

## ENROLLED ORIGINAL

## A RESOLUTION

15-629

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to clarify and revise the criminal and civil penalties to be imposed upon persons under the age of 21 who purchase, attempt to purchase, possess, or drink an alcoholic beverage, persons who make false representations or possess or present fraudulent identification for the purchase, possession, or drinking of an alcoholic beverage, and persons who present fraudulent identification for the purpose of entering certain establishments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Penalty Emergency Declaration Resolution of 2004".

Sec. 2. (a) In *Cass v. District of Columbia*, 829 A.2d 480 (D.C. 2003) ("*Cass*"), the D.C. Court of Appeals ruled that the District law in effect from April 9, 1997 to May 2, 2001 governing the underage possession of alcohol was non-criminal. Although the Court expressly declined in *Cass* to hold that the current underage possession of alcohol statute, which was amended in section 10 of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-1002), is also non-criminal, the *Cass* holding has created prosecutorial uncertainty.

(b) Approximately 10 to 15 criminal cases of underage possession of alcohol are brought by the Office of the Attorney General each week. As a result of the uncertainty created by the *Cass* holding, Superior Court magistrates and judges dismiss most of these cases. The Office of the Attorney General must then file appeals of the dismissals and is defending at least one civil lawsuit against the Metropolitan Police Department ("MPD") for criminally enforcing the existing law. All of this results in considerable litigation.

(c) In May 2004, a Superior Court Order enjoined the police from arresting, and the Attorney General, from prosecuting such offenses. As result, MPD may only issue civil citations for violations of the statute and must rely on the accuracy of the identification information volunteered by potential violators.

Sec. 3. (a) In addition, substantial confusion has been created by certain wording in the current statute, such as the use of the phrase "In addition to" in D.C. Official Code

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§ 25-1002(d) and "As an alternative sanction to" in D.C. Official Code § 25-1002(e)(1). It was this language which the *Cass* court decided could be ignored and that led the court to conclude that the underage possession of alcohol by a minor was a civil, rather than a criminal, offense.

(b) Thus, there is an immediate need for the Council to clarify the law with respect to the nature of the penalties for underage possession of alcohol, to clarify its intent that civil penalties may be imposed in lieu of criminal prosecution, and to clearly delineate the criminal and civil penalties that may be imposed upon first, second, and third or subsequent violations of the law.

Sec. 4. The Council of the District of Columbia determines that the circumstances enumerated in sections 2 and 3 constitute emergency circumstances making it necessary that the Alcoholic Beverage Penalty Emergency Act of 2004 be adopted after a single reading.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

15-631

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare, on an emergency basis, the need to amend the District of Columbia Unemployment Compensation Act to reduce pension offsets.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Pension Offset Reduction Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is a need to provide equitable treatment to older workers by allowing them to draw the full weekly unemployment compensation benefit amount to which they are entitled based on the wages they earned while employed. Older workers typically experience longer durations of unemployment than younger workers because they find it more difficult to secure re-employment.

(b) Current pension offset provisions of the District of Columbia Unemployment Compensation Act reduce or eliminate unemployment compensation benefits for which the older worker has qualified through his or her work.

(c) An individual's weekly unemployment compensation benefit amount to which he or she is entitled is reduced dollar for dollar by the prorated weekly amount of any pension.

(d) Unemployed older workers have earned both benefits, their pensions and their unemployment compensation.

(e) The Committee on Public Services held a hearing on June 30, 2004, on Bill 15-526, the Unemployment Compensation Pension Offset Reduction Amendment Act of 2004, and learned about the hardships being suffered by unemployed older workers who need to work and need the economic security of the full unemployment compensation benefits that they have earned.

(f) Legislation is needed that will exempt from offset all pensions to which the employee has contributed, including social security and civil service pensions.

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 Unemployment Compensation Pension Offset Reduction Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to provide emergency legislation to allow residents of the District who are 16 or 17 years of age to serve as poll workers.

