

SNAPSHOT OF RULES FOR NPS FUNDS EXPENDITURES

1. Who can make purchases and sign contracts? – Chairman or Secretary

The Chairman, as CEO, has contracting authority for the Council and has delegated that authority to the Secretary. Council Rule 262 provides that the Secretary is the Chief Administrative Officer of the Council and is responsible for “proposing and administering the fiscal-year budget of the Council.” Further, the Secretary “shall only disburse funds for the *direct operating expenses* in the office of a Member or Officer.”

Individual Councilmembers do not have authority to enter into contracts that will bind the Council. Only the Chairman (or his delegate, the Secretary) or a majority of members passing an act or resolution can bind the Council.

2. What law governs our spending? - Generally, federal appropriations law

Occasionally, District law provides specific guidance on expenditures, but by and large, we are bound by the provisions of federal appropriations law. The Government Accountability Office (“GAO”) [Redbook](#) provides guidance on the legal use of appropriated funds. (See, GAO, Principles of Federal Appropriations Law, 4th ed., 2017 rev., ch. 3, GAO-17-797SP (Washington, D.C.: Mar. 2017); hereinafter “*Redbook*”)

3. What’s the purpose? – Determined by the purpose statute

Funds must only be used for the purposes for which appropriated. Misapplication violates the law – even if beneficial to the government.

4. Which purchases are permissible? – Determined by the necessary expense rule

Is it a necessary expense?

1. Is there a logical relationship to the Council’s core mission? Is it tied to legislation and legislative duties?
2. Is it prohibited by law?
3. Is the expenditure otherwise provided for? (This generally does not apply to Council offices)

5. Other Considerations

Personal vs. Official Benefit – If an expenditure benefits employees personally, it is generally not permissible unless it primarily benefits the Council or is specifically authorized.

Specific vs. General Appropriation – When both a specific and a general appropriation exist for the same purpose, the specific one must be used.

Reimbursements must reflect actual costs – Reimbursements must reflect actual costs incurred; anything more could be considered improper.

Publicity and Propaganda restrictions – Funds cannot be used for “self aggrandizement,” covert propaganda or grassroots lobbying without express authorization.

Most common expenditures

Category	Yes	No	Maybe	Notes
Attorney’s fees			X	Fact-specific and varies by purpose.
Awards for employees	X			Cash and non-cash awards are allowed.
Books and periodicals	X			Must be tied to legislative functions. Cannot be personal interest publications. <i>Redbook</i> , p. 3-166.
Bottled water		X		<i>Redbook</i> , p. 3-203.
Business cards			X	Generally prohibited.

Category	Yes	No	Maybe	Notes
				Exception: For employees who regularly deal with the public or persons outside their immediate office. <i>Redbook</i> , p. 3-168.
Cell phones (Council-issued)	X			<i>Redbook</i> , p. 3-406.
Ceremonial items	X			
Certificates and licenses			X	At the discretion of the agency head (5 U.S.C. § 5757 provides this discretion but excludes “excepted service employees”)
Charities and civic programs			X	Expenditures are not permissible. Exception: Government-sanctioned fundraising campaigns. <i>Redbook</i> , p. 3-208.
Clothing - T-shirts, hats, jackets, logoed paraphernalia			X	Generally prohibited; except that uniform shirts for employees of the Council are permissible. Law 24-43, Fiscal Year 2022 Local Budget Act of 2021. Generally considered a personal expense. However, the GAO applicable exception is for uniforms. The items must not be worn as a part of customary business attire and provide a distinctive design or identification of employees as a group. Not part of the employee’s wardrobe and is only rarely required to perform official duties. Only for employees. <i>Redbook</i> , p. 3-34.
Communications - E-newsletters, videos and other communications services	X			To disseminate information about legislative duties and functions only, but not to promote an individual or interest, or advocate for a cause. <i>Redbook</i> , p. 3-103. Must be educational, factual, and clearly attributable to the Council or Councilmember’s office. May promote awareness about legislative actions and activities. Must <u>not</u> suggest or encourage public action on pending legislation in Congress; e.g. cannot encourage the public to lobby Congress, like “Call Member X to support or oppose Bill Y.”
Commuting to and from work		X		Considered a personal expense.
Educational courses offered by universities or colleges	X			
Entertainment		X		<i>Redbook</i> , p. 3-179.
Enrichment courses		X		Generally considered a personal expense. Not job-related. <i>Redbook</i> , p. 3-230.
Equipment and office supplies	X			For use by employees tied to legislative duties and functions. Telework equipment expenditures are permissible as authorized by Council policy “ Home Use of Council Equipment ”, March 21, 2021.

