

ENROLLED ORIGINAL

A RESOLUTION

15-761

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 30, 2004

To declare the existence of an emergency with respect to the need to require establishment of a process to invite and evaluate viable private or alternative financing proposals for the construction of a ballpark that would substantially reduce the level of public financing and the amount or duration of the ballpark fee otherwise required by the Ballpark Omnibus Financing and Revenue Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Private or Alternative Stadium Financing Emergency Declaration Resolution of 2004".

Sec. 2. (a) Most residents and businesses of the District support the return of Major League Baseball to the District, but not at any cost.

(b) The projected costs of constructing a baseball stadium pursuant to the Ballpark Omnibus Financing and Revenue Act of 2004, passed on 1st reading on November 30, 2004 (Engrossed version of Bill 15-1028) ("Ballpark Act"), currently range from \$434.7 million, as estimated in the Baseball Stadium Agreement ("Agreement") signed by the Mayor on September 29, 2004; to \$534.8 million, as estimated by the Chief Financial Officer on October 27, 2004; to \$583.8 million, as estimated by the District of Columbia Auditor on November 12, 2004; and to \$614 million, as estimated by The Washington Post news department on November 14, 2004.

(c) The overwhelming majority of the costs of constructing a baseball stadium pursuant to the Ballpark Act will be financed with public funds, mostly from a ballpark fee to be paid annually by the largest District businesses.

(d) The amount of the currently proposed ballpark fee is substantially higher, and the duration of the fee is substantially longer, than the originally proposed ballpark fee, and even more substantially higher and longer than the arena fee previously paid by District businesses to assist with land acquisition and infrastructure costs related to the construction of the MCI Center.

(e) Many businesses have expressed concern that the proposed ballpark fee would have an adverse impact upon their businesses, and that the amount and duration of the proposed ballpark fee would be required to be increased even further if the cost of the stadium project runs

higher than estimated.

(f) The District's land acquisition and infrastructure costs related to the selected South Capitol ballpark site "may be seriously underestimated.... and not representative of the true costs of the project," according to a report by the District of Columbia Auditor, dated November 12, 2004, which cited several factors:

(1) The \$65 million estimate for land acquisition at the South Capitol site was not based on an appraisal of the 67 properties that must be acquired by the District.

(2) Given the substantial growth of commercial and residential property values in the District, the market value of these properties may be significantly higher than the \$65 million that is currently budgeted. It is likely that the amount needed to purchase these properties may well exceed the \$65 million budget. Further, in order to acquire the properties, the District may have to exercise its eminent domain authority which can be a time consuming and costly process. The Agreement includes stringent deadlines for the District's completion of the stadium, and any delays in meeting these deadlines result in the imposition of large monetary penalties upon the District.

(3) The \$22 million estimate for demolition and site clearing appears low given the number of properties on the site, and the fact that the estimate does not include any costs of removing or remediating environmental hazards that may be found at the site.

(4) The estimate of land cost does not include costs of providing relocation assistance to existing residents and businesses which currently occupy part of the stadium site.

(5) The Agreement's utility cost estimate is based on general knowledge of the site but no specific site analysis.

(6) The Agreement's estimate does not reflect critical infrastructure costs related to the District of Columbia Water and Sewer Authority.

(7) An estimated \$15 million in road and highway improvements estimated by the District Department of Transportation are also not reflected in the budget presented in the Agreement.

(8) Costs of potential modifications, expansions, and improvements to the Navy Yard Metrorail station could cost over \$45 million, which also are not reflected in the Agreement's budget. Although the Chief Financial Officer has noted that the District should not have to pay the full expansion cost since baseball is not the only reason for increasing the size of the station, and that these costs should be shared with the federal government and regional partners, the District of Columbia Auditor has noted that the District paid the full cost of expanding the Gallery Place Metrorail station for the MCI Center, and that the Washington Convention Center Authority paid the full cost of expanding the Metrorail station for the new convention center.

(g) The estimates for the South Capitol site assume that only an 1,100-vehicle parking facility needs to be constructed by the District near the stadium, and that such a facility combined with on-street and private parking will be sufficient. By contrast, the parking lots at Robert F.

Kennedy Stadium under the control of the District currently accommodate over 10,000 vehicles and 300 buses.

(h) As the cost to be borne by the District and its businesses from the proposed baseball stadium at the South Capitol site has risen substantially from recent initial estimates, and as concerns have increasingly been expressed that the cost is too high and may grow even higher, several private or alternative financing proposals have surfaced, in order to substantially reduce the level of public financing and the amount of the ballpark fee on District businesses that would otherwise be required by the Ballpark Act.

(i) A process needs to be established immediately to formally invite and evaluate the submission of viable alternative or private financing proposals for the construction of a ballpark to determine whether the cost to the District and its businesses can be substantially reduced in a manner that is not inconsistent with the Agreement, and prior to the date on which the first annual ballpark fee must be paid in June 2005.

(j) The District government should immediately undertake a serious effort to substantially lessen the need for public financing for the construction of a ballpark otherwise required by the Ballpark Act, by pursuing viable alternative or private financing proposals that are not inconsistent with the Agreement with Major League Baseball.

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 Private or Alternative Stadium Financing Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-762

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To establish the date by which the Mayor shall submit to the Council the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2006, to identify information and documentation to be submitted to the Council with the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2006, and to clarify that the Mayor shall submit performance plans and reports pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2006 Budget Submission Requirements Resolution of 2004".

