

ENROLLED ORIGINAL

A RESOLUTION

16-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to reprogram \$1.4 million of the fiscal year 2005 local budget authority from the Repayments of Loans and Interest appropriation title to the Public Education System appropriation title for a school security contract for the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming of \$1.4 million to the District of Columbia Public Schools Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Mayor has submitted a reprogramming request to the Council to shift \$1.4 million of fiscal year 2005 operating budget authority from the Repayments of Loans and Interest appropriation title to the Public Education System appropriation title to cover a shortfall in the amount available within the District of Columbia Public Schools ("DCPS") budget for a new school security contract.

(b) The DCPS Fiscal Year 2005 budget provides \$11.4 million for security services. The Council passed legislation transferring administration of DCPS security to the Metropolitan Police Department ("MPD"). The MPD, working in close conjunction with DCPS, has determined the scope of a new security program that will provide an appropriate level of school security. Based on this revised assessment, the cost of the program will exceed the amount available in fiscal year 2005 by \$1.9 million. Of this amount, DCPS has agreed to absorb \$500,000 within its existing fiscal year 2005 budget. This leaves a requirement for an additional \$1.4 million for the DCPS contract.

(c) The current security contract will terminate on June 30, 2005. To ensure continuity of security within the DCPS, the Mayor will submit a contract that provides service beginning July 1, 2005. In order for this new contract to undergo the necessary Council review and approval, funds must be made available immediately to allow the contract to receive a certification of funding availability.

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 Reprogramming of \$1.4 million to the District of Columbia Public Schools Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To approve, on an emergency basis, a fiscal year 2005 reprogramming of \$1.4 million of local budget authority from Repayments of Loans and Interest appropriations title to the District of Columbia Public Schools appropriations title.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming of \$1.4 million to the District of Columbia Public Schools Emergency Approval Resolution of 2005".

Sec. 2. (a) Pursuant to the provisions of D.C. Official Code §§ 47-363 and 47-392.03 and section 306 of the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No. 108-235; 118 Stat. 1322), the Council of the District of Columbia approves the \$1.4 million reprogramming from the fiscal year 2005 local budget authority from Repayments of Loans and Interests to the District of Columbia Public Schools.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution to the Mayor upon its adoption.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to order the closing of a portion of the public alley system in Square 342 to facilitate the construction of a mixed-use, predominately residential, building in a Square that is bounded by L Street, Massachusetts Avenue, 10th Street, K Street, and 11th Street in Northwest Washington, D.C., in Ward 2.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square 342, S.O. 03-5369, Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close an eight foot-wide public alley in Square 342.

(b) The closing of the eight foot-wide public alley in Square 342 will facilitate the construction of a mixed-use, predominately residential, project with ground floor commercial uses and underground parking. The proposed mixed-use project has received the support of various District agencies, including the Office of Planning, and has also received unanimous support from Advisory Neighborhood Commission 2F.

(c) The development of this project and the addition of approximately 163 new households will have a positive fiscal impact on the District of Columbia through the generation of significant additional tax revenues in the form of recordation, transfer, income, and sales taxes. The project is also expected to result in the creation of a significant number of jobs during construction of the project and in the operation of the ground floor commercial uses.

(d) The alley closing is a critical element of the development of this mixed-use project. Approval of emergency legislation will allow the construction of the mixed-use project to proceed expeditiously and help ensure the feasibility of the project. The adoption of this resolution will allow for the prompt issuance of a building permit authorizing construction of this project.

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 Public Alley in Square 342, S.O. 03-5369, Emergency Act of 2005 be adopted after a single reading.

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A RESOLUTION

16-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to amend Title 47 of the District of Columbia Official Code to repeal a provision which would inadvertently repeal a utility tax increase, to correct the designation of the utility taxes to be deposited in the Ballpark Revenue Fund, to correct the basic tax rate for electricity users, and to correct the applicability date of certain utility taxes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Utility Taxes Technical Corrections Emergency Declaration Resolution of 2005".

Sec. 2. (a) This legislation repeals the so-called "trigger," inadvertently repealed and then restored, for the reduction of utility taxes under D.C. Official Code § 47-2501 and 3902. It will ensure that the tax provisions reflect the intent of the Council.

(b) In order to fund certain initiatives of the Housing Act of 2002, deed and recordation taxes and utility taxes were increased, together with a provision, the so-called "trigger, to reduce the taxes in the event that increased revenues were collected.

