

ENROLLED ORIGINAL

A RESOLUTION

15-558

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To express and transmit the findings of the Council on the report by the Mayor on the progress being made by the District government in implementing the Land Use Element of the Comprehensive Plan during fiscal years 1999-2002.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Progress Report on Implementing the Comprehensive Plan Findings Resolution of 2004".

Sec. 2. The Council of the District of Columbia submits the following findings on the Progress Report on Implementing the Land Use Element of the District of Columbia Comprehensive Plan for Fiscal Years 1999-2002 ("progress report"), dated April 2003, which was transmitted by the Mayor to the Council pursuant to section 8 of the District of Columbia Comprehensive Plan Act of 1984, effective May 23, 1990 (D.C. Law 8-129; D.C. Official Code § 1-301.65) ("Comprehensive Plan"):

(1) The Mayor submitted the progress report 3 years after the statutory deadline required by the Comprehensive Plan.

(2) The Council's Committee of the Whole held a public hearing on the progress report, as required by the Comprehensive Plan, on March 3, 2004.

(3) The Office of Planning testified at the public hearing on behalf of the executive branch that "substantial progress" had been made during fiscal years 1999-2002 in meeting the goals and objectives of the Comprehensive Plan and cited numerous examples of proposals and actions to implement the land use policies of the Comprehensive Plan.

(4) The Council finds that the District government during the fiscal year ("FY") 1999-2002 period has substantially improved its performance in implementing land use policies contained in the District elements of the Comprehensive Plan. The major factor shaping land use progress during this period has been the rebuilding of the planning and zoning functions of the District government, which has been a legislative and budgetary priority of the Council, to achieve the goals of neighborhood stabilization, revitalization, and preservation. Progress can be measured in the increased number of small area plans and other studies resulting in housing and

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economic development and in the increased initiation and examination of cases to make zoning not inconsistent with the Comprehensive Plan, as required by the Home Rule Charter.

(5) The Council and the Mayor have substantially increased the number of positions within the Office of Planning during the past several years, from 18 full-time equivalent positions in FY 1998, to 30 positions in FY 2000, and to 66 positions in FY 2002. The purpose of this phenomenal increase was, in part, to develop an in-house professional planning capacity within the Office of Planning, which had been decimated during the budget crises of the 1990's, to enable the District to competently and efficiently produce planning and zoning studies that take advantage of economic and market conditions and respond to pressing issues facing the District's neighborhoods and operating agencies.

(6) The Office of Zoning has also been rebuilt during this time period; during the Committee of the Whole oversight hearings, it received accolades on its substantially improved performance from both the residential and business communities. The effective functioning of the Zoning Commission and the Board of Zoning Adjustment is critical to housing and economic development in the District. The Council finds that zoning cases have been heard and decided on a more timely basis in recent years and that increased attention has been devoted to crafting zoning orders, particularly the conditions attached to zoning approvals, with more clarity and enforceability.

(7) The progress report specifies numerous examples of progress in implementing land use policies throughout the District with which the Council agrees, including, in particular:

(A) In Ward 1, the completion of the Metrorail Green Line in 1999, accelerating residential and commercial development in the U Street, Columbia Heights, Adams Morgan, Reed-Cooke, LeDroit Park, and Howard Gateway neighborhoods, major planned retail development along 14th Street in Columbia Heights, and Howard University development;

(B) In Ward 2, the adoption of revised campus plans for Georgetown and George Washington universities, fulfilling the vision of a "living Downtown," and preserving and revitalizing the "ring of neighborhoods" around the central area;

(C) In Ward 3, the new residential and commercial development along the Wisconsin and Connecticut Avenue corridors, and several zoning decisions that have sought a balance between the renovation or expansion needs of private educational facilities with the mitigation of adverse traffic and parking impacts on adjacent residential communities;