Sec. 2. Pursuant to section 442(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42(a)) ("Home Rule Act"), the Mayor shall submit to the Council, and make available to the public not later than March 21, 2005, the proposed budget for the District government and related budget documents required by sections 442, 443, and 444 of the Home Rule Act (D.C. Official Code §§ 1-204.42, 1-204.43, and 1-204.44), for the fiscal year ending September 30, 2006. The proposed budget shall contain the following:

(1) For the entire District government including all subordinate agencies, independent agencies, independent instrumentalities, and independent authorities ("agency"), a summary statement or table showing:

(A) The revenues by source (local, federal, intra-district, private, and other);

(B) Expenditures by Comptroller Source Group (agency object class) for fiscal years 2003 and 2004; and

(C) Projections for fiscal year 2005 and for fiscal year 2006;

(2) For each agency or separate line item in the District's annual budget, summary statements or tables showing all sources of funding by source (local, federal, intra-district, private, and other) for fiscal years 2003 and 2004, including a presentation of any variance between fiscal year appropriations and expenditures;

(3) For each agency or separate line item in the District's annual budget, a summary statement or table showing projections of all sources of funding by source (local, federal, intra-district, private, and other), for fiscal year 2005 and for fiscal year 2006;

(4) For each agency or separate line item in the District's annual budget, summary statements or tables showing expenditures by Comptroller Source Group (agency object class) and Organizational Level II (control center, delineated by Organizational Level III (responsibility center)) for all sources of funding for fiscal years 2003 and 2004, including a presentation of any variance between fiscal year appropriations and expenditures, as well as projections for fiscal year 2005 and fiscal year 2006; and

(5) A summary statement or table showing the fiscal year 2006 baseline budget, including a presentation of fiscal year 2005 reprogrammings that will have a recurring fiscal impact in succeeding fiscal years.

Sec. 3. In addition to, and in support of, the information submitted pursuant to section 2, the Mayor shall submit the following:

(1) Copies of all documents referenced in and supportive of the budget justification for fiscal year 2006, including any proposed legislation and proposed fiscal year 2006 Budget Request Act, that are necessary for implementation of the proposed budget for the District for fiscal year 2006;

(2) A summary statement or table showing, by Comptroller Source Group (agency object class) and Organizational Level II (control center, delineated by Organizational Level III (responsibility center)), authorized Full Time Equivalents ("FTEs") by revenue source (local, federal, intra-district, private, other, and capital); FTEs indicating the actual salary of the incumbent, or, in the case of a vacant position, the authorized salary, for fiscal years 2003 and 2004; projections for fiscal year 2005 and fiscal year 2006; and a listing of authorized FTEs for fiscal year 2006 that reflects new positions, reorganizations, and transfers;

(3) A cash flow report based on:

(A) No change in budget and revenue authority; and

(B) The revised current fiscal year budget request and the succeeding fiscal year budget request;

(C) The cash flow report should include the actual and projected monthly cash flow for preceding, current, and succeeding fiscal years, and the following detail:

(i) Major source of receipts:

(I) Individual income tax;

(II) Real property tax;

(III) Special property tax;

(IV) General sales and use taxes;

(V) Miscellaneous taxes;

(VI) Federal payments;

- (VII) Miscellaneous receipts;
- (VIII) Private and other;
- (IX) Federal grants;
- (X) Short term notes;
- (XI) Receivables; and
- (XII) Tobacco settlement payments;
- (ii) Major types of disbursements:
 - (I) Payroll;
 - (II) Miscellaneous disbursements;
 - (III) Public assistance;
 - (IV) Medicaid;
 - (V) Pension contributions benefits;
 - (VI) Transit authority contribution;
 - (VII) Debt service; and
 - (VIII) Recovery bonds/short term notes;
- (iii) Beginning balance; and
- (iv) Ending balance;

(4) For the entire District government and each agency, a summary statement or table showing:

(A) Legislation enacted in fiscal years 2004 and 2005 that shall impact fiscal year 2006 and was not accounted for in the 2005 fiscal year baseline budget and will have a fiscal impact in fiscal year 2006, and all enacted legislation that has been adopted subject to appropriations or inclusion in the budget and financial plan, and the fiscal impact of each legislative measure; and

(B) All sources of funding by source (local, federal, intra-district, private, and other) for both fiscal year 2005 and fiscal year 2006;

(5) For Medicaid data, a summary statement or table showing:

(A) The fiscal year 2006 baseline Medicaid budget by each specific responsibility center related to the District of Columbia's Medicaid program, including a presentation of current fiscal year reprogrammings that will have a recurring fiscal impact in succeeding fiscal years and a comparison to the fiscal year 2005 final estimated Medicaid spending by each specific responsibility center;

(B) The total Medicaid expenditures per month for fiscal year 2005 compared to the anticipated Medicaid expenditures for each month of fiscal year 2006;

(C) The total number of actual Medicaid enrollees for each month of fiscal year 2005 compared to the number of anticipated Medicaid enrollees for each month of fiscal year 2006, including data showing discrete numbers for each of the following:

- (i) Aged;
- (ii) Disabled;

- (iii) TANF Adults;
- (iv) TANF Children;
- (v) CHIP Parents;
- (vi) CHIP Children;
- (vii) Other Adults; and
- (viii) Other Children;

(D) The amount of Medicaid reimbursement projected to be achieved in fiscal year 2006, including a comparison to the actual reimbursements received in fiscal year 2005; the amount of projected local dollars that are used to leverage the federal reimbursement in fiscal year 2006, including a comparison to the actual local dollars used to leverage federal reimbursement in fiscal year 2005; and a list of the local match by each agency's responsibility center associated with leveraging Medicaid matching dollars for each of the following:

- (i) District of Columbia Public Schools;
- (ii) Department of Mental Health;
- (iii) Child and Family Services Agency;
- (iv) Department of Human Services; and
- (v) Department of Health;

(6) A summary statement or table showing:

(A) The number of full-time and part-time teachers in the District of Columbia public school system, by school level (e.g., elementary, junior high); and

(B) The number of special education students, including the number of special education students in private placement, served by school level (e.g., elementary, junior high), and indicating the number of students who are eligible for Medicaid services; and

(7) Mayoral reprogramming requests for the current fiscal year that are included in the summary statement or table pursuant to section 2(5);

(8) For the Office of Labor Relations and Collective Bargaining, and for the Office of Labor Management Partnerships, both offices being within the Office of the City Administrator, the following budget information shall be presented separately;

(A) The revenues by source (local, federal, intra-district, private, and other) for fiscal years 2005 and 2006;

(B) Expenditures by Comptroller Source Group (agency object class) for fiscal years 2003 and 2004; and

(C) Projections for fiscal years 2005 and 2006; and

Sec. 4. Pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective May 16, 1995 (D.C. Law 11-16; D.C. Official Code § 1-614.11 *et seq.*), the Mayor shall submit to the Council, and make available to the public, not later than January 14, 2005, the performance reports for fiscal year 2004 that cover all publicly funded activities of each District government agency. The Mayor shall submit to the Council, and make

available to the public, not later than March 21, 2005, the performance plans for fiscal year 2006 that cover all publicly funded activities of each District government agency.

Sec. 5. The Mayor shall submit to the Council, not later than January 14, 2005, the agency strategic business plans that are required by D.C. Official Code § 47-308.01(g).

Sec. 6. In addition to the requirements for budget submissions for fiscal year 2006 defined by this resolution, the Mayor shall comply with the Fiscal Year 2006 Budget Submission Act of 2004, signed by the Mayor on August 2, 2004, (D.C. Act 15-487; 51 DCR 8441), which was transmitted to Congress on September 3, 2004, and the Fiscal Year 2006 Budget Submission Congressional Review Emergency Act, effective October 26, 2004 (D.C. Act 15-594).

Sec. 7. Pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), the Council's 56 calendar day budget review period shall begin after the date that all materials required to be submitted by sections 2 through 5 have been submitted in accordance with this resolution and the Council's rules.

Sec. 8. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor and to the Board of Education of the District of Columbia.

Sec. 9. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

A RESOLUTION

15-764

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the Mayoral appointment of Brenda Donald Walker as the Director of the Child and Family Services Agency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Child and Family Services Agency Brenda Donald Walker Confirmation Resolution of 2004".

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

Brenda Donald Walker
1750 Poplar Lane, N.W.
Washington, D.C. 20012
(Ward 4)

as the Director of the Child and Family Services Agency, established by section 301a of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law 13-277; D.C. Official Code § 4-1303.01a), 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.

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A RESOLUTION

15-765

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the appointment of Ms. Eartha Isaac to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Eartha Isaac Confirmation Resolution of 2004".

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

Ms. Eartha Isaac
152 R Street, N.E.
Washington, D.C. 20002
(Ward 5)

as a member of the Alcoholic Beverage Control Board, established by section 25-201(a) of the District of Columbia Official Code, replacing Laurie Collins whose term ended May 7, 2003, for a term to end May 7, 2007.

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.

A RESOLUTION

15-767

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the Mayoral appointment of Ms. Lisa Marin as the Director of the Office of Personnel

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Office of Personnel Lisa Marin Confirmation Resolution of 2004".

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

Ms. Lisa Marin
921 Conestoga Drive
Columbus, OH 43213

as the Director of the Office of Personnel, 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.

A RESOLUTION

15-768

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the Mayoral reappointment of Ms. Brenda Lee Richardson to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Brenda Lee Richardson Confirmation Resolution of 2004".

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

Ms. Brenda Lee Richardson
3008 24th Place, S.E.
Washington, D.C. 20020
(Ward 8)

as an alternate member of the District of Columbia Water and Sewer Authority Board of Directors, established by section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), for a term to end September 12, 2007.

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.

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A RESOLUTION

15-769

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the appointment of Mr. Howard C. Gibbs to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Howard C. Gibbs Confirmation Resolution of 2004".

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

Mr. Howard C. Gibbs
741 3rd Street, S.W.
Washington, D.C. 20024-3103
(Ward 2)

as an alternate member of the District of Columbia Water and Sewer Authority Board of Directors, established by section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), to complete the unexpired term of Ivan L. Mayers, Jr., which will end September 12, 2006.

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.

A RESOLUTION

15-770

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the appointment of Dr. Mohammad N. Akhter to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Mohammad N. Akhter Confirmation Resolution of 2004".

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

Mohammad N. Akhter, M.D.
1920 S Street, N.W. #605
Washington, D.C. 20009-1130
(Ward 2)

as an alternate member of the District of Columbia Water and Sewer Authority Board of Directors, established by section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), replacing Rodney L. Newman, whose term ended September 12, 2003, for a term to end September 12, 2007.

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

15-771

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Article 29 of the Harbor and Boating Safety Regulations of the Police Regulations of the District of Columbia to require children under 13 years of age to wear personal flotation devices while on recreational vessels.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Flotation Device Requirement Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) In an effort to reduce the number of deaths by drowning of children under the age of 13, the United States Coast Guard ("Coast Guard") promulgated a rule generally requiring children below the age of 13 years old to wear personal flotation devices while on recreational vessels (33 C.F.R. § 175.15(c)).

(b) After the issuance of this Coast Guard rule, many jurisdictions around the country adopted the same rule. The District of Columbia ("District"), however, is one of the few jurisdictions that has not yet amended its regulations to conform to the Coast Guard's rule.

