

A RESOLUTION

16-796

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To confirm the appointment of Michelle Pourciau as the Director of the District Department of Transportation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the District Department of Transportation Michelle L. Pourciau Confirmation Approval Resolution of 2006".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Michelle L. Pourciau
3023 Oliver Street, N.W.
Washington, DC 20015

as Director of the District Department of Transportation, established by section 2 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-797

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the sense of the Council in support of federal legislation amending the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phase of this historic expedition.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the Lewis and Clark National Historic Trail Extension Resolution of 2006".

Sec. 2. The Council of the District of Columbia finds that:

(1) The mission of the Lewis and Clark Trail Heritage Foundation is to preserve and enhance the Lewis and Clark National Historic Trail and to educate the public about the incredible journey of exploration led by Meriwether Lewis and William Clark.

(2) The mission began in Washington, D.C., with the acquisition of land known as the Louisiana Purchase by President Thomas Jefferson and his vision for the Corps of Discovery.

(3) The Corps of Discovery was commissioned to explore the breadth of the continent to the Pacific, to map and record their observations, to develop ties to the native populations, and to return with documentation of their observations.

(4) In January 1803, Captain Meriwether Lewis left the District of Columbia to begin preparations for this historic journey across the great American west.

(5) In December 1806, Captain Lewis returned to the District of Columbia to report to President Jefferson on the success of the expedition. Native American chiefs were part of the celebration following the expedition. Today, the Corps of Discovery's journey is celebrated, and preserved, in the Lewis and Clark National Historic Trail.

(6) This fascinating historic trail allows Americans and visitors to learn about American history, see the beauty and diversity of the trail's landscapes, and to walk in the footsteps of Meriwether Lewis and William Clark.

(7) While the trail stretches more than 3,700 miles to the Pacific coast and

is the second longest of the 23 National Scenic and Historic Trails, there are important parts of this historic expedition that are not officially recognized, such as routes taken in preparation for the expedition and milestones in nearly a dozen states and the District of Columbia.

(8) The Lewis and Clark Trail Heritage Foundation, which emphasizes the preservation and study of the trail and the story of Lewis and Clark and the Corps of Discovery, supports recognition of a continuous trail across the country and the right to post the official trail sign - Two Captains Pointing the Way - throughout the expanded trail.

Sec. 3. It is the sense of the Council that the extension of the Lewis and Clark National Historic Trail from coast to coast would complete the story of the Lewis and Clark voyage of discovery and expose many more Americans, and visitors who traverse our country in the millions each year, to the educational and cultural aspects of the expedition, and that Congress should enact the Lewis and Clark National Historic Trail Extension Act of 2006, introduced on March 30, 2006 (H.R. 5053), or other such federal legislation extending the Lewis and Clark National Historic Trail.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, together with the accompanying committee report, to the officers of both houses of Congress, to the committee chairs that have jurisdiction over District of Columbia affairs, to the chair of the House Committee on Resources, and to the Delegate to the House of Representatives from the District of Columbia.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

A RESOLUTION

16-798

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to fill a gap in legal authority and to exempt from disclosure under the Freedom of Information Act records of ongoing investigations compiled by the Office of Police Complaints.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Police Complaints Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Office of Police Complaints receives, investigates, and resolves complaints filed by the public against officers of the Metropolitan Police Department and the District of Columbia Housing Authority Police Department.

(b) The Office of Police Complaints prepares reports of investigations and refers complaints alleging criminal conduct to the U.S. Attorney's Office.

(c) Currently, District law distinguishes several categories of records exempt under the Freedom of Information Act from public disclosure. Included is an exception for "investigatory records compiled for law-enforcement purposes, including the records of Council investigations, but only to the extent that the production of such records would interfere with enforcement proceedings, or with Council investigations."

(d) Office of Police Complaints has relied on the law-enforcement provision to deny Freedom of Information Act requests for open investigatory records. However, a judge of the Superior Court of the District of Columbia ruled on September 11, 2005, that the Office of Police Complaints is not covered by this provision, as the agency has no law-enforcement capabilities and thus cannot act for law-enforcement purposes.

(e) During the course of an Office of Police Complaints investigation, open records contain information that is not verified, personal in nature, or embarrassing to the complainant, officer, or potential witnesses. Further, Office of Police Complaints needs to withhold investigatory documents from disclosure until investigations are complete in order to ensure that future evidence collected is not tainted, witnesses are candid and honest, and the agency is not

used as an investigatory agency for private parties.

(f) Emergency legislation clarifying that Office of Police Complaints is exempt from disclosing all open and unresolved cases is necessary to enable the agency to efficiently and effectively complete its stated purpose.

(g) The Council has adopted the Office of Police Complaints Amendment Act of 2006 (D.C. Law 16-152) and the Office of Police Complaints Emergency Amendment Act of 2006 (D.C. Act 16-379) to address this issue. The emergency expired on August 17, 2006 and the permanent became effective on September 19, 2006.

