

**THE PRESIDIO TRUST
BOARD OF DIRECTORS**

**RESOLUTION 03-9
POLICY FOR CONSIDERATION OF
SMALL ENTITIES IN AGENCY RULEMAKING**

WHEREAS, Executive Order 13272 directs federal agencies to establish procedures and policies to assess and take appropriate account of the potential impact of draft agency rules on small businesses, small governmental jurisdictions and other small entities, in compliance with the Regulatory Flexibility Act, as amended (5 U.S.C. § 601, *et seq.*) (“Act”); and

WHEREAS, any draft rules issued by the Trust are unlikely to have an effect on small businesses, small governmental jurisdictions and other small entities; and

WHEREAS, Trust Resolution 98-16 established a Public Outreach Policy that encourages public comment regarding policy, planning and design issues, including the potential impact of draft rules on small businesses, small governmental jurisdictions and other small entities;

NOW, THEREFORE, BE IT RESOLVED, that the Presidio Trust Board of Directors will thoroughly review draft rules to assess and take appropriate account of the potential impact on small businesses, small governmental jurisdictions and other small entities, in the following manner:

1. **Consideration in Drafting**

Before presenting a draft rule for consideration by the Presidio Trust Board of Directors, the Trust’s Legal Department will assess and take appropriate account of the potential impact of the draft rule on small businesses, small governmental jurisdictions and other small entities.

2. **Notice in Federal Register**

As required by law, and to the extent possible, the Trust will publish notices of proposed or draft rules in the Federal Register at least 30 days, and, when practicable, 60 days, before the Trust adopts final rules. The public is encouraged to comment on the potential impact of the proposed or draft rule on small businesses, small governmental jurisdictions and other small entities.

3. **Notice to the Small Business Administration**

The Trust will notify the Chief Counsel for Advocacy of the Small Business Administration (“SBA”) of any draft rules that may have a significant economic impact on a substantial number of small entities under the Act. Such notifications shall be made (i) when the Trust submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget (“OIRA”) under Executive Order 12866 if that order requires such

submission, or (ii) if no submission to OIRA is so required, at a reasonable time prior to publication of the rule by the Trust.

4. **Consideration of Comments by the Office of Advocacy**

In finalizing a draft rule, the Trust will give every appropriate consideration to any comments provided by the Office of Advocacy regarding a draft rule. Consistent with applicable law and appropriate protection of executive deliberations and legal privileges, the Trust shall include, in any explanation or discussion accompanying publication in the Federal Register of a final rule, the Trust's response to any written comments submitted by the Office of Advocacy on the proposed rule that preceded the final rule; provided, however, that such inclusion is not required if the Presidio Trust Board of Directors certifies that the public interest is not served thereby.

Adopted: January 21, 2003