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

Sec. 2. The Council finds that:

(1) The youth of the District who have reached 16 or 17 years of age are not eligible to be polling place workers because they are not qualified registered electors under the laws of the District and are, therefore, presently precluded from working as poll workers;

(2) The proposed emergency legislation would clarify the existing statutory language concerning poll workers and would allow youth, between 16 and 18 years of age to serve as poll workers;

(3) The Board of Elections and Ethics ("Board") recruited 1,622 poll workers for the November 7, 2000 general election, which positions were funded in its budget, however, only 1,402 individuals reported to work on election day;

(4) The legislation provides the Board with another source of poll workers, which would assist the Board in filling more or all of its funded positions;

(5) During the first quarter of fiscal year 2003, the Board conducted the November 5, 2002 general election with the assistance of 123 youths from local public, charter, and private high schools.

(6) This population was recruited by the Board and required to attend poll worker training, including testing conducted by the Board.

(7) The Board's Youth Poll Worker Program is an educational program for high school students that provides them with an opportunity to gain experience working with the public, serving the community, and understanding the electoral process.

(8) The Board has reported that the proposed legislation is necessary to fill a void that could possibly be left by individuals who do not appear for duty for the District's upcoming primary election in 2004.

(9) The permanent legislation is not scheduled to become law until October 2004.

(10) The proposed emergency legislation would allow youths between the ages of 16 and 17 to serve as poll workers during the 2004 primary election.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Youth Poll Worker Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-633

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to exempt Contract No. DCFJ-2004-B-0031 from certain requirements of the District of Columbia Procurement Practices Act of 1985.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFJ-2004-B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Emergency Declaration Resolution of 2004".

Sec. 2. (a) On April 12, 2004, the Office of Contracting and Procurement on behalf of the District of Columbia Energy Office ("DCEO") and the District of Columbia Water and Sewer Authority ("WASA") issued a 2-step sealed bid for the delivery of electrical power and ancillary services on the open market. The contract term would be for a 3-year period. Two offerors, Pepco Energy Services ("PES") and Washington Gas Energy Services ("WGES"), submitted technical proposals that were determined acceptable by a Source Selection Technical Evaluation Panel and the independent assessment of the contracting officer.

(b) On June 16, 2004, an invitation for sealed price bids was sent to the 2 offerors, and, on the closing date, June 28, 2004, sealed price bids were received from PES and WGES. Neither bid was responsive to the invitation.

(c) PGES did not submit a bid for Year 1, and its Year 2 and 3 bids were up to 40% higher than had been anticipated in the District government's estimate.

(d) WGES submitted a partial bid for Year 1, agreeing to guarantee its prices only up to October 31, 2004, and only bid prices for certain accounts that it apparently believed may generate a higher profit. WGES did submit reasonable prices for Years 2 and 3.

(e) On account of the nonresponsiveness of the sealed price bids submitted by the 2 offerors, on that same day, June 28, 2004, the Deputy Chief Procurement Officer for the Office of Contracting and Procurement, on behalf of the District, issued a written determination authorizing cancellation of the Two-Step Invitation for Bids and completion of the procurement through negotiations.

(f) Because of the volatility of the electrical energy market, to achieve favorable prices for all District and WASA accounts, the District would like to delay further negotiations until the latter part of September 2004, when it is anticipated that the price will be lower owing to reduced demand. The District would also like to be able, if necessary, to award a part of its requirements to each offeror based on the most favorable prices for selected components, rather than a single award as announced in the original solicitation.

(g) In order for the District to temporarily delay further negotiations and to award possibly 2 contracts based on selected components, it is necessary to exempt this procurement from the District of Columbia Procurement Practices Act of 1985 except for the criteria for Council review of multiyear contracts and contracts in excess of \$ 1 million.

(h) By making this exemption, rather than requiring the issuance of a new, 4th request for proposals in this matter, it is anticipated that the District will be able to proceed this fall with its municipal aggregation program. It is important that the municipal aggregation program proceed timely, prior to the lifting of price caps on electricity on February 7, 2005.

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. DCFJ-2004-B-0031 Exemption Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-634

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to amend the Historic Landmark and Historic District Protection Act of 1978 to establish a new historic preservation review process for public safety facilities owned by the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation Process for Public Safety Facilities Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Historic Preservation Review Board has applications pending for the designation of 17 firehouses as historic landmarks, which represents over half of the firehouses in the District.