(h) A gap in legal authority exists for the Office of Police Complaints to raise the exemption between the period from August 17, 2006 till September 19, 2006. This emergency is necessary to fill the gap in legal authority for this period.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Police Complaints Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-799

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency due to Congressional review, with respect to the need to dedicate land for street and alley purposes in Squares 5318, 5319, and 5320 and to designate the new streets as Kimi Gray Court, and Ivory Walters Lane, in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dedication of Public Streets and Alleys in Squares 5318, 5319, and 5320 Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The naming of the streets is an important memory of women who worked extremely hard to improve the lives of those who have lived in the neighborhood and worked diligently to bring this revitalization to the neighborhood. Both of these women were former public housing residents. Miss Gray was a leader at the Kenilworth Gardens complex but was actively involved in helping the Eastgate residents spur the redevelopment of their site. Ivory Walters was a resident at Eastgate who was actively involved in supporting the quality of life and did a great deal to support young people who lived at the site.

(b) Permanent legislation on this subject (D.C. Act 16-458) was approved by the Council on second reading on July 11, 2006 and was transmitted to Congress following its approval by the Mayor. The permanent measure is not projected to become effective until October 7, 2006, if Congress does not adjourn prior to that date. Congress is currently scheduled to adjourn sine die on October 5, 2006, making the effective date of the permanent legislation uncertain. Adoption of the Congressional review emergency bill is necessary to prevent a gap in legal authority while the permanent measure is pending Congressional review.

(c) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously and ensure that the project progresses on schedule in accordance with HUD Hope IV grant requirements. Proceeding forward with the development and obtaining permits for construction on site is dependent upon the Council's approval of the street and alley closing.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Dedication of Public Streets and Alleys in Squares 5318, 5319, and 5320 Congressional Review Emergency Act of 2006, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-800

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Highway Trust Fund Establishment Act of 1996 to direct revenue into the Local Roads Construction and Maintenance Fund that was inadvertently directed to the District Department of Transportation Operating Fund, to provide that 100% of the sales and use taxes for parking and storing vehicles up to \$30 million be directed for local roads construction and maintenance but that 50% may be used for debt servicing, that revenues in excess of \$30 million be deposited into the District of Columbia Highway Trust Fund, and that up to 100% of specified revenue collected for the rental of public space may be used for debt servicing; and to amend the Department of Transportation Establishment Act of 2002 to provide that revenue from public space rental from sources not deposited into the Local Roads Construction and Maintenance Fund or the District of Columbia Highway Trust Fund be deposited into the District Department of Transportation Operating Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Highway Trust Fund and District Department of Transportation Second Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) There existed a need to redirect where revenues were authorized to be deposited to ensure that the Great Streets program and the East Washington Traffic Relief program have assured and timely access to their fiscal year 2006 funding.

(b) Dedicated sources of revenue, 100% of bus shelter advertising revenue for the Great Streets Program and 50% of off-street parking taxes for the East Washington Traffic Relief Program, that should have been authorized for deposit into the Local Roads Construction and Maintenance Fund were authorized to be deposited into the District Department of Transportation's ("DDOT") operating fund, but without capital expenditure spending authority. These programs are capital programs and their expenditures must be made from a capital account, not an operating fund.

(c) Additionally, it was intended that these dedicated sources of revenue were to be securitized to fund the associated capital expenditures related to these programs. But 80% of the DDOT operating fund balance transfers into another fund at the end of the fiscal year.

(d) As a result the funds being authorized for deposit into DDOT's operating fund rather than the Local Roads Construction and Maintenance Fund and the fund balance transfer requirement, these programs were in jeopardy of not having access to their funding sources or of losing their fiscal year 2006 funding, which could have meant that their implementation would be delayed and millions of dollars dedicated to them would be unavailable.

(e) In 2005, the Council enacted emergency and temporary legislation, including the Highway Trust Fund and District Department of Transportation Temporary Act of 2005, effective March 8, 2006 (D.C. Act 16-228; 53 DCR 37) ("Temporary Act"), which remedied the above-referenced issues. The Temporary Act expires on October 19, 2006.

(f) Permanent legislation, sections 6014 and 6023 of the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6899), and section 113 of the Technical Amendments Act of 2006, signed by the Mayor on July 31, 2006 (D.C. Act 16-475; 53 DCR 6794), has been transmitted to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), but is not projected to become law until March 4, 2007.

(g) It is important that the provisions of this legislation continue in effect, without interruption, until the permanent legislation becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Highway Trust Fund and District Department of Transportation Second Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-801

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve measures that are necessary to support action taken on the District's fiscal year 2007 proposed budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2007 Budget Support Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) In July, the Council enacted the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6899) ("permanent act"), which contains measures necessary to support the Fiscal Year 2007 Budget and Financial Plan, and the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-477; 53 DCR 7068) ("emergency act"), to insure that the time sensitive provisions of the permanent act were in place for the new fiscal year. The emergency act expires on November 6, 2006.

(b) The permanent act was transmitted to Congress on September 5, 2006, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is currently not projected to become law until March 4, 2007.