(D) In Ward 4, the revitalization plans for Georgia Avenue (including the Petworth Metro Station area and the Upper Georgia Avenue Gateway), 14th Street Heights, and the Takoma Central District, and the planned or completed renovations of several recreation centers;

(E) In Ward 5, the opening of Rhode Island Place, and the additional retail and housing planned at the adjacent Metrorail station, a planned new retail center at Fort Lincoln, planned housing at the Fort Totten Metrorail station, and two campus plan cases;

(F) In Ward 6, the planning on the Anacostia Waterfront Initiative and

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sub-area plans for Southwest and Reservation 13, H Street NE planning, designation of Eighth Street SE as a "Main Street," and residential development in Capitol Hill and adjacent neighborhoods;

(G) In Ward 7, the new and rehabilitated housing such as Banneker Ridge, Chaplin Woods townhouses, Dupont Commons, Banneker Place Apartments, Randle Highlands Manor, and the El Presidente Apartments, and redevelopment planning for East Capitol Dwellings and the Skyland shopping center; and

(H) In Ward 8, the development of new housing and rehabilitation of older units, including Wheeler Creek, Walter Washington Estates, Barnaby Manor, Henson Ridge, and Woodmont Crossing, strategic neighborhood investment in Bellevue, and planning for Saint Elizabeths Hospital campus and Camp Simms.

(8) The Council also finds that although progress has been and continues to be made in implementing numerous other land use policies, particularly with regard to planning for these policies, much more progress needs to be made in obtaining actual results, particularly in the following areas:

(A) Obtaining new or renovated commercial development in neighborhoods east of the Anacostia River;

(B) Maintaining and increasing the supply of housing affordable to low- and moderate-income households throughout the District of Columbia;

(C) Revitalizing the Georgia Avenue corridor;

(D) Ensuring the more equitable distribution of community-based residential facilities and other institutional uses throughout the District;

(E) Improving public facility and capital improvement planning; and

(F) Overhauling and updating the Comprehensive Plan.

Sec. 3. As a result of the findings enumerated in section 2, the Council determines that the executive branch during the past several years has substantially improved its performance in implementing the land use policies of the District elements of the Comprehensive Plan. Nonetheless, the Council remains critical of the slow pace of implementation of certain specified policies and the lack of a comprehensive implementation strategy with publicly shared goals, priorities, and timetables.

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the Mayor and the Director of the Office of Planning.

Sec. 5. The Council adopts the fiscal impact statement in the committee report 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)).

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Sec. 6. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To appoint Mr. John D. McDowell to the District of Columbia Corrections Information Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Corrections Information Council John D. McDowell Appointment Resolution of 2004".

Sec. 2. The Council of the District of Columbia appoints:

Mr. John D. McDowell
925 Ingraham Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the District of Columbia Corrections Information Council, established by section 11201(h) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 734; D.C. Official Code § 24-101(h)), to serve one 2-year term.

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 upon the first date of publication in the District of Columbia Register.

A RESOLUTION

15-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To confirm the reappointment of Patricia Ann Fisher, Ph.D., to the Citizen Complaint Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Citizen Complaint Review Board Patricia Ann Fisher Confirmation Resolution of 2004".

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

Patricia Ann Fisher, Ph.D.
3132 W Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Citizen Complaint Review Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), for a term to end January 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

15-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Employee Non-Liability Act and the Office of Administrative Hearings Establishment Act of 2001 to provide members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings with protection from liability in the case of a lawsuit filed in connection with the performance of their official duties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Selection and Tenure of Administrative Law Judges Non-Liability Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council has enacted emergency legislation (D.C. Act 15-389) and temporary legislation (D.C. Act 15-416) that provides members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings with protection from liability in the case of a lawsuit filed in connection with the performance of their official duties.

(b) The emergency legislation will expire on June 16, 2004, and the temporary legislation is still undergoing Congressional review and is not projected to become law before the emergency legislation expires.