(c) In addition, the District receives \$528,700 in federal revenue to patrol and protect the District's inland waterways. These funds are granted from the Coast Guard Recreational Boating Safety initiative and are applied for every year. The District risks losing these federal funds if it does not adopt the national standards.

(d) The Juvenile Flotation Device Requirement Congressional Review Emergency Amendment Act of 2004, effective October 12, 2004 (D.C. Act 15-536; 51 DCR 9965), which requires the use of a Coast Guard-approved flotation device by all children under the age of 13 while on a recreational vessel, expires on December 20, 2004.

(e) The Juvenile Flotation Device Requirement Amendment Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-490; 51 DCR 8781), was transmitted to Congress on September 3, 2004, 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 not expected to complete Congressional review until February 28, 2005.

(f) This emergency legislation is needed to prevent a gap in the legal authority.

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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 Juvenile Flotation Device Requirement Second Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-772

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the Emancipation Day Parade and related activities to celebrate and commemorate District of Columbia Emancipation Day, and to establish the Emancipation Day Fund to accept and use gifts to fund the parade.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Emancipation Day Parade and Fund Congressional Review Amendment Emergency Declaration Resolution of 2004".

Sec. 2. (a) The District of Columbia Emancipation Day Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-237; 48 DCR 597), established April 16th of each year as District of Columbia Emancipation Day, a private legal holiday.

(b) To celebrate and commemorate this historic event, the Emancipation Day Parade was established by the District of Columbia Emancipation Day Fund Temporary Act of 2004, effective April 22, 2004 (D.C. Law 15-138; 51 DCR 2316).

(c) The Emancipation Day Fund ("Fund") was also established to accept and use gifts to fund the Emancipation Day Parade and related activities.

(d) The temporary law expired on December 3, 2004, making it necessary to enact emergency legislation to maintain the parade and fund for this year's celebration.

(e) The maintenance of the Fund is necessary to receive monies to fund the Emancipation Day Parade and activities associated with the celebration and commemoration the District of Columbia Emancipation Day.

(f) Pursuant to section 115 of the District of Columbia Appropriations Act of 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 949), the Council may accept and use gifts without prior approval by the Mayor.

(g) The maintenance of the Fund will enable the Council to support the activities associated with this historical day.

(h) The emergency legislation is necessary because the permanent legislation, the District of Columbia Emancipation Day Parade and Fund Act of 2004, signed by the Mayor on November 30, 2004 (D.C. Act 15-397; ___ DCR ___) is currently pending Congressional review, with a projected effective date of February 2005. The temporary legislation expired on December 3, 2004.

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 Emancipation Day Parade and Fund Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-773

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to bring the District into compliance with the Help America Vote Act of 2002.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Help America Vote Congressional Review Amendment Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an emergency regarding the need to bring the District of Columbia into compliance with the federal mandates of the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S. C. § 15301 *et seq.*) ("HAVA").

(b) In 2002, Congress passed HAVA to improve the administration of elections in the United States.

(c) In passing HAVA, Congress also authorized federal funds to assist states and localities to meet these new standards.

(d) After a review of the current election system, the District of Columbia HAVA Planning Committee agreed that HAVA funds should go to modernizing the local computerized registration system, improving pollworker recruitment and training, expanding voter education, promoting barrier-free voting for persons with disabilities, and strengthening the infrastructure of the election process over the long term.

(e) In September of 2001, 5 District of Columbia voters, the Disability Rights Council, and the American Association for People with Disabilities filed suit against the District claiming that inaccessible voting systems and polling places violate the Americans with Disabilities Act.

(f) The suit was eventually settled pursuant to an agreement that requires the to purchase at least one accessible voting system for every polling place by the 2004 primary, and sets a goal that "best efforts" will be made to ensure that all polling sites will be accessible by that date.

(g) The Council passed the Presidential Primary Election Amendment Act of 2003, effective June 21, 2003 (D.C. Law 15-18; D.C. Official Code § 1-1001.10(a)(1)) which changes the District's primary to the 2nd Tuesday in January from the previous date of the 1st Tuesday in May.

(h) The accelerated date of the District's primary required that the Council move swiftly in implementing the settlement agreement and the federal mandates of HAVA to ensure that the new standards were in place by the elections on Tuesday, September 14, 2004 and November 2, 2004.

(i) The Help America Vote Temporary Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-120; 51 DCR 1384) expired on November 10, 2004 and the permanent

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legislation, the "Help America Vote Act of 2004", signed by the Mayor on August 2, 2004 (D.C. Act 15-123; 51 DCR 9132) is pending Congressional review, with a projected effective date of February 2005.

(j) It is important that the provisions of the Help America Vote Temporary Amendment Act of 2004 continue in effect without interruption until the permanent legislation take effect.

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 Help America Vote Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-774

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need provide a definition of school districts and to extend the hybrid Board of Education through January 2, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Education Continuity and Transition Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to establish continuity in the definition of school districts from which to elect members of the Board of Education in the District of Columbia.

(b) The residents of the District of Columbia deserve certainty in the electoral process and assurances that the Board of Education will be able to continue to address existing issues with appropriate representation of citizen interests.

(c) The current emergency law, Act 15-533, will expire on December 27, 2004. The permanent congressional legislation, Act 15-498, is expected to complete prospective congressional review in February 2005.

(d) Emergency legislation is needed to fill the gap between the expiration of the emergency law and the effectiveness of the permanent 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 Board of Education Continuity and Transition Second Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-775

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To approve the Fort Lincoln Washington Gateway Project Retail Priority Area pursuant to the Retail Incentive Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fort Lincoln Washington Gateway Project Retail Priority Area Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax imposed by Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District.

(2) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(3) "Available Tax Increment" means the sum of the available sales tax revenues and available real property tax revenues generated by the Fort Lincoln Washington Gateway Project, less the sum of available sales tax revenues and available real property tax revenues generated in the base year, as certified by the Chief Financial Officer.