(c) Prior to final reading of the Fiscal Year 2005 Budget Support Act of 2004, increased revenues were certified by the Chief Financial Officer and deed and recordation taxes, but not the utility taxes, were reduced by amending the law rather than by operation of the trigger. However, when a conforming amendment was made to repeal the trigger for deed and recordation taxes, the trigger for the utility taxes was repealed as well.

(d) By emergency act and in the Technical Amendments Act of 2004, the trigger was restored and the rate for the utility taxes was reduced as of January 1, 2005. However, on the same day that the Technical Amendments Act of 2004 was passed, the Council amended the Ballpark Omnibus Financing and Revenue Act of 2004 to increase those utility tax rates for nonresidential customers during 2005 (but subsequent to January 1, 2005). The amendment did not take into account the Technical Amendments Act of 2004.

(e) The Ballpark Omnibus Financing and Revenue Act of 2004 took effect before the Technical Amendments Act of 2004. Therefore, without this amendment and contrary to the

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intent of the Council, after the Ballpark Omnibus Financing and Revenue Act of 2004 becomes effective and increases the tax rate, the Technical Amendments Act of 2004 will become effective and may be interpreted to inadvertently decrease the tax rate. This amendment will conform the tax law in accordance with the intent of the Council.

(f) The failure to enact this legislation will not impact the designated funds from the utilities tax that has been designated for the Ballpark Revenue Fund. If not implemented, this legislation will result in a loss of General Fund revenue.

(g) The Ballpark Omnibus Financing and Revenue Act of 2004 provided that one-eleventh of certain utility taxes be deposited in the Ballpark Revenue Fund. The accompanying bill corrects the intent of the Council to reflect that it is only one-eleventh of those taxes collected from nonresidential users that are to be deposited into the Ballpark Revenue Fund.

(h) The Ballpark Omnibus Financing and Revenue Act of 2004 incorrectly set forth the basic tax rate for electricity users. The accompanying bill corrects the rate.

(i) The Council intended to apply certain tax rate changes in the Ballpark Omnibus Financing and Revenue Act of 2004 as of January 1, 2005. The accompanying bill corrects the applicability dates of the tax rate changes.

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 Utility Taxes Technical Corrections Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to reform the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Reform Emergency Declaration Resolution of 2005".

Sec. 2. (a) This legislation clarifies the definition of the term "officers" to mean employees of the District of Columbia for the purposes of serving on the Board of Real Property Assessments and Appeals ("Board").

(b) This legislation will require that by February 1 of each year all pending real property assessment appeals cases shall be finalized by the Board so residents can have the decisions reflected on their next year's property tax bill.

(c) The legislation will require Board members to have 30 days to finalize a residential case and 80 days to finalize a commercial case upon the completion of the hearing.

(d) The legislation shortens the length terms of Board members can serve from 5 years to 3 years to require the Board members to come before the Council for reconfirmation at least once every Council period to be held accountable for their performance. Along with shortening the terms of service, the legislation removes the limit of 3 terms of 5 years that Board members can serve because of the challenges faced by the Board in recruiting qualified candidates willing to serve sufficient hours on the Board.

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 Board of Real Property Assessments and Appeals Reform Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 3, 2005

To declare the existence of an emergency with respect to the need to form the Adams Morgan Business Improvement District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Adams Morgan Business Improvement District Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*) ("BID Act"), provided for the formation of the Downtown Business Improvement District ("Downtown BID") and the Golden Triangle Business Improvement District ("Golden Triangle BID") in the summer of 1997 to promote the general welfare of the residents, employers, employees, property owners, commercial tenants, consumers, and the general public within the BIDs' geographic area by preserving, maintaining, and enhancing the economic health and vitality of the BID areas as community and business centers.

(b) The Council amended the BID Act in 1998 to provide for the formation of the Georgetown Business Improvement District ("Georgetown BID"). The Council amended the BID Act in 2002 to provide for the formation of the Capitol Hill Business Improvement District ("Capitol Hill BID").

(c) The Downtown BID area, the Golden Triangle BID area, the Georgetown BID area, and the Capitol Hill BID area are major commercial sectors in the District of Columbia.

(d) These BIDs have proved effective in providing public safety, public space maintenance, and other services in their respective BID areas, and in enhancing the economic health and vitality of those areas by making it safer and more attractive for visitors and residents.

(e) The presence of BID public safety and public space maintenance personnel on streets in the existing BID areas is likely to have spillover effects upon the economic health and vitality of the Adams Morgan commercial area because of a likelihood that there will be a migration of crime, litter, and other quality of life infractions to other commercial areas of the city that are

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without these services, making them less safe and attractive for visitors and residents and having an adverse impact on the local economy.