(c) Therefore, the Council must approve emergency legislation to continue to provide liability protection to the members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings. Without this protection, the members will not proceed with the appointment of administrative law judges to hear and decide cases for the Office of Administrative Hearings, a result that would severely impair the Office in the performance of its duties.

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 Commission on Selection and Tenure of Administrative Law Judges Non-Liability Congressional Review 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

15-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, to establish a new time period for the disposition of property located in Ward 8 and approved by the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposal of District-Owned Surplus Real Property in Ward 8 Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to enact legislation to establish a new 2-year time period set forth in section 3 of the Disposal of District Owned Surplus Property Amendment Act of 1989 as it applies to the disposition of property approved by the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000 ("Resolution").

(b) The Resolution was introduced in the Council of the District of Columbia on October 13, 2000, and approved by the Council on December 5, 2000.

(c) The Resolution approved the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000 prepared by the Department of Housing and Community Development ("DHCD") for the purpose of soliciting proposals for the disposition and development of Camp Simms, Lot 804, Square 5912 in Ward 8, located generally between Alabama and Mississippi Avenues and 15th Street and Stanton Road, S.E. The Request for Proposal ("RFP") provided for the comprehensive development of Camp Simms with a neighborhood shopping center fronting on Alabama Avenue and a single-family residential community on the Mississippi Avenue portion of the property.

(d) DHCD subsequently released a RFP on January 12, 2001. Congress Heights Redevelopment, LLC ("CHR"), a joint venture between William C. Smith & Co., Inc., Mid-City Urban (FDS Camp Simms), LLC, and East of the River, CDC, submitted their response to the RFP on March 12, 2001. CHR received a Notice of Award ("Notice") from DHCD on April 30, 2001.

(e) Immediately upon receiving the Notice, CHR entered into negotiations with DHCD

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to secure an Exclusive Right Agreement and a Land Disposition Agreement for acquisition and development of the property.

(f) Because the subject site was a Formerly Used Defense Site ("FUDS"), immediately following the Notice, CHR met with the District of Columbia's Department of Health, Environmental Health Administration ("DCEHA") and United States Army Corps of Engineers ("USACE") to discuss the environmental conditions of the site. USACE agreed to conduct a re-analysis of existing geophysical data. The re-analysis did not confirm the presence of any hazards, but recommended further investigation to verify the USACE's findings. To ensure the safety of workers at the site and future residents, the USACE agreed to perform an additional field investigation in the fall of 2001. CHR and DHCD have worked diligently and made significant progress to expedite the development of this important project, and CHR has completed all significant site characterizations and due diligence activities necessary to begin the project, including topographic and boundary survey, geotechnical soils report, traffic study and Phase I and II environmental reports.

(g) On July 30, 2001, the USACE issued a press release that further investigation at Camp Simms would be performed beginning in October 2001. The USACE did not mobilize and begin field investigation until March 2002. A draft Supplementary Focused Site Inspection was issued in May 2002, but needed District and Environmental Protection Agency ("EPA") concurrence that the investigation has been completed and no further action was required by the USACE. DHCD requested that the USACE return to the site and investigate to confirm that a pressurized release incident that occurred during drilling was not due to munitions or tied to the former use of the site. The USACE returned to the site to investigate on September 5, 2003. The USACE has indicated that the report is now in final form and awaits concurrence from the EPA and the District. Notwithstanding the delays caused by USACE's soil/environmental investigations, CHR has invested a significant amount of time, money, and resources into this project and has finalized its site plan. The Large Tract Review was approved on November 18, 2003.

(h) In accordance with the RFP, part of the comprehensive development of Camp Simms includes a residential component on the Mississippi Avenue portion of the property. CHR proposes to build a 72-unit, single-family homeownership residential community. A new 2-year time period is needed so that CHR can demonstrate sufficient control of the site and secure financing as soon as possible to be able to take advantage of current low interest rates, which will keep down the development costs of the project and the new homes that will be built on the site.