(b) Almost all of the properties under consideration appear to be either working fire or emergency medical service facilities, or both.

(c) The lives, health, safety, and property of residents throughout the District of Columbia depend on the timely maintenance and modernization of all public safety operational facilities, including firehouses and police stations.

(d) The frustration experienced by the community and the District government regarding the long-delayed renovation of the Tenley Firehouse (Engine 20) at 4300 Wisconsin Avenue, N.W., has led many citizens to believe that the historic preservation of public safety facilities can delay or impede necessary rehabilitation or replacement of such facilities.

(e) The operational needs of a public safety facility are so important for the community and the District that those needs should take precedence over historic preservation interests.

(f) A new and expedited historic preservation review process for public safety facilities needs to be statutorily established to ensure that the District's historic preservation law does not impede or delay the necessary renovation or rebuilding of firehouses, police stations, and other public safety facilities in the District.

(g) The Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), needs to be amended to require that rehabilitation or new construction for the operational needs of a public safety facility shall

constitute a public interest having a significantly higher priority than historic preservation.

(h) The Historic Landmark and Historic District Protection Act of 1978 needs to be amended immediately to require that an evaluation of whether historic preservation interests can be accommodated without compromising operational needs, and without substantially increasing costs to the District, shall occur at the earliest conceptual design review stages of a capital project for a public safety facility.

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 Historic Preservation Process for Public Safety Facilities Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-640

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency's issuance of District of Columbia Housing Authority Capital Fund Program revenue bonds Series 2004 in an amount not to exceed \$80 million.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency's District of Columbia Housing Authority Capital Fund Program Tax-Exempt Revenue Bonds Series 2004 Emergency Declaration Resolution of 2004".

Sec. 2. Emergency circumstances.

(a) There exists an immediate need to finance the accelerated renovation and repair of approximately 30 public housing developments owned and operated by the District of Columbia Housing Authority ("Authority") under the Department of Housing and Urban Development's Capital Fund Program; fund the reserve fund in an amount equal to the reserve fund requirement; pay a portion of the interest on outstanding bonds; refinance certain outstanding obligations of the Authority and pay certain costs incurred in connection with the issuance of the Series 2004 bonds. The Capital Fund Program provides monies through annual appropriations to public housing authorities to construct, modernize, renovate or rehabilitate public housing and has authorized public housing authorities to pledge and assign capital funds for the payment of the bonds.

(b) Pursuant to section 207(b)(3) of the District of Columbia Housing Finance Agency Act, effective May 9, 1985 (D.C. Law 6-4; D.C. Official Code § 42-2702.07(b)(3) ("Housing Finance Agency Act") and section 10 of the District of Columbia Housing Authority Act of 1999, (D.C. Law 13-105); D.C. Official Code § 6-209), the Council is authorized to approve the proposal by the District of Columbia Housing Finance Agency ("Agency") to issue Capital Fund Program tax-exempt revenue bonds in an amount not to exceed \$80 million where such financing has been determined by the Agency, by enactment of an eligibility resolution, to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

(c) An emergency resolution is necessary in order to reduce the cost of borrowing by securitizing the Capital Fund Program appropriations received annually by the Authority from the U.S. Department of Housing and Urban Development ("HUD"); to complete the capital repair needs for fiscal year 2005 and beyond by rehabilitating 250 vacant units and other units in need of critical structural improvements to serve a waiting list population of 28,000, and submit the transaction to HUD for approval by the desired date.

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**Sec. 3. Determination of emergency.**

The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Finance Agency's District of Columbia Housing Authority Capital Fund Program Revenue Bonds Series 2004 Emergency Declaration Resolution of 2004 be adopted on an emergency basis.

**Sec. 4. Effective date.**

This resolution shall take effect immediately.

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A RESOLUTION

15-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve, on an emergency basis the District of Columbia Housing Finance Agency's issuance of the District of Columbia Housing Authority Capital Fund Program Tax-Exempt Revenue Bonds Series 2004 in an amount not to exceed \$80 million.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency's District of Columbia Housing Authority Capital Fund Program Tax-Exempt Revenue Bonds Series 2004 Emergency Approval Resolution of 2004".

