GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2008-38
March 13, 2008

SUBJECT: Establishment – The District of Columbia Commission on Persons with Disabilities

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2001), and in accordance with the Disability Rights Protection Act of 2006, effective December 28, 2006, D.C. Law 16-239, D.C. Official Code §§ 2-1431.01 *et seq.* (2001), it is hereby **ORDERED** that:

1. **ESTABLISHMENT**

There is hereby established in the Government of the District of Columbia the District of Columbia Commission on Persons with Disabilities ("Commission") within the Office of Disability Rights.

2. **PURPOSE**

The Commission shall be committed to enhancing the image, status, inclusion, and quality of life for all District of Columbia residents, visitors, and employees with disabilities, and to ensuring that they have the same rights and opportunities as those without disabilities. The Commission will serve as an advisory body to inform and advise the District on programs, services, facilities, and activities that impact the lives of residents with disabilities in the District of Columbia.

The Commission will advocate on behalf of persons with disabilities and/or families of such persons to promote inclusive communities and service delivery systems and to provide opportunities for public input, outreach, and education. The Commission shall work within the Office of Disability Rights (ODR) and in collaboration with the Office of Human Rights, Americans with Disabilities Act (ADA) compliance and training programs, the Department on Disability Services, and all other agencies, boards, and commissions of the District of Columbia that affect the lives of residents with disabilities.

3. **FUNCTIONS**

The Commission shall:

(a) Advise the Mayor, the Office of Disability Rights, the Department on Disability Services and all District agencies that work directly and indirectly with persons with disabilities, and work closely with District of Columbia community organizations on issues affecting persons with disabilities to recommend strategies and identify and address unmet needs;

(b) Review, monitor, comment on, design, and advocate on proposed and existing legislation, regulation, budgets, policies, programs, performance measures, state plans, and any other activities of District government agencies that may impact the lives of persons with disabilities;

(c) Work cooperatively with the Statewide Independent Living Council, the Developmental Disabilities State Planning Council, the State Rehabilitation Council, the Special Education Advisory Taskforce, and any other councils, boards or commissions dealing with services, supports or rights of persons with disabilities;

(d) Work with the Office of Disability Rights on the development and implementation of the District of Columbia ADA Compliance Program and the annual Olmstead Compliance Plan;

(e) Promote services, supports, and initiatives to improve the quality of life and inclusion of persons with disabilities, including but not limited to public accommodations, accessible and affordable housing, education and transition from school to work, employment, health, emergency preparedness, and identifying barriers for public and private transportation and paratransit services for persons with disabilities;

(f) Conduct public hearings and other forums to determine views of persons with disabilities and other members of the public on matters affecting the health, safety, and welfare of persons with disabilities in the District of Columbia;

(g) Organize, represent, and publicize input from individuals and community stakeholders regarding sentiments, needs, gaps, and priorities for persons with disabilities;

(h) In collaboration with relevant District agencies, conduct community outreach, education, and awareness, and information and referral activities to disseminate resource information for and about persons with disabilities and raise the profile of persons with disabilities in the District of Columbia.

(i) Beginning in fiscal year 2009, produce a five-year strategic plan, an annual statement of goals and objectives, and develop an annual report on the activities of the Commission; and

(j) Undertake any other activities to advance the mission of the Commission that may be determined by the Commission or assigned by the Mayor or his designee.

4. **MEMBERSHIP**

(a) The Commission shall consist of a minimum of twelve (12) and a maximum of fifteen (15) members representing the general public, who are appointed by the Mayor. Members shall have experience with or a demonstrated interest in issues that impact persons with disabilities.

i. The Commission membership may include representation from the following communities: persons with disabilities, representatives of the District of Columbia business community, representatives of the service provider community who serve persons with disabilities in the District of Columbia; representatives of advocacy organizations who serve persons with disabilities in the District of Columbia; and other individuals in the District of Columbia who have a demonstrated interest in serving persons with disabilities.

ii. At least fifty-one percent (51%) of the members shall at all times consist of persons with disabilities.

iii. Commission members shall be District residents or represent organizations based in the District.