Category	Yes	No	Maybe	Notes
Fees for admission to the bar, annual bar dues, court admission and examinations to obtain such credentials			X	Generally considered a personal expense. However, as authorized by the FY 22 LBA, an expenditure is permissible to obtain or maintain professional credentials in the District that are related to employment at the Council, including bar admission fees, bar dues and fees, court admission fees, and examinations to obtain such credentials. Law 24-43, Fiscal Year 2022 Local Budget Act of 2021.
Fines and penalties while on official business (e.g. speeding tickets, red light tickets)		X		<i>Redbook</i> , p. 3-180.
Food and beverage			X	Generally prohibited. Exception: <ul style="list-style-type: none"> - while in travel status; determined by time (> 12 hours) and distance (> 50 miles away) - cultural awareness programs; part of EEO effort and small samples offered to foster awareness - employee award ceremonies; public recognition of recipients is required - specifically appropriated funds <i>Redbook</i> , p. 3-67.
Gifts to employees or the public			X	Generally prohibited. Exception: items of nominal value (e.g. pens) or informational in nature (e.g. buttons) or mementos given to guests. <i>Redbook</i> , p. 3-185.
Greeting cards		X		Considered a personal goodwill gesture. The restriction applies to holiday and seasonal cards and notes; includes those not tied to a holiday, like “thank you” or “condolence” or “congratulations” cards. <i>Redbook</i> , p. 3-53.
Health-related programs	X			<i>Redbook</i> , p. 3-196. Specifically, <u>see</u> preventative health-related expenditures at pp. 3-201-203.
Kitchen appliances (e.g. microwaves, toasters, fridges and coffee makers)			X	Expenditures are permissible if for communal benefit and efficiency in the workplace. Items must be placed in central/common areas and available to all personnel. Is a significant factor in hiring and retaining personnel and is reasonably related to efficient performance of legislative duties and activities. All food items (coffee, food, condiments etc.) remain personal expenses. <i>Redbook</i> , p. 3-89.
Office decorations			X	Expenditures are permissible if they improve the work environment and are not personal in nature. Selected items cannot be primarily for personal convenience or enjoyment and must be tied to a work-related objective like

Category	Yes	No	Maybe	Notes
				boosting morale. Includes permanent office decorations in common areas (e.g. art, plants, flowers etc.), as well as seasonal or temporary decorations. Must be sensitive to the display of religious symbols. <i>Redbook</i> , pp. 3-54, 3-211.
Official Photographs			X	Generally prohibited. Exception: If deemed necessary for the accomplishment of legislative duties and the Council's mission. Only for members. <i>Redbook</i> , p. 3-214.
Organizational membership fees for employees			X	Prohibited from paying individual membership fees to professional organizations for which the Council does not belong, even if the Council benefits from the employees' membership; e.g. National Association of Black Journalists. The Council, in its own name, may become members of professional organizations that directly benefit the Council and is related to legislative functions/duties, e.g. NCSL. <i>Redbook</i> , p. 3-354.
Out of town travel expenses associated with attending conferences, seminars, training etc.	X			Out of town travel is determined by time (> 12 hours) and distance (> 50 miles away). Must be related to legislative duties and responsibilities and must be in the best interests of the Council and the District. To assist with this analysis, use the federal standard, where at least one of these three elements needs to be met: (1) part of an authorized training function; (2) concerned with the functions or activities for which the appropriation is made; or (3) must contribute to the improved conduct, supervision, or management of the functions or activities.
Parking fees for private vehicles used while on official business			X	Fees must not be incurred incident to commuting to and from work. Must be on official business and pre-authorized by agency head. Must determine that it's advantageous to the government and no government-owned vehicle is available. District's Travel Policy, Sec. 6.1, as applied by CFO
Parking tickets while on official business			X	Expenditures are prohibited. Exception - <i>Councilmembers</i> are exempted from this requirement because District law provides that tickets should not be issued to members if on official business and are parked in any available curb space that is not in violation of a loading zone, rush hour zone or fireplug restriction. Councilmembers must be driving their own vehicle with permanently affixed Councilmember tags or must display official DDOT-issued parking placard.

Category	Yes	No	Maybe	Notes
				D.C. Official Code § 1-629.05(a).
Plates, cups, utensils		X		<i>Redbook</i> , p. 3-89.
Postage	X			Must be official legislative business.
Professional development and training	X			Refer to authorization provided by the Government Employees Training Act, 5 U.S.C. Chapter 41.
Registration fees for meetings, seminars and conferences	X			
Retreats	X			Cannot pay for food; except where the cost of food is included, at no extra charge, in the fee for the outside facility's conference space.
Social media	X			To disseminate information about legislative duties and functions only, but not to promote an individual or interest, or advocate for a cause. <i>Redbook</i> , p. 3-103. Must be educational, factual, and clearly attributable to the Council or Councilmember's office. May promote awareness about legislative actions and activities. Must <u>not</u> suggest or encourage public action on pending legislation in Congress, e.g. cannot encourage the public to lobby Congress, like "Call Member X to support or oppose Bill Y."
Taxi fares			X	Generally prohibited. Exception: In cases of extenuating circumstances (such as outside the employee's normal working hours and safety concerns) and is approved in advance. Must show that there was no viable public transportation option nor government vehicle available. District's Travel Policy, Sec. 6.1, as applied by CFO
Websites provided by third parties	X			To disseminate information about legislative duties and functions only, but not to promote an individual or interest, or advocate for a cause. <i>Redbook</i> , p. 3-103. Must be educational, factual, and clearly attributable to the Council or Councilmember's office. May promote awareness about legislative actions and activities. Must <u>not</u> suggest or encourage public action on pending legislation in Congress, e.g. cannot encourage the public to lobby Congress, like "Call Member X to support or oppose Bill Y."