(c) It is vital that the provisions of the emergency act continue in effect until the permanent act is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-802

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Historic Landmark and Historic District Protection Act of 1978 to establish the Targeted Homeowner Grant Program for low- and moderate-income homeowners for qualified rehabilitation expenditures of historic homes, and to authorize funds to be used for reasonable costs of administration.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Targeted Historic Preservation Assistance Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) There existed an immediate need to simplify the administration of the tax credit that is budgeted and available to low- and moderate-income homeowners for qualified rehabilitation expenditures of a historic home.

(b) In July 2006, the Council enacted the Targeted Historic Preservation Assistance Amendment Act of 2006, signed by the Mayor on July 31, 2006 (D. C. Act 16-473; 53 DCR 6786) ("permanent act"), which will provide grants to low- and moderate-income homeowners, thereby encouraging low- and moderate-income homeowners to take advantage of this historic preservation housing assistance program.

(c) Funds were already budgeted to assist eligible homeowners; therefore, the Council enacted, also in July, the Targeted Historic Preservation Assistance Emergency Amendment Act of 2006, effective July 31, 2006 (D.C. Act 16-472; 53 DCR 6787) ("emergency act") so that this legislation could be implemented as soon as possible in fiscal year 2006. The emergency act expires on October 29, 2006.

(d) The permanent act was transmitted to Congress on September 6, 2006, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is currently not projected to become law until March 4, 2007.

(e) It is important that the provisions of the emergency act continue in effect until the permanent act is law.

(f) It is also necessary to repeal the existing targeted historic housing tax credit program, which was intended to be replaced by the grant program established by the emergency and permanent acts. This repealer provision was inadvertently omitted by the Council in the emergency and permanent acts.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Targeted Historic Preservation Assistance Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-803

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 23, 2006

To declare the existence of an emergency with respect to the need to amend, due to Congressional review, the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Assistance Confidentiality of Information Second Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to ensure that all Medicaid records are subject to confidentiality protection requirements mandated by the federal Health Insurance Portability and Accountability Act of 1996.

(b) To address this need, the Council has adopted emergency and temporary legislation. However, the Public Assistance Confidentiality of Information Temporary Amendment Act of 2005, effective March 8, 2006 (D.C. Act 16-225), will expire October 19, 2006, and the Public Assistance Confidentiality of Information Amendment Act of 2006, signed by the Mayor on July 21, 2006 (D.C. Act 16-456), is pending Congressional review.

(c) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public Assistance Confidentiality of Information Second Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-804

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency with respect to the need to establish within the Office of the Attorney General a loan assistance repayment program for lawyers who practice in poverty areas of the law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Emergency Declaration Resolution of 2006".

Sec. 2. (a) On July 11 and October 3, 2006, the Council of the District of Columbia approved the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, which will not become effective until sometime in 2007.

(b) The act would create a loan assistance repayment program administered through the Office of the Attorney General that would be limited to attorneys providing direct legal services to the District's low-income population.

(c) Lawyers receiving repayment assistance would have to work at an organization that is eligible to receive funds from the District of Columbia Bar Foundation. Eligible recipients must be residents of the District of Columbia, meet certain income restrictions, and, to ensure commitment to public interest law, loans would not be completely forgiven until the recipient has worked for a minimum of 3 years in poverty law.

(d) Full-year funding for this program is included in the adopted budget for Fiscal Year 2007.

(e) Emergency legislation is necessary to allow the Office of the Attorney General to begin implementing this valuable and important program.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-805

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To declare the existence of an emergency with respect to the need to approve a multiyear contract with ARAMARK Correctional Services, Inc., to operate and manage the food service program at the Department of Corrections Central Detention and Correctional Treatment facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFL-2006-C-0011 Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Department of Corrections, proposes to enter into a multiyear agreement with ARAMARK Correctional Services, Inc. ("ARAMARK"), to operate and manage the food service program at the Department of Corrections Central Detention and Correctional Treatment facilities for 3 years, from January 1, 2007.

(b) The estimated total expenditure under this multiyear contract with ARAMARK is in the amount of \$14,589,451.50.

(c) Approval is necessary to allow the District to continue to receive the benefit of these vital services from ARAMARK.

(d) These critical food services can only be obtained through an award of the multiyear contract with ARAMARK.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCFL-2006-C-0011 Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-806

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2006

To approve, on an emergency basis, multiyear Contract No. DCFL-2006-C-0011 with ARAMARK Correctional Services, Inc., to operate and manage the food service program at the Department of Corrections Central Detention and Correctional Treatment facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFL-2006-C-0011 Emergency Approval Resolution of 2006".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(c)(3)), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council of the District of Columbia approves Contract No. DCFL-2006-C-0011, a multiyear agreement with ARAMARK Correctional Services, Inc. ("ARAMARK"), to operate and manage the food service program at the Department of Corrections Central Detention and Correctional Treatment facilities. The estimated total expenditure under this multiyear contract with ARAMARK is in the amount of \$14,589,451.50.

Sec. 3. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. This resolution shall take effect immediately.