

ENROLLED ORIGINAL

A RESOLUTION

16-108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

April 1, 2005

To approve a modification to the District of Columbia Medicaid Home and Community-Based Waiver for Persons with Mental Retardation and Developmental Disabilities to authorize services provided by physical therapists and occupational therapists in private practice, to expand skilled nursing services to include nurses provided by nurse staffing agencies, and to make technical corrections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medicaid Home and Community-Based Waiver for Persons with Mental Retardation and Developmental Disabilities Modification Governing Physical Therapy, Occupational Therapy, Speech Therapy and Skilled Nursing Services Approval Resolution of 2005".

Sec. 2. Pursuant to section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), the Council of the District of Columbia approves the proposed modification to the District of Columbia Home and Community Based Waiver for Persons with Mental Retardation and Developmental Disabilities to authorize services provided by physical and occupational therapists in private practice; to expand providers of skilled nursing services to include nurses provided by nurse staffing agencies; and to delete all references to the Office of Fair Hearings and replace them with the Office of Administrative Hearings.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, each to the Director of the Department of Health and to the Mayor.

Sec 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

April 25, 2005

To confirm the appointment of Ms. Sandra Olivia Edwards to the Board of Marriage and Family Therapy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Marriage and Family Therapy Sandra Olivia Edwards Confirmation Resolution of 2005".

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

Ms. Sandra Olivia Edwards
1912 R Street, S.E., Apt. #1
Washington, D.C. 20020
(Ward 8)

as a consumer member of the Board of Marriage and Family Therapy, established by section 217 of the Marriage and Family Therapy Amendment Act of 2003, effective March 10, 2004 (D.C. Law 15-88; D.C. Official Code § 3-1202.17), for a term to end February 6, 2008.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To confirm the reappointment of Mr. John A. Boardman to the District of Columbia Sports and Entertainment Commission Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the " District of Columbia Sports and Entertainment Commission Board of Directors John A. Boardman Confirmation Resolution of 2005".

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

Mr. John A. Boardman
1723 Shepherd Street, N.W.
Washington, D.C. 20011-5341
(Ward 4)

as a member of the District of Columbia Sports and Entertainment Commission Board of Directors, established by section 5 of the Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D. C. Official Code § 3-1404), for a term to end December 31, 2008.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To confirm the reappointment of Ms. Carolyn N. Graham to the Board of Education of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Education of the District of Columbia Carolyn N. Graham Confirmation Resolution of 2005".

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

Ms. Carolyn N. Graham
1710 Newton Street, N.E.
Washington, D.C. 20018
(Ward 5)

as a member of the Board of Education of the District of Columbia, established by section 2(a-f) of An Act To fix and regulate the salaries of teachers, schools officers, and other employees of the board of education of the District of Columbia, approved June 20, 1906 (34 Stat. 316; D.C. Official Code § 38-101), for a term to end December 14, 2008.

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

16-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To confirm the reappointment of Ms. Betsy Harvey Kraft to the District of Columbia Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Library Trustees Betsy Harvey Kraft Confirmation Resolution of 2005".

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

Ms. Betsy Harvey Kraft
1929 Upshur Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the District of Columbia Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), for a term to end January 5, 2010.

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

16-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To confirm the appointment of Mr. Donald F. Richardson to the District of Columbia Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Library Trustees Donald F. Richardson Confirmation Resolution of 2005".

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

Mr. Donald F. Richardson
1630 Van Buren Street, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the District of Columbia Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), replacing Jacqueline O'Neil, whose term ended January 5, 2005, for a term to end January 5, 2010.

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

16-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To confirm the Mayoral appointment of Dr. Patrick J. Canavan as the Director of the Department of Consumer and Regulatory Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Consumer and Regulatory Affairs Patrick J. Canavan Confirmation Resolution of 2005".

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

Dr. Patrick J. Canavan
1214 T Street, NW
Washington, D.C. 20009
(Ward 1)

as the Director of the Department of Consumer and Regulatory Affairs, established by Reorganization Plan No. 1 of 1983, effective March 31, 1983, 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, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to prohibit the transport of large shipments of certain extremely hazardous materials within 2.2 miles of the United States Capitol unless the transporter has obtained an authorizing permit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Terrorism Prevention in Hazardous Materials Transportation Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) In order to reduce the risk of attacks by terrorists, the Council has enacted emergency legislation (D.C. Act 16-43) and temporary legislation (D.C. Act 16-47) that prohibit the transport of large shipments of certain extremely hazardous materials within 2.2 miles of the United States Capitol unless the transporter has obtained an authorizing permit from the District of Columbia Department of Transportation.