Sec. 2. Pursuant to section 207(b)(3) of the District of Columbia Housing Finance Agency Act, effective May 9, 1985 (D.C. Law 6-4; D.C. Official Code § 42-2702.07(b)(3)) and section 10(m)(3) of the District of Columbia Housing Authority Act of 1999 ("Housing Finance Agency Act"), effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-209(m)(3)), the Council approves the District of Columbia Housing Finance Agency's ("Agency") proposal for issuance of a principal amount not to exceed \$80 million in Capital Fund Program tax-exempt revenue bonds where that financing has been determined by the Agency, by enactment of an eligibility resolution, to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. 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. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-642

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to urge the Mayor to enter into a covenant with the Washington Club for a period of not less than 20 years with respect to its real property, to assure the continued maintenance of the historic structure, and approve a historic property tax relief assessment under D.C. Official Code § 47-842 for this property, located in Square 0136 Lot 0034.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Washington Club Historic Property Tax Relief Assessment Emergency Declaration Resolution of 2004".

Sec. 2. (a) Sections 47-842 through 47-844 of the District of Columbia Official Code provides for an alternative assessment of certain properties designated by the Joint Committee of Landmarks of the National Capital, and this alternative assessment, if it is less than full market value, shall be the basis of tax liability to the District.

(b) The improved real property of the Washington Club, located at 15 Dupont Circle in Square 0136, Lot 0034, is such a designated landmark and was given an alternative assessment of this nature for the past 20 years.

(c) The covenant signed at the time, however, will expire September 30, 2004.

(d) The underlying emergency sense of the Council resolution will encourage the Mayor to enter into a new covenant with the Washington Club, as provided under D.C. Official Code § 47-844, which will assure the continued maintenance of the historic building in exchange for a historic property tax relief assessment as provided under D.C. Official Code § 47-842.

(e) As the old covenant will expire September 30, 2004, it is imperative that a new covenant be executed between the Washington Club and the District.

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 Washington Club Historic Property Tax Relief Assessment Emergency Resolution of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-643

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare, on an emergency basis, the sense of the Council that the Mayor should enter into a covenant with the Washington Club for a period of not less than 20 years with respect to its real property, to assure the continued maintenance of the historic structure, and approve a historic property tax relief assessment under D.C. Official Code § 47-842 for this property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Washington Club Historic Property Tax Relief Assessment Emergency Resolution of 2004".

Sec. 2. The Council finds that:

(1) D.C. Official Code §§ 47-842 and 47-843 provide an alternative assessment of certain properties designated by the Joint Committee of Landmarks of the National Capital, and that this alternative assessment, if it is less than full market value, shall be the basis of tax liability to the District.

(2) D.C. Official Code § 47-844 provides that the District of Columbia shall enter into covenant with the owner of the property to provide for proper maintenance and preservation of the property as a condition for tax relief.

(3) The Washington Club owns a building designated as a historic building.

(4) The Washington Club is a social and educational organization founded in 1981. The club is located in the historic Patterson House which was completed in 1902 and is listed on the National and D.C. Registers of Historic Places.

Sec. 3. It is the sense of the Council that the Mayor should direct the appropriate executive agencies to negotiate and execute a covenant with the Potomac Boat Club as provided for in the D.C. Official Code § 47-844, and provide an alternative assessment for the improved real property of the Club, which real property has been designated as a historic building by the Joint Committee on Landmarks of the National Capital.

Sec. 4. The Council shall transmit copies of this resolution, upon its adoption, to the

Sec. 5. This resolution shall take effect immediately.

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## A RESOLUTION

15-644

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to approve the proposed disposition of certain vacant land that is a portion of the area known as the Anacostia Northern Gateway Site, at the intersection of Martin Luther King, Jr., Avenue and Good Hope Road, S.E., as surplus property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Certain Vacant Land That is a Portion of the Area Known as the Anacostia Northern Gateway Site Emergency Declaration Resolution of 2004".

