintenance of public school buildings, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Board of Education Leasing Authority Act of 1982".

Sec. 2. (a) The control of the public schools in the District of Columbia by the Board of Education shall extend to include the negotiation and approval of use, license, and lease agreements, with or without monetary consideration, with respect to the use of public school buildings and parts thereof and the grounds appurtenant thereto, and land intended for such use, by or for any of the following:

CODIFICATION  
New  
D.C. Code,  
sec. 31-201  
(1981 ed.)

(1) Any agency or agencies of the District of Columbia government, the United States government, or any international organization;

(2) Any person or organization providing an educational or recreational program involving students of the public schools, other children, youth, or adults;

(3) Any person or organization providing a supplementary educational program;

(4) Any person or organization conducting civic meetings for the free discussion of public questions;

(5) Any person or organization operating a social center including, but not limited to, the following:

(A) a pre-school center, child development center, or day care center;

(B) a health clinic or a counseling service;

(C) a community service program;

(D) a community-based consumer cooperative; or

(E) a studio or workshop for instruction, display, performance or promotion of the arts, or for other art-related purposes;

(6) A playground or center for recreational activity; or

(7) Any other use which the Board of Education may deem to be compatible with the normal use of the particular property and in the best interest of the local community, other than industrial uses, and which does not require major structural renovations at cost to the District of Columbia government to implement a particular agreement.

(b) In the execution of subsection (a),

preference shall be given to agencies of the District of Columbia government.

(c) All rents, fees, and proceeds derived from the leases, licenses, or use agreements entered into pursuant to this act shall be paid to the Treasury of the District of Columbia, under regulations issued by the Mayor, and accounted for in the general fund as a separate revenue source allocable to provide authority for the Board of Education to expend for the custody, cleaning, heating, air-conditioning, lighting, maintenance, security, and improvement of public school buildings and grounds, and the management of these leases, licenses, and use agreements. Any unobligated balance remaining 90 days subsequent to the end of the fiscal year in which the revenues were received shall be transferred by the Board of Education to the debt service fund to be applied toward the repayment of capital outlay loans and interest outstanding on public school buildings and grounds acquired and held for school purposes, pursuant to section 15 of An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes, approved March 3, 1877 (19 Stat. 402; D.C. Code, sec. 1-105) over and above the amount appropriated by the Congress of the United States to the District of Columbia for such purposes.

(d) The authority of the Board of Education

pursuant to this section shall be in addition to, and not in derogation of, the authority granted to the Board of Education by section 5 of An Act To amend the Act of June 20, 1906, and the District of Columbia election law to provide for the election of members of the Board of Education of the District of Columbia, approved April 22, 1968 (82 Stat. 107; D.C. Code, sec. 31-106), and by article II, section 2, and article III, sections 3 and 4 of An Act To create a Recreation Board for the District of Columbia, to define its duties, and for other purposes, approved April 29, 1942 (56 Stat. 262; D.C. Code, secs. 8-212, -223, & -224), insofar as these provisions relate to the use of buildings and grounds under the control of the Board of Education.

(e) The Board of Education shall, in accordance with title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules for the consideration and review of applications for the use of public school buildings and grounds by lease or otherwise, pursuant to this section. Final approval of each lease, license, or use agreement entered into by the Board of Education pursuant to this act shall be reserved to the Board of Education which may delegate to the Superintendent any of its authority.

Sec. 3. The Board of Education shall submit to the Mayor of the District of Columbia and the Council of the District of Columbia not later than January 15th

New  
D.C. Code,  
sec. 31-201.1  
(1981 ed.)

of each year, a report covering all activities with respect to public school buildings and grounds that were undertaken during the preceding fiscal year pursuant to the authority granted by this act. Such report shall include, but shall not be limited to:

- (1) All lease, use, or other agreements exceeding a period of 30 days, indicating the name of the tenant and the terms and conditions of the agreement;
- (2) An itemization of all collections and expenditures associated with each agreement;
- (3) A statement of the actual amount of funds transferred by the Board of Education towards the repayment of capital outlay loans and interest outstanding;
- (4) A statement of the actual condition of major structural components of each property under an agreement, and any repairs or improvements made thereto;
- (5) A list, including each parcel, of real property transferred by the Board of Education to the Department of General Services and the date of each transfer; and
- (6) A statement by the Board of Education of benefits and enhancements to the educational environment and the community

resulting from the authority granted by  
this act, and recommendations, if any,  
for the improvement thereof.


Sec. 4. The Board of Education may by regulation  
require persons and organizations, other than District  
of Columbia and federal agencies, holding use  
agreements or lease agreements with the Board of  
Education to carry public liability insurance including  
protection of the interests of the District of Columbia  
and its officers, employees, and agents, and the Board  
of Education and its members, officers, employees, and  
agents, with respect to claims for personal injuries  
and other damages allegedly occurring at properties  
where these leases or use agreements exist.

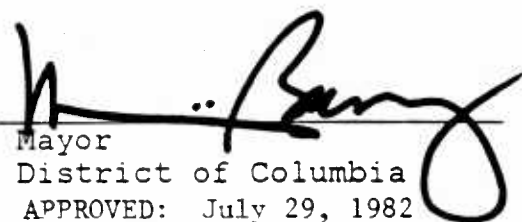
New  
D.C.Code,  
sec. 31-201.  
(1981 ed.)

Sec. 5. An Act To regulate the use of public  
school buildings and grounds in the District of  
Columbia, approved March 4, 1915 (38 Stat. 1190; D.C.  
Code, sec. 31-201) is repealed.

D.C.Code,  
sec. 31-201  
(1981 ed.)  
repealed

Sec. 6. This act shall take effect after a 30-day  
period of Congressional review following approval by  
the Mayor (or in the event of veto by the Mayor, action  
by the Council of the District of Columbia to override  
the veto) as provided in section 602(c)(1) of the  
District of Columbia Self-Government and Governmental  
Reorganization Act, approved December 24, 1973 (87

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: July 29, 1982

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COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Four

Second Session

DOCKET NO: B 4-223

[X] Item on Consent Calendar

ACTION: Adopted First Reading, 6-22-82

[X] VOICE VOTE: Unanimous

Absent: all present

[ ] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*Walter B. Cunningham*  
Secretary to the Council

*July 14, 1982*  
Date

[X] Item on Consent Calendar

ACTION: Adopted Final Reading, 7-6-82

[X] VOICE VOTE: Unanimous

Absent: all present

[ ] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*Walter B. Cunningham*  
Secretary to the Council

*July 14, 1982*  
Date

[ ] Item on Consent Calendar

ACTION:

[ ] VOICE VOTE:

Absent:

[ ] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date