(b) The emergency legislation will expire on May 16, 2005, and the temporary legislation is projected to become law on May 14, 2005, after completing the required period of Congressional review. Nevertheless, the Congressional schedule may vary and there is no guarantee that the temporary legislation will go into effect before the emergency legislation expires. This emergency legislation is necessary to prevent a gap in the legal authority.

(c) It is essential to maintain the restriction on the transport of large shipments of extremely hazardous materials through or near the U.S. Capitol, because a terrorist attack on a large-quantity hazardous materials shipment would be expected to cause tens of thousands of deaths.

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 Terrorism Prevention in Hazardous Materials Transportation Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. GAGA-2004-C-0353 and to authorize payment for goods and services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAGA-2004-C-0353 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. GAGA-2004-C-0353 for the purchase of appropriate quality janitorial supplies for each of the 147 District of Columbia Public Schools ("DCPS") schools and administrative sites and to authorize payment for the goods and services received under the contract.

(b) The DCPS Office of Contracts and Acquisitions ("OCA") awarded a one-year contract to Arie's Supply, Inc., ("Arie's") in the amount of \$439,030.80 on August 4, 2004 and Arie's has performed under the terms of the contract. DCPS requires additional janitorial supplies and OCA has modified the original contract to increase the quantities for additional supplies for an additional \$1,901,935.80, to be completed within the same period of performance.

(c) The modification to the contract will allow the DCPS Office of Facilities Management to provide uninterrupted service and appropriate janitorial supplies for each of the 147 DCPS facilities to ensure compliance with safety and health standards. The total contract amount, including the original contract and the modification amount, is \$2,340,966.60.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAGA-2004-C-0353 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. GAGA-2004-C-0377, Contract No. GAGA-2004-C-0376, and Contract No. GAGA-2004-C-0375 and to authorize payment for goods and services received under those contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAGA-2004-C-0377, Contract No. GAGA-2004-C-0376, and Contract No. GAGA-2004-C-0375 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. GAGA-2004-C-0377, Contract No. GAGA-2004-C-0376, and Contract No. GAGA-2004-C-0375 for general construction services for District of Columbia Public Schools ("DCPS") facilities and to authorize payment for the goods and services received under those contracts.

(b) The DCPS Office of Contracts and Acquisitions ("OCA") awarded 3 one-year contracts to O'Donnell Construction, HRGM Inc., and Dynamic Corporation in the amount of \$2 million each on June 17, 2002 with one base year and 4 option years. The original contracts did not receive Council approval. The DCPS Office of Facilities Management ("OFM") requires general construction services to facilitate the operation of construction requirements for OFM. OCA has modified the original contracts to reflect a new period of performance for the base year and 2 option years.

(c) The approval of these contracts will allow the OFM to establish multiple contracts for general construction services, to ensure the ability of the contractors to provide recurring, critical, and emergency services, to prevent the financial liability of and legal actions against DCPS, and to ensure that DCPS students, teachers, and administrators are not adversely affected through working and learning in an environment that is not safe and that is hazardous to their health. Each of the 3 contracts is in the amount of \$2 million for a period of performance of one year, with 2 option years.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Contract No. GAGA-2004-C-0377, Contract No. GAGA-2004-C-0376, and Contract No. GAGA-2004-C-0375 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to close a portion of Davenport Street, N.W., abutting Squares 1672 and 1673, bounded by 42nd Street, N.W., Chesapeake Street, N.W., River Road, N.W., 43rd Place, N.W., and Ellicott Street, N.W., in Ward 3 to facilitate the renovation and construction of an addition to an existing private school.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Portion of Davenport Street, N.W., abutting Squares 1672 and 1673, S.O. 03-2366, Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close a portion of Davenport Street, N.W., abutting Squares 1672 and 1673, bounded by 42nd Street, N.W., Chesapeake Street, N.W., River Road, N.W., 43rd Place, N.W., and Ellicott Street, N.W., in Ward 3.

(b) The closing of the portion of Davenport Street, N.W., will facilitate the renovation and construction of an addition to the Georgetown Day School. The proposed project and street closing application have received the support of various District agencies, including the Board of Zoning Adjustment, the Office of Planning, and Advisory Neighborhood Commission 3E.

(c) Commencement of construction on this project is imperative in order to meet the school's schedule for the opening of the school year in September.

(d) The street closing is a critical element of the development of this project. Approval of emergency legislation will help ensure the feasibility of the project by allowing for the prompt issuance of a building permit authorizing construction.