(b) Each member, or a designated representative, shall attend all meetings of the full Commission. The Commission's by-laws may permit members representing the general public to take excused absences. Any member who, without receiving an excused absence, fails to attend three (3) consecutive meetings shall be deemed to be removed from the Commission, and a vacancy created.

5. **TERMS**

Members shall be appointed to terms of three years, except that of the first appointed members, one-third shall be appointed for a one (1) year term, one-third for a two (2) year term and one-third for a three (3) year term. The date on which a majority is sworn in shall serve as the anniversary date for all subsequent appointments. Should a vacancy occur through death, incapacity, or resignation of a member, the Mayor shall appoint a successor to complete the unexpired term.

6. **ORGANIZATION**

(a) The Mayor shall appoint the Chairperson of the Commission, who shall serve in the capacity at the pleasure of the Mayor; and

(b) The Commission may establish appropriate committees or task forces and may set rules and procedures and establish by-laws in accordance with this Mayor's Order.

7. **ADMINISTRATION**

The Office of Disability Rights shall provide the Commission with an Executive Director for full program support. If at any time a vacancy in staff support positions to the Commission should occur, the Commission shall assist the Office of Disability Rights with candidate selection. Reasonable and necessary expenses of the Commission shall be incorporated into the budget of the Office of Disability Rights. Additional resources to support activities of the Commission may be provided from appropriate government grants or from grant-funded District agencies responsible for providing services to persons with physical, mental, and emotional disabilities.

8. **COMPENSATION**

Members of the Commission shall serve without compensation. Commission expenses shall be authorized in advance by agreement with the Director of the Office of Disability Rights and the appropriate Commission representative.

9. **RESCISSION:** Mayor's Order 88-245, dated November 16, 1988 and Mayor's Order 2002-79 dated April 15, 2002 are rescinded.

10. **EFFECTIVE DATE:** This Order shall become effective immediately.

ADRIAN M. FENTY
MAYOR

ATTEST: _____
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

LEGAL COUNSEL DIVISION

MEMORANDUM

TO: **Shomari Brock Wade**
Special Assistant
Office of Boards and Commissions

FROM: **Wayne C. Witkowski**
Deputy Attorney General
Legal Counsel Division

WCW

DATE: **January 31, 2008**

SUBJECT: **Legal Sufficiency Review of Draft Mayor's Order Establishing a District of Columbia Commission on Persons with Disabilities (AM-08-055)**

This memorandum responds to your January 23, 2008 request that this Office conduct a legal sufficiency review of the above-referenced Mayor's Order ("order").

The order establishes the District of Columbia Commission on Persons with Disabilities (formerly the Mayor's Committee on Persons with Disabilities and Reappointments and Appointments) ("Commission"). The order sets out the Commission's purpose and establishes its functions. It also sets membership requirements, terms of office, and establishes that Commission members serve without compensation. Finally, it states that the Office of Disability Rights will provide the Commission with administrative and financial support.

I have reviewed the order and I find it to be legally sufficient. However, I have made a number of revisions to the order. Please use the revised version, which I enclose along with this memorandum. I am enclosing a redlined version as well so that you can review the changes. Finally, please be sure to send the order to Clifton Posey in the Office of Documents and Administrative Issuances so that he can review it for formatting purposes.

Should you have any questions concerning this memorandum, please contact Jason Spitalnick in the Legal Counsel Division by telephone at 724-6528 or by email at jason.spitalnick@dc.gov, or me at 724-5524.

WCW/jms

Attachment

1350 Pennsylvania Avenue, N.W., Suite 409 Washington, D.C. 20004 · Phone: 202.724.5524 · Fax: 202.724.6160 · Email: Jason.Spitalnick@dc.gov