(i) In accordance with the RFP, part of the comprehensive development of Camp Simms includes a commercial component fronting on Alabama Avenue. CHR proposes to build a neighborhood shopping center anchored by a supermarket. On April 22, 2003, the developer executed a Letter of Intent with Giant Food, Inc. A lease was received from Giant Food, Inc., on September 5, 2003 to begin negotiations. There is an immediate need for the new 2-year time period because CHR has to demonstrate continuous site control to be able to negotiate a timely

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lease with Giant Food, Inc.

(j) Notwithstanding the delays and predevelopment activities, CHR has continued to invest time, money, and resources to ensure a developable site that is safe for those during construction and the new homeowners after construction. CHR is fully committed to the Congress Heights community and is now ready to obtain permits necessary to complete the development of this site as soon as the new 2-year time period is granted.

(k) Due to the unanticipated delays set forth in subsections (f) and (g) of this section and the reasons enumerated in subsections (h), (i), and (j) of this section, CHR and DHCD determined that it is necessary to establish a new 2-year time period to ensure disposition of the property and completion of the development project. CHR has made a request for an extension of time to DHCD.

(l) DHCD is unable to extend the period of time of the underlying statutory authority for DHCD to negotiate the Exclusive Right Agreement and Land Disposition Agreement in the absence of Council action to allow DHCD's execution of the property disposition approved by the Resolution.

(m) The expiration of the statutory time period necessitates immediate action by the Council to establish a new 2-year time period during which DHCD is authorized to extend the time period of the Exclusive Right Agreement and take other necessary actions to complete the disposition of the property.

(n) Development of the Camp Simms site is in the best interest of the District, Ward 8, and the surrounding neighborhood. The development of this long-blighted site will provide needed residential development and new homeownership opportunities. The residential component also appropriates 25% of profits toward the operations and programming of THEARC, a \$21-million town hall, arts, and recreation center, already under construction and 2 blocks from the Camp Simms project. The commercial portion of the project will create a neighborhood shopping center and a much-needed supermarket that will meet the underserved needs of the Ward 8 community. During construction, it is estimated that this project will create 400 to 500 jobs, and upon completion, 350 to 400 permanent jobs, and promote economic growth in the area. Moreover, the completion of the project will transfer a government-owned tax-exempt property into private-sector ownership, with estimated yearly real estate taxes of \$600,000 and millions of dollars in sales, payroll, and business tax revenue.

(o) The Disposal of District-Owned Surplus Real Property in Ward 8 Emergency Amendment Act of 2004, effective March 18, 2004 (D.C. Act 15-406; 51 DCR 3657), expires on June 16, 2004. The Disposal of District-Owned Surplus Real Property in Ward 8 Temporary Amendment Act of 2004, signed by the Mayor on April 21, 2004 (D.C. Act 15-417; 51 DCR 4699), is pending Congressional review.

(p) 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 Disposal of District-Owned Surplus Real Property in Ward 8 Congressional Review 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

15-563

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency 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 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) On Thursday, May 27, 2004, the Committee on the Judiciary held a hearing on the Juvenile Flotation Device Requirement Amendment Act of 2004, as introduced on February 3, 2004 (D.C. Bill 15-719), and plans to mark up the legislation in June.

(e) This emergency legislation is required so that the District will not lose federal funds.

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 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

15-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with the respect to the need for the Council to express its support for voting rights in the United States Congress for residents of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Voting Rights Advancement in the Congress of the United States Emergency Declaration Resolution of 2004".

Sec. 2. (a) On June 23, 2004, the United States House of Representatives will hold a hearing on (1) H.R. 3709 – the District of Columbia Voting Rights Restoration Act of 2004 - introduced in the House of Representatives by Rep. Dana Rohrabacher; (2) H.R. 1285 and S.716 – the No Taxation Without Representation Act of 2003 - introduced by Rep. Eleanor Norton in the House of Representatives and Senator Joseph Lieberman in the Senate; (3) H.R. 381 – the District of Columbia-Maryland Reunion Act - introduced by Rep. Ralph Regula in the House of Representatives; and (4) a proposal by Rep. Tom Davis of Virginia which would create 2 additional seats in the House of Representatives, one for Utah and one for the District of Columbia.