Sec. 2. (a) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)) ("Act"), the Mayor transmitted to the Council a request for Council approval of the proposed disposition of the "Main Body" of Square 5601 and that portion described as the "Easement Portion" of Square 5601, Lots 13, 14, 15, 16, 17, 803, 836, 852, 844 and parts of Lots 845, 843, and 53 ("Property"), also known as a portion of the Anacostia Northern Gateway Site.

(b) Pursuant to this resolution, a portion of the Anacostia Northern Gateway Site will be purchased by the Anacostia Gateway, LLC ("AGLLC"), subject to a negotiated Land Disposition and Purchase Agreement, and the provisions of the Act.

(c) AGLLC intends to begin construction of a mixed-use commercial/retail building on the site in early September 2004.

(d) For AGLLC to have a timely construction start, it must obtain site control as quickly as possible so that it may secure the necessary financing and construction permits to ensure the availability of a portion of the building for a major tenant, whose letter of intent anticipates occupancy by August 2005.

(e) If construction does not commence by September 2004, AGLLC cannot implement its aggressive 12-month construction schedule to deliver occupancy to its major tenant by August 2005, thereby jeopardizing the economic feasibility of the project and the anticipated retail services for the nearby Anacostia community and the Government Center employees.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated

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in section 2 constitute emergency circumstances making it necessary that the Disposition of the Certain Vacant Land That is a Portion of the Area Known as the Anacostia Northern Gateway Site Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-650

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to approve retroactively Contract No. DS-C-0-920-S-098 for technical support and staffing services and to authorize payment for the services rendered under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution shall be cited as the "Contract No. DS-C-0-920-S-098 Emergency Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) In August of 2003 it was discovered that a multiyear contract the District of Columbia had with a technical support and staffing services contractor, TechUSA, exceeded the \$1 million expenditure amount. Although the summary for this contract was transmitted to the Council on June 3, 2004, the Mayor asserts that logistical problems, including a discussion about the nature of the summaries presented to the Council, delay in assessing and responding to issues raised about the adequacy of the summaries, and the need to obtain the contractual services immediately, made it impracticable to obtain Council approval in accordance with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D. C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a).

(b) The District Department of Transportation, the agency which utilized the services under the contract, subsequently cancelled the contract but did not fully pay for the services provided under the contract before the cancellation, which services have a reasonable value of \$2,208,638.99.

(c) Council approval for the total expenditure of \$2,208,638.99, is necessary to pay the contractor. Without this retroactive approval, the contractor cannot be paid for the services provided in excess of \$1 million dollars.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DS-C-0-920-S-098 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-651

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to approve Contract No. POAM-2004-R-0020-DW for security services and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POAM-2004-R-0020-DW Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve Contract No. POAM-2004-R-0020-DW for security services and to authorize payment for the services received under that contract.

(b) On April 11, 2004, the long-term contract with Hawk One Security, Inc., to provide security services at various facilities for the Protective Services Division of the Office of Property Management expired. In order to continue security services for these facilities, the Office of Contracting and Procurement awarded a 39-day letter contract to Hawk One Security, Inc., in the amount of \$997,485.15 for the period of April 12, 2004, through May 20, 2004, with projected completion of the definitized contract prior to May 20, 2004. Since the definitized contract was not completed by May 20, 2004, the Office of Contracting and Procurement extended the letter contract for 46 days, until July 5, 2004, for an additional \$1,055,471.31, and then further extended the letter contract 26 days through July 31, 2004, for an additional \$651,656.77.

(c) Approval is necessary to allow the continuation of this vital service and to ensure the safety and security of District government employees and the general public at the 41 facilities covered by Hawk One Security, Inc. Without this approval, the contract must cease and the contractor cannot be paid for services provided in excess of \$1 million dollars.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POAM-2004-R-0020-DW Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-655

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, with respect to the need to authorize the District of Columbia Metropolitan Police Department and the District of Columbia Public Schools to work collaboratively to improve the security services provided to District of Columbia Public Schools and to place responsibility for a request for proposals for school security services that are offered after January 1, 2005, with the Metropolitan Police Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Metropolitan Police Department School Safety and Security Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(a) The District of Columbia Board of Education ("Board") approved a security contract to extend through December 31, 2004, with option years.