(4) "Bonds" means the District of Columbia tax increment revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(5) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

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(6) "Council" means the Council of the District of Columbia.

(7) "Development Agreement" means the Development Agreement between the District and Development Sponsor, setting forth the terms and conditions upon and pursuant to which the District will issue the bonds and Development Sponsor will develop the Project.

(8) "Development Sponsor" means Fort Lincoln/Washington Gateway, LLC, a joint venture between owners Fort Lincoln New Town Corporation, Inc. of the District of Columbia and the Peterson Companies of Fairfax, Virginia.

(9) "District" means the District of Columbia.

(10) "Fort Lincoln Washington Gateway Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a retail development project of at least 350,000 square feet of land in the District and described in section 3.

(11) "TIF Note" means a bond in an amount not to exceed \$10 million, subject to the terms of section 4, to be disbursed in one or more portions upon the achievement of various development milestones identified in the Development Agreement.

Sec. 3. Establishment of Retail Priority Area; allocation of tax increments; approval of the Development Agreement.

(a) There is hereby established the "Fort Lincoln Washington Gateway Retail Priority TIF Area," which shall consist of the following area, consistent with the footprint of the Washington Gateway Shopping Center and not including any other land uses, being part of Parcel 173-80 "Fort Lincoln" located in the District of Columbia and being more particularly described as follows:

(1) Beginning at a point at the intersection of the Easterly right of way line of South Dakota Avenue, N.E., and the Southerly right of way line of 33rd Place, N.E.;

(2) Thence from said point of beginning with and along the right of way line of said 33rd Place, N.E., the following 4 courses and distances:

(A) North 05°26'10" East 105.11 feet to a point;

(B) 140.97 feet along the arc of a non-tangent curve with a radius of 455.00 feet and a chord bearing and distance of North 60°34'02" East 140.41 feet to a point;

(C) 266.71 feet along the arc of a curve with a radius of 545.00 feet and a chord bearing and distance of North 55°25'25" East 264.06 feet to a point;

(D) North 41°21'14" East 180.71 feet to a point on the Westerly right of way line of Fort Lincoln Drive, N.E.;

(3) Thence with and along the right of way line of said Fort Lincoln Drive, N.E., the following 3 courses and distances:

(A) South 48°35'46" East 59.82 feet to a point;

(B) North 41°24'14" East 100.00 feet to a point;

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(C) North $48^{\circ}35'46''$ West 54.82 feet to a point on the Southerly right of way line of said Fort Lincoln Drive, N.E.;

(4) Thence and along the Southerly right of way line of said Fort Lincoln Drive, N.E., the following 5 courses and distances:

(A) North $41^{\circ}24'14''$ East 329.59 feet to a point;

(B) 312.04 feet along the arc of a curve with a radius of 300.00 feet and a chord bearing and distance of North $71^{\circ}12'05''$ East 298.16 feet to a point;

(C) South $79^{\circ}00'10''$ East 567.14 feet to a point;

(D) 232.50 feet along the arc of a curve with a radius of 1311.43 feet and a chord bearing and distance of South $73^{\circ}55'26''$ East 232.19 feet to a point;

(E) South $68^{\circ}50'42''$ East 11.03 feet to a point on the Westerly right of way line of Fort Lincoln Drive North, N.E.;

(5) Thence with and along the right of way line of said Fort Lincoln Drive North, N.E., the following 3 courses and distances:

(A) South $21^{\circ}09'18''$ West 11.87 feet to a point;

(B) South $68^{\circ}50'42''$ East 100.00 feet to a point;

(C) North $21^{\circ}09'18''$ East 11.87 feet to a point on the Westerly right of way line of the East Ramp from New York Avenue, N.E.;

(6) Thence and along the Westerly right of way line of the East Ramp from New York Avenue, N.E., following 6 courses and distances:

(A) South $68^{\circ}50'42''$ East 51.64 feet to a point;

(B) 360.48 feet along the arc of a curve with a radius of 279.30 feet and a chord bearing and distance of South $31^{\circ}52'17''$ East 335.97 feet a point;

(C) South $05^{\circ}06'09''$ West 278.32 feet a point;

(D) 95.10 feet along the arc of a curve with a radius of 512.06 feet and a chord bearing and distance of South $00^{\circ}13'04''$ East 94.96 feet to a point;

(E) 179.88 feet along the arc of a curve with a radius of 400.00 feet and a chord bearing and distance of South $18^{\circ}25'17''$ East 178.37 feet to a point;

(F) South $58^{\circ}41'43''$ West 85.02 feet to a point of the Northerly right of way line of New York Avenue, N.E.

(7) Thence and along the Northerly right of way line of the New York Avenue, N.E., following 4 courses and distances:

(A) North $78^{\circ}01'41''$ West 160.00 feet to a point;

(B) 700.09 feet along the arc of a curve with a radius of 1691.03 feet and a chord bearing and distance of North $89^{\circ}53'18''$ West 695.10 feet a point;

(C) South $11^{\circ}44'55''$ East 10.03 feet to a point;

(D) South $71^{\circ}24'16''$ West 534.00 feet to a point in the Northerly right of way line of South Dakota Avenue, N.E.; and

(8) Thence and along the Northerly right of way line of the South Dakota Avenue, N.E., the following 3 courses and distances:

(A) 331.81 feet along the arc of a curve with a radius of 397.17 feet and a chord bearing and distance of North 84°39'44" West 322.24 feet to a point;

(B) North 58°06'52" West 140.51 feet to a point;

(C) North 49°09'44" West 412.03 feet to the point of beginning and containing 1,852,548 square feet of 42.53 acres of land more or less.