(b) At the time PR15-855, the Sense of the Council in Support of Voting Rights Advancement in the Congress of the United States Resolution of 2004, was introduced on May 7, 2004 by 12 Councilmembers, the Council intended to act on it by June 1, 2004.

(c) The Council's notice of intent to act on PR15-855 in not less than 15 days was published in the May 21, 2004 edition of the District of Columbia Register.

(d) Emergency legislation is necessary in order to allow the Council to express its position on voting rights prior to Congressional action on June 23, 2004.

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 Sense of the Council in Support of Voting Rights Advancement in the Congress of the United States Emergency Resolution of 2004 be adopted on an emergency basis.

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Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-565

IN THE COUNCIL OF DISTRICT OF COLUMBIA

June 1, 2004

To declare, on an emergency basis, the sense of the Council in support of federal legislation to meaningfully advance the achievement of voting representation in the Congress of the United States for the residents of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Voting Rights Advancement in the Congress of the United States Emergency Resolution of 2004".

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

(1) Citizens of the United States who are also residents of the District of Columbia do not have voting representation in their national legislature, unlike the residents of the capitals of all other democratic countries in the world.

(2) These U.S. citizens do not have voting representation even though they pay federal income tax, their children are sent to war by authority of the Congress, and all of their laws are subject to the exclusive jurisdiction of the Congress.

(3) The District of Columbia was established as the federal seat of government through legislation adopted by the Congress over 200 years ago. At the time of the District's establishment, Congress concluded that for then-compelling reasons such a federal enclave was a sensible way of providing a location for our national government. Since then, however, the world has changed, the United States has evolved, issues that may have been relevant 2 centuries ago are not relevant today, and democracy has expanded to all corners of the world and remains a beacon to many. Yet the citizens of the United States who live in our nation's capital do not have voting representation in their national legislature.

(4) The residents of the District of Columbia – whose demographic characteristics include 60% African-American, 31% Caucasian, and 8% Hispanic/Latino - have served proudly in the Armed Forces of the United States. District residents have shouldered a heavy burden and paid the ultimate price for liberty by sending their children into war, including having to endure the loss of more lives in Vietnam than did 10 states. Yet citizens of the District have no vote in the governmental body that can send them and their children to war.

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(5) The residents of the District of Columbia pay income taxes of \$2 billion annually, which on a per capita basis is higher than every state in the Union except one.

(6) The denial of such a fundamental right as representation to accompany taxation, one of the salient rights upon which our nation was founded and one of the principles of the American Revolution, is an inequity of historic proportions.

(7) Securing the right of voting representation for the people of the District is a moral imperative that should no longer be denied through questionable excuses. All political parties should promote remedying this injustice, unconditionally, as consistent with American democratic principles.

(8) It is a reality, unfortunately, that full voting representation in Congress -- equal to that enjoyed by citizens of the 50 states - may be achieved only through stages or in a number of other ways. Accepting this likelihood allows the opportunity for the citizens of the District to achieve a substantial, meaningful, and historic advancement toward full voting representation.

(9) Such a first but important step can be achieved through any number of ways without creating a political imbalance and consequent liability in the current make-up of the House of Representatives. Therefore, concerns over such political considerations as that balance should not be used to mask this or other unjustified rationales for denying the U.S. citizens of the District representation in the House of Representatives.

(10) The words of President Abraham Lincoln are applicable to the plight of the citizens of the District with respect to their entreaty to the Congress on voting rights. President Lincoln stated: "You cannot escape the responsibility of tomorrow by evading it today." President Lincoln's words some 150 years ago are prescient to this long struggle for representation. He said, "The fight must go on. The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats."

