

MEMORANDUM

TO: KEN GROSSINGER, CHAIR, OPERATIONS COMMITTEE

COPY TO: TROY LEMAILE-STOVALL, CHIEF OPERATING OFFICER

FROM: AVIS M. RUSSELL, GENERAL COUNSEL *AMR*

Subject: Notice Of Final Rulemaking, Amendments To Chapter 6, To Implement A Reserve/Premium Fee For Faculty, Staff, And Contractors With University Issued Identification And Inapplicability Of Parking Rates Provided By Third Party Contractor

DATE: June 10, 2020

On March 3, 2020, the Board of Trustees approved a Notice of Proposed Rulemaking (NPRM) to implement a discretionary reserved/premium parking rate for faculty, staff, and contractors with University-issued identification beginning in the spring semester of 2020. The NPRM was published in the D.C. Register on March 27, 2020 (67 DCR 13) for a thirty (30) day comment period. The public comment period has elapsed, and no comments were received during the applicable period.

The NPRM was initially adopted and forwarded for consideration by the Operations Committee on February 18, 2020. Pursuant to 8B DCMR §128.4, if no public comments are received on a Notice of Proposed Rulemaking, “the Chairperson of the Board Committee may forward the rules to the Board for final adoption without a meeting of or action by the committee.” Accordingly, as Chairperson of the Operations Committee, you may forward the referenced rulemaking action to the full Board of Trustees for final rulemaking action at the Board meeting scheduled for June 16, 2020.

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2020-_____**

SUBJECT: NOTICE OF FINAL RULEMAKING, AMENDMENTS TO CHAPTER 6, TO IMPLEMENT A RESERVE/PREMIUM FEE FOR FACULTY, STAFF, AND CONTRACTORS WITH UNIVERSITY ISSUED IDENTIFICATION AND INAPPLICABILITY OF PARKING RATES PROVIDED BY THIRD PARTY CONTRACTOR

WHEREAS, the Board of Trustees of the University of the District of Columbia, pursuant to the D.C. Official Code §38-1202.01(a)(7); and §38-1202.06(3)(13) has the power to adopt, prescribe, amend, repeal and enforce bylaws, rules, and regulations it considers necessary for the governance and administration of the University of the District of Columbia (“University”); and

WHEREAS, pursuant to D.C. Official Code § 38-1202.06(13), it is the duty of the Board to perform such duties and make such regulations as may be necessary to carry out the purposes of the University and that such regulations are adopted in accordance with the provisions of D.C. Official Code § 2-505(a); and

WHEREAS, the University seeks to institute a reserve/premium parking garage rate which reflects the current market rate of maintaining a parking garage by implementing a discretionary reserved/premium parking garage rate for faculty, staff, and contractors with University-issued identification; and

WHEREAS, the University will limit all adopted parking rates to faculty, staff, students or contractors with University issued identification except in instances where parking is provided through a lease or contract by a third-party contractor to the University; and

WHEREAS, the Board seeks to revise Section 607.4 of Title 8B of the District of Columbia Municipal Regulations (DCMR), Chapter 6, Campus Life, to allow the University to implement a discretionary reserved/premium parking fee for faculty, staff and contractors with University issued identification and to add a new Section 608.4 to limit all adopted parking rates to faculty, staff, students or contractors with University issued identification except in instances where parking is provided thru a lease or contract by a third-party contractor to the University; and

WHEREAS, the substance of the proposed rules enacted herein was published on March 27, 2020 at 67 DCR 13 for a thirty-day public comment period in accordance with D.C. Official Code § 2-505(a) and no public comments were received during the public comment period; and

WHEREAS, pursuant to 8 D.C.M.R §128.4, where no comments are received, the Chairperson of the Board may forward the rules for final adoption without committee action.

THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby adopts the Notice of Final Rulemaking attached and incorporated hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the Rules enacted herein shall take effect upon publication in the DC Register and that all prior inconsistent resolution, customs, procedures, and practices are hereby repealed and General Counsel is hereby directed to publish this Notice of Final Rulemaking in the D.C. Register.

Approved by the Board of Trustees:

June 16, 2020

Christopher D. Bell
Chairperson of the Board

EXHIBIT A

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2001 & 2011 Supp.) hereby gives notice of its intent to amend chapter 6 (Campus Life) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rulemaking is to implement a discretionary reserved/premium parking rate for faculty, staff, and contractors with University-issued identification beginning in the spring semester of 2020.

The substance of the rules adopted herein was published in the D.C. Register on March 27, 2020 at 67 DCR 13 for a thirty-day public comment period in accordance with D.C. Official Code §2-505(a).

No public comment was received by the Board during the public comment period. The rule was adopted by the Board as final on June 16, 2020 and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 6, CAMPUS LIFE, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:

Section 607, PARKING FEES, Subsection 607.4 is amended as follows:

607.4 The reserved/premium parking fee for faculty, staff, and contractors with University issued identification shall be \$175.00 (Fall & Spring Semester) and \$75.00 (Summer), except as otherwise provided in this chapter.

Section 608, VISITOR AND GUEST PARKING, Subsection 608.4 is added to read as follows:

608.4 The adopted parking rates are applicable to faculty, staff, students or contractors with University issued identification except in instances where parking is provided via a lease or contract by a third-party contractor to the University.

FISCAL IMPACT STATEMENT

TO: The Board of Trustees

FROM: Managing Director of Finance *David A. Franklin*

DATE: March 3, 2020

SUBJECT: Reserved & Premium Parking Rate

Conclusion

It has been concluded that the establishment of a discretionary reserved/premium parking rate for Auxiliary Services will result in a positive fiscal impact on the University of the District of Columbia's annual revenue stream.

Background

The proposed resolution will establish a reserved/premium parking rate of \$175.00 (Fall & Spring Semester) and \$75.00 (Summer) for current UDC staff, faculty and contractors who wish to avail themselves of this parking feature. The proposed rate would accomplish the following: (1) generate a slight increase in revenue; and (2) allow the university to remain well below the market rate average for the Van Ness Corridor.

The reserved/premium parking rate is projected to generate approximately \$2,000.00 in additional annual post-secondary revenue. The reserved/premium parking rate will apply only to UDC staff, faculty, and contractors who wish to avail themselves of this parking feature.

Financial Impact

It is projected that the proposed reserved/premium parking rate would lead to an increase in revenue for the university. This request has been approved based on information provided.

There are no anticipated risks at this time.

Average Semester Reserved/Premium Passes: 40	
Rate	25.00
Semester Revenue	1,000
Annual Revenue	2,000