(b)(1) There is hereby allocated to the repayment of the TIF Note 100% of the Available Tax Increment attributable to the Fort Lincoln Washington Gateway Retail Priority TIF Area. The Available Tax Increment allocated to service debt on the TIF Note shall be computed as provided in section 4.

(2) The Available Real Property Tax Increment shall be calculated based upon the assessed value of the real property comprising the Fort Lincoln Washington Gateway Retail Priority TIF Area. The Available Sales Tax Increment shall be calculated based upon the sales tax revenue for calendar year 2003 as certified by the Chief Financial Officer.

(3) With respect to the TIF Note, the termination date for the allocation of Available Tax Increment authorized by paragraphs (1) and (2) of this subsection shall be the earlier of:

(A) The final maturity date of the bonds; or

(B) The date on which all of the bonds are paid or provided for and are no longer outstanding.

(c) The Development Agreement is hereby approved in substantially the form submitted to the Council. The Mayor, or his designee, is hereby authorized to execute and deliver the Development Agreement and such other legal documents as may be necessary or desirable to achieve the public policy objective of this resolution on behalf of the District. The Mayor is further authorized to execute and deliver on behalf of the District any amendments or supplements to the Development Agreement and the other documents referenced in this subsection that may be determined by the Mayor to be in the best interests of the District and consistent with the purpose and intent of this resolution, or as may be provided in the Development Agreement and the other documents referenced in this subsection. The execution by the Mayor of any amendment or supplement to the Development Agreement and the other documents referenced in this subsection shall be conclusive evidence of such determination.

Sec. 4. Bond terms; execution.

(a) The Council hereby approves the following summary of the terms of the bonds to be issued to pay development costs associated with the project:

(1) The bonds shall be issued pursuant to the provisions of certain financing documents.

(2) The principal amount of the TIF Note shall not exceed \$10 million.

(3) The interest rate on the TIF Note shall not exceed 6.5% per annum.

(4) The final maturity of the TIF Note shall be 12 years from the date of issuance.

(5) The debt service on the bonds shall be structured in the following manner:

(A) The annual debt service shall be computed based on monthly payments of the TIF principal, based on the terms set forth in this section;

(B) Up to 80% of the remaining Available Tax Increment shall be allocated first to the payment of any shortfall on a prior year's TIF debt service and then to prepay the outstanding principal on the TIF Note.

(6) The bonds shall be secured by a pledge of the tax increment allocated to the Fort Lincoln Washington Gateway Project pursuant to section 3(b).

(b) The bonds may have any other terms and conditions consistent with this resolution and the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, or an authorized delegate of the Mayor, and attested by the Secretary of the District of Columbia. The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

Sec. 5. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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. 6. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

15-776

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To approve the establishment of the Rhode Island Place Retail Property TIF Area pursuant to the Retail Incentive Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rhode Island Place Project Retail Priority Area Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District.

(2) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(3) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Rhode Island Place Retail Priority TIF Area, less an amount equal to the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Rhode Island Place Retail Priority TIF Area in the Base Year, as certified by the Chief Financial Officer.

(4) "Base Year" means:

(A) For the calculation of Available Sales Tax Revenues, the fiscal year beginning October 1, 2003; and

(B) For the calculation of Available Real Property Tax Revenues, the

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fiscal year beginning October 1, 2003.

(5) "Bonds" means the District of Columbia tax increment revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued for the Rhode Island Place Project..

(6) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(7) "District" means the District of Columbia.

(8) "Retail Development Project" means a Retail Development Project, as defined in section 2(8) of the Retail Incentive Act.

(9) "Retail Incentive Act" means the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*).

(10) "Rhode Island Place Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of parking facilities adjacent to a Retail Development Project to be developed in connection with the Rhode Island Avenue Metro station in the District on the site described in section 3.

Sec. 3. Establishment of Retail Priority Area; allocation of tax increments.

(a) There is hereby established the "Rhode Island Place Retail Priority TIF Area," which shall consist of the following parcels and lots and squares: parcel 131, Lots 233 and parts of Lots 234 and 235, and further described as a 7.33 acre (319,446 square feet) site with frontage on Rhode Island Avenue, N.E., and immediately to the east of the Rhode Island Avenue Metro Station.

(b)(1) There is hereby allocated to the repayment of the bonds 100% of the Available Tax Increment attributable to the Rhode Island Place Retail Priority TIF Area. The Available Real Property Tax Revenues allocated to service debt on the bonds shall be calculated based upon the increase of the Available Real Property Tax Revenues from the Rhode Island Place Retail Priority TIF Area over the Available Real Property Tax Revenues from the Rhode Island Place Retail Priority TIF Area in the Base Year. The Available Sales Tax Increment allocated to service debt on the bonds shall be calculated based upon the increase of Available Sales Tax Revenues from the Rhode Island Place Retail Priority TIF Area over the Available Sales Tax Revenues from the Rhode Island Place Priority TIF Area in the Base Year, as certified by the Chief Financial Officer.

(2) With respect to the bonds, the termination date for the allocation of Available Tax Increment authorized by this section shall be the earlier of:

(A) The final maturity date of the bonds; or

(B) The date on which all of the bonds are paid or payment has been provided for and are no longer outstanding.

(c) The Mayor, or his designee, is hereby authorized to execute and deliver such legal documents as may be necessary or desirable to achieve the public policy objective of this resolution on behalf of the District. The Mayor is further authorized to execute and deliver on

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behalf of the District any amendments or supplements to the documents referenced in this subsection that may be determined by the Mayor to be in the best interests of the District and consistent with the purpose and intent of this resolution, or as may be provided in the documents referenced in this subsection. The execution by the Mayor of any amendment or supplement to the documents referenced in this subsection shall be conclusive evidence of such determination.