(11) One hundred years later, during the administration of President Dwight D. Eisenhower, and with his strong support, the Congress passed the 23rd Amendment to the United States Constitution granting citizens of the District the right to vote for President of the United States.

(12) Ten years later (but 30 years ago), during the administration of President Richard M. Nixon, and with his strong support, the Congress enacted limited home rule for citizens of the District.

(13) It is time now for the next step toward securing the blessings of liberty for the citizens of the District.

Sec. 3. It is the sense of the Council that:

(1) The Council urges Congress to expeditiously pass H.R. 1285 (also known as S. 617), the No Taxation Without Representation Act of 2003, to grant District of Columbia citizens voting representation in both the U.S. House of Representatives and the U.S. Senate (see

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Sense of the Council Supporting the No Taxation Without Representation Act Resolution of 2002, effective May 7, 2002 (Res. 14-435; 49 DCR 4487).

(2) As a means to advance the cause, however, full voting representation in either the U.S. House of Representatives or the U.S. Senate in the near term should be supported as a way station and interim step toward full voting representation in Congress for citizens of the District of Columbia.

(3) Expanding the franchise to District citizens has been delayed too long, and Congress should act with immediacy.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

A RESOLUTION

15-566

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to permit the District of Columbia Board of Elections and Ethics to waive, for good cause, the deadline by which the names of nominees for presidential electors must be filed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Presidential Elector Deadline Waiver Second Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an emergency regarding the deadline, by which political parties in the District of Columbia must file the names of nominees for presidential electors, as well as the names of the parties' candidates for the offices of President and Vice-President.

(b) Currently, major political parties in the District of Columbia must file the names of nominees for presidential electors by September 1st in presidential election years. The District of Columbia Board of Elections and Ethics ("Board") lacks the ability to waive this statutory deadline.

(c) This situation may pose a hardship for those political parties whose candidates for presidential electors are not named in time for their local committees to complete and submit the requisite filings.

(d) The Presidential Elector Deadline Waiver Emergency Amendment Act of 2004 redresses this condition by allowing the Board to waive the statutory deadline in instances where good cause is demonstrated.

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 Presidential Elector Deadline Waiver Second Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-567

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to require that venues that attract large numbers of people inform the Metropolitan Police Department of their schedule and obtain adequate police presence at the event for the safety of the public.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Congestion and Venue Protection Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

- (1) Events that attract large numbers of people require police presence to expeditiously disperse crowds.
- (2) Failure to effectively control vehicular and human congestion can lead to violent incidences.
- (3) Police presence deters crime.
- (4) In light of recent terrorist threats, professional and organized crowd control is paramount to public safety.
- (5) Requiring venues that attract large numbers of people to inform the Metropolitan Police Department of their event would be in the interest of public safety and security.
- (6) Two separate incidents on public space in Northeast Washington resulted in 11 people being shot while leaving public establishments.
- (7) The most recent event resulted in the shooting of an off-duty District of Columbia Metropolitan Police Officer.
- (8) Public establishments that attract large numbers of people should be required to obtain adequate police presence at the event for the safety of the public.

Sec. 3. The Council finds that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Public Congestion and Venue Protection Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-568

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to amend the sunset date for the issuance of tax increment financing bonds under the Tax Increment Financing Authorization Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Financing Reauthorization Date Amendment Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Tax Increment Financing Authorization Act of 1998 ("TIF Act"), as amended by previous Council action, contains a sunset date of July 1, 2004.

(b) The Committee on Finance and Revenue is undertaking a thorough reexamination of the TIF Act. The goal of this effort will be to evaluate how to make tax increment financing, and other tax-related development tools, more effective for neighborhood economic development and revival, and this effort will result in legislative changes to the TIF Act.

(c) In order to prevent a lapse in authority in the TIF Act until the Council passes permanent legislation, the underlying emergency legislation amending the sunset date to January 1, 2005 is necessary.