(b) Pursuant to a Sense of the Council Resolution, the Council anticipates that there will be a request for proposals for school security services as of the earliest date of January 1, 2005.

(c) Both the Council's Committee on the Judiciary and the Committee on Education, Libraries and Recreation have worked together with the administration to refine the policies and procedures to transfer administration of school security to the Metropolitan Police Department and to conduct a study of the provision of school security services.

(d) Pursuant to a request of the City Administrator, it is reasonable to accelerate the time frame for full participation by the MPD in the process used to select the school security service provider who will assume these responsibilities after January 1, 2005.

(e) Both the Committee on the Judiciary and the Committee on Education, Libraries and Recreation's Committee reports found the level of violence in District of Columbia Public Schools to be unacceptable, and the administration and oversight of the school security contract by District of Columbia Public Schools to be inadequate.

(f) Unless legislative action is taken immediately to both permit and require the MPD to participate in the selection of a school security contractor to serve District of Columbia Public Schools after January 1, 2005, the present process used by the District of Columbia Public

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Schools may result in inadequate security services being provided to DCPS students and staff after January 1, 2005.

(g) DCPS and MPD should work together to ensure that schools are integrated into the community policing structure presently used by the Metropolitan Police Department without removing any police officer from any patrol service area.

(h) In order to assure a smooth transition in school security service provision in January 2005, the MPD must take responsibility for the process presently underway at DCPS to issue a Request For Proposals and to select a contractor.

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 Metropolitan Police Department School Safety and Security Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-656

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to amend Chapter 23 of Title 16 of the District of Columbia Official Code to require that the court find by clear and convincing evidence that a juvenile who has pled or been found guilty of an offense is not in need of care or rehabilitation before the court can dismiss the matter at disposition, to confirm that a case may not be dismissed only on the grounds that a child is receiving care and rehabilitation in another case, and to require the involvement and participation of a parent, guardian, or other person with whom a child resides, in the rehabilitation process.

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

Sec. 2. (a) Hearings held by the Committee on the Judiciary on a number of bills related to juvenile justice issues have demonstrated significant shortcomings in existing law. Among issues highlighted were concerns that juveniles who were adjudicated for more than one delinquent act often had their cases dismissed simply because they were already receiving care and rehabilitation in another case and therefore were not being penalized for the serial nature of their acts. Additionally, the witnesses emphasized the problem of lack of parental participation in juvenile court proceedings.

(b) Emergency legislation is needed to respond to this problem by establishing that a judge may not dismiss a case until it reaches the disposition phase and that a case may not be dismissed on the sole ground that a juvenile is receiving care and rehabilitation in another case.

(c) The Committee on the Judiciary has approved permanent legislation, Bill 15-537, the Omnibus Juvenile Justice Amendment Act of 2004, that includes these provisions. Because this bill will not become law until sometime next year, emergency action is required to address this critical public safety issue.

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 Justice Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-657

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to amend the Distracted Driving Safety Act of 2004 to clarify that no points shall be assessed for a violation of this act that does not contribute to an accident.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Distracted Driving Safety Revised Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; 51 DCR 1541), effective March 30, 2004 (D.C. Law 15-124; 51 DCR 1541), with an applicability date of July 1, 2004, prohibits distracted driving and provides that no person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory, except for emergency situations and use by emergency and law enforcement personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties. A person found guilty of distracted driving or using a mobile telephone or other electronic device without authorization shall be subject to a fine of \$100; this fine shall be suspended for a first time violator who, subsequent to the violation but prior to the imposition of a fine, provides proof of acquisition of a hands-free accessory of the type required by the Distracted Driving Safety Act of 2004.

(b) It was the intent of the Council that no points be assessed to a motorist's driving record for violations of this law that do not contribute to an accident. However, because the legislation did not explicitly state that no points were to be assessed, emergency legislation is needed to clarify Council's intent prior to the end of the warning period, which expires on July 31, 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 Distracted Driving Safety Revised Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.