Sec. 4. Bond terms; execution.

(a) The Council hereby approves the following summary of the terms of the Bonds to be issued to pay costs associated with the Rhode Island Place Project:

- (1) The bonds shall be issued pursuant to the provisions of certain financing documents.
- (2) The principal amount of the bonds shall not exceed \$4 million.
- (3) The interest rate on the bonds shall not exceed 7% per annum.
- (4) The final maturity of the bonds shall not be more than 20 years from the date of issuance.
- (5) The bonds shall be secured by a pledge of the Available Tax Increment from the Rhode Island Place Retail Priority TIF Area.

(b) The bonds may have any other terms and conditions consistent with this resolution and the Retail Incentive Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, or an authorized delegate of the Mayor, and attested by the Secretary of the District of Columbia. The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

Sec. 5. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-777

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to permit the Mayor to waive the requirement that the Chief Medical Examiner be certified in forensic pathology by the American Board of Pathology or be eligible for such certification for any individual appointed as Chief Medical Examiner for the unexpired term ending on April 30, 2007, and to authorize the Mayor to appoint a replacement Chief Medical Examiner to fill the unexpired term of a prior Chief Medical Examiner.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Appointment of the Chief Medical Examiner Emergency Declaration Resolution of 2004".

Sec. 2. (a) Mayor Williams has nominated Dr. Marie Pierre-Louis to serve as the District's Chief Medical Examiner ("CME") for a term to expire on April 30, 2007.

(b) The Committee on the Judiciary approved the confirmation resolution, P.R. 15-1123, the Chief Medical Examiner Dr. Pierre-Louis Confirmation Resolution of 2004, on December 1, 2004. The Committee approved the nomination based on Dr. Pierre-Louis' extensive experience, her strong performance as Interim CME and Acting CME since October 5, 2003, her sound vision for reforming the Office of the Chief Medical Examiner ("OCME"), and the uniformly positive endorsements Dr. Pierre-Louis received from medical professionals, other colleagues, public and private organizations that work regularly with the OCME, and subordinates.

(c) The Committee on the Judiciary also approved Bill 15-1084, the Appointment of the Chief Medical Examiner Appointment Amendment Act of 2004, on December 1, 2004. This legislation, which was introduced by Chairman Cropp at the request of the Mayor, allows the Mayor to waive a requirement that the CME be certified in forensic pathology by the American Board of Pathology, or be eligible for such certification. Dr. Pierre-Louis does not meet this requirement, so a waiver is needed for her nomination as CME to go forward.

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(d) Because Bill 15-1084 will not become law for several months due to Congressional review, an emergency enactment of its provisions is needed so that the Council can vote on Dr. Pierre-Louis' nomination in the statutorily mandated time frame. Otherwise, the nomination would be deemed approved.

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 Appointment of the Chief Medical Examiner Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-779

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to amend An Act To establish a code of a law for the District of Columbia to require that an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings and is to be released from detention in the criminal or transfer proceeding be remanded by the court to the hospital for detention pending a hearing on a civil commitment petition that was filed prior to the court's determination that the person be released, to provide that a person who is so detained may request a probable cause within 7 days of the remand order, to require that requested probable cause hearing be held within 24 hours of receipt of the request, and to require that a court stay for a period not to exceed 48 hours execution of an order releasing an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings, and for whom a civil commitment petition has not been filed, to afford the appropriate authority an opportunity to initiate proceedings for the person's emergency hospitalization under Chapter 5 of Title 21 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Prevention of Premature Release of Mentally Incompetent Defendants Emergency Declaration Resolution of 2004".

Sec. 2. (a) On October 10, 2002, Claude Rashad McCants was murdered outside of his home in Northeast Washington. A mentally ill individual who had been released into the community after being found mentally unfit to stand trial for previous assault charges was charged with second-degree murder for the killing of Mr. McCants. Although the criminal charges on the mentally ill individual had been dismissed prior to his release, there was a pending civil commitment proceeding.

(b) The Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2004, effective May 21, 2004 (D.C. Law 15-165; 51 DCR 1808), which strengthens the District of Columbia's ability to detain a mentally incompetent criminal defendant until a civil commitment proceeding can be concluded, is expected to expire on January 1, 2005.

(c) The Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-566), is pending Congressional review.

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

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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 Prevention of Premature Release of Mentally Incompetent Defendants Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-780

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to de-couple District of Columbia law from depreciation and expense election provisions added to the Internal Revenue Code of 1986 by the Jobs and Growth Tax Relief Reconciliation Act of 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Second Emergency Declaration Resolution of 2004".

Sec. 2. (a) The federal Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a small business can deduct for property acquired in the current year from \$25,000 to \$100,000.

(b) At the Committee on Finance and Revenue's January 29th public roundtable on the permanent version of this legislation, the Office of Tax and Revenue testified that "though intended as a business incentive, the new depreciation tax breaks threatened to cost states large amounts of revenue."

(c) In response, the Office of Tax and Revenue further testified that "many states, including Virginia and Maryland, moved quickly to "de-couple" from the federal code – in effect, disallowing the depreciation provisions" and "in the absence of the proposed legislation, there would be a potential loss of \$2.46 million in FY 2004 and \$9.29 million in FY 2004 through FY 2007."

(d) Since this tax policy at the federal level impact the District's tax policy in tax year 2005, the underlying emergency legislation is warranted.

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 Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Second Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-781

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to order the closing of a portion of the alley system in Square 317, bounded by 11th, K, 12th and I Streets 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 317, S.O. 04-7832, Emergency Declaration Resolution of 2004".