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 Closing of a Portion of Davenport Street, N.W., abutting Squares 1672 and 1673, S.O. 03-2366, Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

May 3, 2005

To approve the annual plan for the use of monies in the District of Columbia Taxicab Commission Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Taxicab Commission Fund Annual Spending Plan Approval Resolution of 2005".

Sec. 2. Pursuant to section 20a of the District of Columbia Taxicab Commission Establishment Act of 1985, effective May 10, 1988 (D.C. Law 7-107; D.C. Official Code §50-320), the Mayor transmitted to the Council the annual plan for the use of monies in the District of Columbia Taxicab Commission Fund ("Fund"). The Council approves the annual plan submitted by the District of Columbia Taxicab Commission for the period of October 1, 2005 to September 30, 2006, for the use of monies in the Fund.

Sec. 3. The Council approves the District of Columbia Taxicab Commission's plans to use monies in the Fund for the following expenditures totaling \$569,590:

- (1) An expenditure of \$230,870 for salaries for 3 filled staff positions, to include fringe benefits, mandated pay increases, including one management supervisory service position;
- (2) An expenditure of \$107,460 for rent, to include property tax and utilities;
- (3) An expenditure of \$45,460 for telecommunications;
- (4) An expenditure of \$8,000 for general office supplies;
- (5) An expenditure of \$4,000 for postage meter rental and postage;
- (6) An expenditure of \$10,000 for replacement of copier;
- (7) An expenditure of \$2,000 for non-local travel;
- (8) An expenditure of \$18,000 for newsletter, bimonthly production and distribution of 10,000 copies to all public vehicle for hire owners, operators, local hotels, businesses, and government agencies for public information;
- (9) An expenditure of \$600 for Imprest Fund petty cash;
- (10) An expenditure of \$3,000 for employee training or conference fee;

JUN 10 2005

ENROLLED ORIGINAL

A RESOLUTION

16-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

May 1, 2005

To approve the proposed rules to amend Title 16, Chapters 32 and 33 of the District of Columbia Municipal Regulations to establish a revised schedule of fines for civil infractions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Civil Infractions Schedule of Fines Amendment Approval Resolution of 2005".

Sec. 2. Pursuant to section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04), the Mayor transmitted proposed rules to establish revised schedule of fines for civil infractions. The Council approves the proposed rules jointly issued by the Department of Consumer and Regulatory Affairs, the Department of Health, the Office of Historic Preservation, the Department of Health, the Department of Mental Health, and the Department of Insurance, Securities, and Banking that amend the schedule of fines in Title 16, Chapters 32 and 33 of the District of Columbia Municipal Regulations.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Directors of the Department of Consumer and Regulatory Affairs, Department Health, Department of Mental Health, Office of Planning, and to the Commissioner of the Department of Insurance, Securities, and Banking.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

May 6, 2005

To approve an amendment to the District of Columbia State Plan for Medical Assistance to streamline and simplify the Medicaid application process, eliminate and close eligibility loopholes and make other technical corrections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Use of Less Restrictive Income and Resource Criteria for Selected Medicaid Populations Approval Resolution of 2005".

Sec. 2. Pursuant to section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), the Council of the District of Columbia approves the proposed amendments to the District of Columbia State Plan for Medical Assistance to simplify and streamline the Medicaid application process consistent with the requirements set forth in sections 1902(r)(2) and 1931 of the Social Security Act, eliminate eligibility loopholes and abuse of eligibility policy and make other technical corrections.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, each to the District of Columbia Department of Health and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

May 9, 2005

To confirm the appointment of Dr. Pamela Kaye Brady to the Board of Dentistry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Dentistry Pamela Kaye Brady Confirmation Resolution of 2005".

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

Dr. Pamela Kaye Brady
631 4th Street, S.W.
Washington, D.C. 20004
(Ward 6)

as a licensed dentist member of the Board of Dentistry, established by section 201 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.01), competing the unexpired term of Dr. St. Elmo W. Crawford, Jr., which will end November 30, 2005.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

May 21, 2005

To confirm the appointment of Mr. Walter Gagliano to the Board of Architecture and Interior Designers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Architecture and Interior Designers Walter Gagliano Confirmation Resolution of 2005".

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

Mr. Walter Gagliano
1429 Q Street, N.W.
Washington, D.C. 20009
(Ward 2)

as an architect member of the Board of Architecture and Interior Designers, established by D.C. Official Code § 47-2853.06(a), completing the unexpired term of Mathilda M. Cox, which will end November 13, 2006.

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

Sec. 4. This resolution shall take effect immediately.