

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

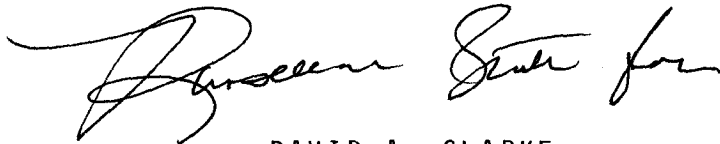
NOTICE

D.C. LAW 8-158

"Board of Education Real Property Disposal
Act of 1990".

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. 8-383 on first and second readings, May 15, 1990, and May 29, 1990, respectively. Following the signature of the Mayor on June 18, 1990, this legislation was assigned Act No. 8-220, published in the June 29, 1990, edition of the D.C. Register, (Vol. 37 page 4167) and transmitted to Congress on June 21, 1990 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 8-158, effective September 11, 1990.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 21,22,25,26,27,28,29
July 10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
August 1,2,3
September 5,6,7,10

D.C. LAW 8 - 158
SEP 11 1990

Codification,
District of Columbia Code
(1991 Supplement)

AN ACT

D.C. ACT 8 - 220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 18 1990

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to allow the proceeds from the sale or disposal of surplus school property to be deposited to the credit of the Board of Education and to create an enterprise fund as a depository for the proceeds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Education Real Property Disposal Act of 1990".

Sec. 2. An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code, sec. 9-401), is amended as follows:

(a) Section 1 (D.C. Code, sec. 9-401) is amended by adding a new subsection (g) to read as follows:

Section
9-401

"(g) For real property under the jurisdiction of the Board of Education ("Board") that the Board has determined to be no longer needed for educational purposes and for which jurisdiction has been transferred by the Board to the Mayor for disposal in accordance with the provisions of this act, the Mayor shall submit to the Council a report on whether the Mayor intends for the property to be used by another agency of the District of Columbia ("District") government. The report shall be submitted to the Council by the Mayor within 90 days of the transfer of the property to the Mayor by the Board. If the report is not submitted to the Council within the 90-day period, the Mayor shall dispose of the property in accordance with the provisions of this act and shall transmit to the Council the resolution required by subsection (b) of this section within 180 days of the date of the transfer of the property to the Mayor by the Board."

(b) Section 2 (D.C. Code, sec. 9-402) is amended to read as follows:

Section
9-402

"(a) The Mayor is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold and, with the exception of the property mentioned in subsection (b) of this section, shall deposit the net proceeds of the sale in the District Treasury.

"(b)(1) There is established within the District Treasury a fund to be known as the Board of Education Real Property Improvement and Maintenance Fund ("Fund"). The Board shall administer the Fund and receive all payments into the Fund that are required by this act. The Fund shall be maintained as an enterprise fund as defined in section 4(b)(4) of the District of Columbia Fund Accounting Act of 1980, effective June 14, 1980 (D.C. Law 3-70; D.C. Code, sec. 47-373(2)(D)), and shall be used exclusively for the maintenance, improvement, rehabilitation, and repair of buildings and grounds under the jurisdiction of the Board that are used for educational purposes for public school students in the District; provided that the Board shall obtain the approval of the Mayor and the consent of the Council by resolution, prior to improving an entire school building, or any portion of a school building, if the purpose of the improvement is to lease the building subsequent to improvement, in order to generate revenues for the Fund.

"(2) The Mayor shall deposit into the Fund established by paragraph (1) of this subsection, the net proceeds and any interest that accrues from the disposition of any real property formerly under the jurisdiction of the Board that the Board has determined to be no longer needed for educational purposes and for which jurisdiction was transferred by the Board to the Mayor and disposed of in accordance with section 1 of this act and section 6(c) of the District of Columbia Community Development Act of 1985, effective December 16, 1975 (D.C. Law 1-39; D.C. Code, sec. 5-905(c)).

"(3) Prior to deposit by the Mayor into the Fund of the net proceeds from the disposition of property referred to in paragraph (2) of this subsection, the Mayor shall deduct the amount of the principal balance outstanding from the proceeds of any general obligation bonds issued by the District pursuant to section 461 of the District of Columbia Self-Government Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 804; D.C. Code, sec. 47-321), if the proceeds were used either to construct, rehabilitate, or renovate the property disposed of.