Sec. 2. (a) The alley closing legislation will facilitate the development of approximately 1/2 of the square as an office building. This development will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenues. The development will also create a significant number of jobs during construction.

(b) The Advisory Neighborhood Commission 2F supports the alley closing.

(c) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously and ensure the feasibility of the project. Proceeding forward with the development and obtaining permits for construction on site is dependent upon the Council's approval of the 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 Closing of a Public Alley in Square 317, S.O. 04-7832, Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

ENROLLED ORIGINAL

A RESOLUTION

15-782

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to express the sense of the Council concerning the establishment of an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality.

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 Equal High Quality Education Amendment to the Constitution Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) On March 4, 2003, in the United States House of Representatives, Congressman Jesse Jackson, III, along with 35 co-sponsors, introduced a Joint Resolution Proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality.

(2) The propose Article 3 would read as follows:

"Section 1. All citizens of the United States shall enjoy the right to a public education of equal high quality.

"Section 2. The Congress shall have power to implement this article by appropriate legislation."

(3) One of the biggest challenges for education reform is dealing with the socio-economic realities associated with the so-called "haves" and "have nots" in our society. Giving all children a sound educational foundation has become part of our new civil rights challenge.

(4) The Council strongly supports congressional action before recess to ensure support for an equal high quality education for all public school students.

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 Sense of the Council in Support of the Equal High Quality Education Amendment to the Constitution Emergency Resolution of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-783

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to obtain Council approval of the renewal of the District of Columbia's Home and Community-Based Services Waiver Governing Water Filters for Persons with HIV/AIDS .

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Renewal of the Home and Community-Based Services Waiver Governing Water Filters for Persons with HIV/AIDS Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an ongoing risk of acquiring cryptosporidiosis from water in a non-outbreak setting for persons with HIV/AIDS who do not use water purifiers and replacement filters regularly for water filtration.

(b) The Home and Community-Based Services Waiver Governing Water Filters for Persons with HIV/AIDS ("Waiver"), which authorizes the Medicaid Program to provide water purifiers and replacement filter services to persons with HIV/AIDS, will expire on December 31, 2004.

(c) Because the United States Department of Health and Human Services, Center for Medicare and Medicaid Services will not authorize a request for an extension, the renewal must be submitted prior to December 31, 2004.

(d) District law requires the approval of the Council prior to submission to the Secretary of the Health and Human Services of any modification to or waiver of the State Plan.

(e) Continuation of the Waiver will allow the Medicaid Program to continue to provide water purifier and replacement filters services to this vulnerable population.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Renewal of the Home and Community- Based Services Waiver Governing Water Filters for Persons with HIV/AIDS Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-784

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To approve, on an emergency basis, the renewal of the District of Columbia's Home and Community-Based Services Waiver Governing Water Filters for Persons with HIV/AIDS.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Renewal of the Home and Community-Based Services Waiver Governing Water Filters for Persons with HIV/AIDS Emergency Approval Resolution of 2004".

Sec. 2. Pursuant to section 1(a)(2) 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)(2)), the Council approves the application for the renewal of the District of Columbia Home and Community-Based Services Waiver for Persons with HIV/AIDS ("Waiver"), which will enable the Medicaid Program to continue to provide water filter services to persons with HIV/AIDS enrolled in the Waiver.

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. The Council adopts the fiscal impact statement from 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(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-785

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to provide that revenues from fishing and hunting licensing schemes shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division in its role of protecting and managing aquatic life.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Water Pollution Control Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate threat to aquatic life in the waters of the District of Columbia.

(b) Two separate federal audits have raised concerns about unsupported costs and determined that the District's assent legislation in the Water Pollution Control Act of 1984 does not conform to the federal language requirements and, therefore, is not strong enough to ensure that the funds will only be used for the protection of aquatic life by the Fisheries and Wildlife Division.

(c) The Department of the Interior, United States Fish and Wildlife Service has advised the District that if the language is not changed to conform more closely to the federal legislation, the District risks losing its eligibility to participate in the Federal Aid in Sport Fish Restoration Act of 1950, as amended, which provides approximately \$900,000 in federal funding to the District each year.

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 Water Pollution Control Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-786

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare the existence of an emergency with respect to the need to establish the Department of Youth Rehabilitation Services as a cabinet-level agency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Youth Rehabilitation Services Establishment Emergency Declaration Resolution of 2004".

Sec. 2.(a) There exists an immediate need to improve the provision and delivery of juvenile justice services for youth in the District of Columbia. The Youth Services Administration has operated under a consent decree in the *Jerry M.* litigation since 1986, and the Administration's efforts to reform the juvenile justice system have been slowed due to frequent changes in leadership, high management and staff turnover, large numbers of personnel vacancies, overcrowding at the Oak Hill Youth Center, marked decreases in community-based residential beds, high youth abscondence from group and shelter homes, and competing fiscal priorities within a larger agency.

(b) There is an immediate need to establish a cabinet-level agency and provide special authorities that enhance the reform efforts of the juvenile justice system by improving the security, supervision, and rehabilitation services provided to committed and detained juvenile offenders and Persons in Need of Supervision.

(c) The need for a cabinet-level agency is recommended by the Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform dated November 6, 2001; the Fiscal Year 2002-2003 Annual Report of the Juvenile Justice Advisory Group; and the Blueprint for Tomorrow: Transforming Juvenile Justice Services and Program Delivery in the District of Columbia dated June 2, 2004. In addition, the court-approved Special Arbiter and parties in the *Jerry M.* litigation have included creation of a cabinet-level agency as the first goal in the work plan to achieve compliance with the consent decree.

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 Department of Youth Rehabilitation Services Establishment Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.