(f) Commercial property owners, commercial tenants and residents of Adams Morgan are in the process of forming an Adams Morgan Businesses Improvement District, which will encompass major portions of Adams Morgan's commercial area and will provide similar public safety, public space maintenance and other services similar to those being provided in the existing BID areas.

(g) Organizers of the Adams Morgan BID are completing the petition process, expect to submit a BID application to the Mayor within approximately 60 days, and expect to begin providing BID services within approximately 120 days. However, special legislation is needed to establish a BID with respect to any area.

(h) Because permanent legislation must undergo 2 Council readings and Congressional review before becoming effective, the normal legislative process would not allow passage of permanent legislation establishing the Adams Morgan BID until early 2006.

(i) The proposed legislation must be in effect before early September of 2005 to enable the Adams Morgan BID to be formed and to begin operation so that the Adams Morgan commercial area can continue to function as one of the District's major commercial resources.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 above constitute emergency circumstances making it necessary that the Adams Morgan Business Improvement District Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-150

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 contracts numbered POTO-2005-T-0030 and POTO-2005-T-0030A for telecommunications services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract Nos. POTO-2005-T-0030 and POTO-2005-T-0030A Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve contracts numbered POTO-2005-T-0030 and POTO-2005-T-0030A for telecommunications services for the Office of the Chief Technology Officer.

(b) On April 30, 2005, the long-term contract with Verizon Washington D.C., Inc. ("Verizon") to provide telecommunications services for the District expired. In order to continue these services, the Office of Contracting and Procurement awarded letter contract numbered POTO-2005-T-0030 to Verizon in the amount of \$300,000 for the period of May 1, 2005 through May 4, 2005. The proposed letter contract numbered POTO-2005-T-0030A to further continue these services is in the not-to-exceed amount of \$1.5 million and covers the period of May 4, 2005 through May 18, 2005. The cumulative value of these 2 contracts is \$1.8 million.

(c) Any interruption or disruption in Verizon-furnished telecommunications services will have an immediate impact on the District and federal governments, as well as District residents and visitors. If services are not continued, the ability of the District to respond to emergencies will be at risk, and there will be loss of access to critical and published lines and services, such as various hotlines. In addition, there will be interruption to national security services and lines, as well as disruption to District government auxiliary and signaling systems, such as central control of traffic lights and cameras, and disruption of a variety of other District government functions.

(d) Approval is necessary to allow the District to continue to receive the benefit of these vital telecommunications services from Verizon.

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 Nos. POTO-2005-T-0030 and POTO-2005-T-0030A Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-151

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-0110 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-0110 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. GAGA-2004-C-0110 for the purchase of appropriate transportation services for the Swing School Transportation program of the District of Columbia Public Schools ("DCPS") system 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 Capitol Entertainment Service, Inc., ("Capitol") in the amount of \$2,789,190.00 on September 1, 2004 and Capitol has performed under the terms of the contract.

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-0110 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 17, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. POTO-2005-T-0030B for telecommunications services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POTO-2005-T-0030B Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. POTO-2005-T-0030B for telecommunications services for the Office of the Chief Technology Officer.

(b) On April 30, 2005, the long-term contract with Verizon Washington DC, Inc. ("Verizon") to provide telecommunications services for the District expired. The Office of Contracting and Procurement ("OCP") awarded Contract No. POTO-2005-T-0030 in the amount of \$300,000 to continue services from May 1, 2005 through May 4, 2005. OCP subsequently awarded Contract No. POTO-2005-T-0030A in the not-to-exceed amount of \$1.5 million for the period of May 4, 2005 through May 18, 2005. These 2 contracts were approved by the Council on May 3, 2005. The proposed letter contract numbered POTO-2005-T-0030B to further continue these services is in the not-to-exceed amount of \$3.5 million and covers the period of May 18, 2005 through June 8, 2005.

(c) Any interruption or disruption in Verizon-furnished telecommunications services will have an immediate impact on the District and federal governments, as well as District residents and visitors. If services are not continued, the ability of the District to respond to emergencies will be at risk, and there will be loss of access to critical and published lines and services, such as various hotlines. In addition, there will be interruption to national security services and lines, as well as disruption to District government auxiliary and signaling systems, such as central control of traffic lights and cameras, and disruption of a variety of other District government functions.

(d) Approval is necessary to allow the District to continue to receive the benefit of these vital telecommunications services from Verizon.

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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. POTO-2005-T-0030B Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.