"(4) The Mayor shall submit to the Council by November 30th of each year a report on the status of all real property transferred by the Board to the Mayor during any previous fiscal year.

"(5) The Board shall submit to the Council with its annual appropriations request a report detailing the actual expenditure of funds from the Fund, by facility, location, and project, during the previous fiscal year and the proposed expenditure of funds from the Fund, by facility, location, and project, during the next fiscal year."

Sec. 3. A new section 14 of An Act to Fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 20, 1906 (34 Stat. 321; D.C. Code, sec. 31-101 et. seq.), is added to read as follows:

"Sec. 14. The Board of Education, upon the approval of the Mayor, and with the consent of the Council by resolution, shall have the power to raze structures. The razing of any building, structure, or part of any building or structure that is on the National Register of Historic Places, the District of Columbia inventory of historic sites, or for which application for 1 of these listings is pending, shall not be approved."

Sec. 4. Section 6(c) of the District of Columbia Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Code, sec. 5-905(c)), is amended by adding a new paragraph (3) to read as follows:

Section
5-905

"(3) For real property under the jurisdiction of the Board of Education ("Board") that the Board has determined to be no longer needed for educational purposes and for which jurisdiction has been transferred by the Board to the Mayor for disposal in accordance with the provisions of this act, the Mayor shall submit to the Council a report on whether the Mayor intends for the property to be used by another agency of the District government. The report shall be submitted to the Council by the Mayor within 90 days of the transfer of the property to the Mayor by the Board. If the report is not submitted to the Council within the 90-day period, the Mayor shall dispose of the property in accordance with the provisions of this act and shall transmit to the Council the resolution required by subsection (b) within 180 days of the date of the transfer of the property to the Mayor by the Board."

Sec. 5. Section 2 of the District of Columbia Board of Education Leasing Authority Act of 1982, effective September 29, 1982 (D.C. Law 4-158; D.C. Code, sec. 31-201.1(c)) is amended as follows:

(a) Subsection (c) is amended as follows:

(1) By striking the phrase "All rents, fees, and proceeds derived from leases, licenses," and inserting the

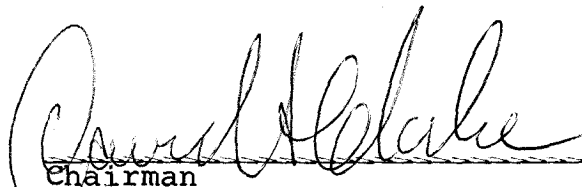
phrase "All fees and proceeds derived from licenses" in its place."

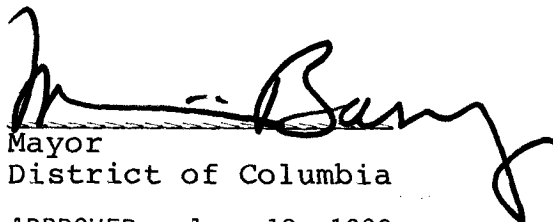
(2) By striking the phrase "leases, licenses," and inserting the word "licenses" in its place.

(b) A new subsection (c-1) is added to read as follows:

"(c-1) All proceeds received by the Board of Education for leasing school buildings shall be deposited into the Board of Education Real Property Improvement and Maintenance Fund established by the Board of Education Real Property Disposal Act of 1990."

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 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: June 18, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-383

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-15-90

VOICE VOTE: Approved

Recorded vote on request

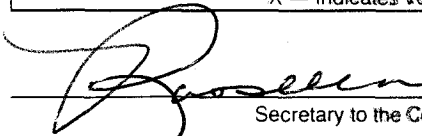
Absent: Jarvis and Thomas

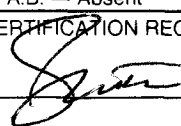
ROLL CALL VOTE: — RESULT _____ (____/____/____)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD


 Secretary to the Council

 6-5-90
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-29-90

VOICE VOTE: Approved

Recorded vote on request

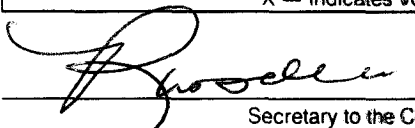
Absent: Crawford

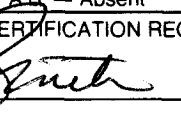
ROLL CALL VOTE: — RESULT _____ (____/____/____)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD


 Secretary to the Council

 6-5-90
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (____/____/____)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date