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 Tax Increment Financing Reauthorization Date 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

15-569

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to exempt from taxation certain real property located in the District of Columbia used by the Department of the Army.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Walter Reed Property Tax Exemption Reconfirmation Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Military Housing Privatization Initiative of the 1996 National Defense Authorization Act, which was Public Law 104-106, codified at 10 U.S.C. §§ 2871 through 2885, created a mechanism whereby the Department of the Army ("Army") could enter into partnerships with the private sector for the purposes of the rehabilitation and construction of housing for military personnel and their families. These partnerships will allow for financing of this work by the private sector.

(b) The Army is planning such a partnership at Walter Reed U.S. Army Medical Center ("Walter Reed") with GMH Military Housing LLC ("GMH"). The property in question is located on the grounds of Walter Reed and is, as such, already exempt from property taxes.

(c) The property in question will continue to be used solely for military housing, and will be 90% owned by the Army and 10% owned by GMH for 50 years, after which time sole ownership will revert to the Army.

(d) The transaction between the Army and GMH is scheduled to close on July 1, 2004.

(e) The underlying emergency legislation will preserve the tax exemption this land currently enjoys, consistent with its continued use as housing for military personnel and their families, and thus allow the public-private partnership for the rehabilitation and development of this housing to move forward.

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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 the Walter Reed Property Tax Exemption Reconfirmation Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to regulate the operation of certain motor vehicles and prescribe penalties for the reckless operation of these vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Prohibition on the Reckless Operation of Recreational Motor Vehicles Emergency Declaration Resolution of 2004".

Sec. 2. (a) The District of Columbia does not provide a distinction in law, licensing or regulations that encompasses a unique definition of motor vehicles that reaches non-self-propelled vehicles such as motorcycles, All-Terrain-Vehicles, scooters, pocket-bikes, or mini-sport bikes.

(b) Certain recreational motor vehicles, have the potential to expose their operators and passengers to serious physical harm due to collision with automobiles, trucks, minivans, and buses.

(c) Certain operators of recreational motor vehicles have used the vehicles to endanger the lives of others through reckless operation of the vehicle, riding the vehicle in commission of a crime, and operating the vehicle on public streets, alleys and sidewalks.

(d) Operators of certain recreational motor vehicles have injured themselves and occasioned additional costs on the District for their emergency care.

(e) The District should be protected from financial liability by requiring that where recreational motor vehicles can be operated safely, the vehicle operator must have adequate insurance to provide for their care in case of an emergency as a condition of being permitted to operate the motor vehicle.

(f) The police should have the authority to request the operator of a recreational motor vehicle to produce a license or proof of insurance when operation of the vehicle creates a danger to the operator and other persons in the District. The police should have the authority, in their discretion, to confiscate the vehicle.

(g) The operation of certain recreational motor vehicles by persons under the age of 16 without the supervision of an adult in public streets, alleys and sidewalks is not in the public interest.

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(h) The operation of any recreational motor vehicle in a reckless fashion is not in the public interest.

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 Prohibition on the Reckless Operation of Recreational Motor Vehicles Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-571

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to amend section 3 of the Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002 to reference the revised Surveyor's plat filed under S.O. 00-89.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Amendment Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Fairlawn neighborhood has been selected for redevelopment of town homes on an empty lot.

(b) Twenty percent of the town homes will be reserved for low-income purchasers.

(c) Revisions to the Surveyor's plat are required to realign 22nd Street, S.E., immediately so that the groundbreaking for the construction of housing can occur this summer.

(d) The Council, having previously approved the permanent legislation on this matter in Bill 15-791, can assist with accelerating the development of new housing (21 single family units) by passing legislation that will permit the revision in the Surveyor's plat from a cul-de-sac to a "P" shape.

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 Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-572

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to close a portion of a 12-foot wide unimproved north-south public alley in Square 235, bounded by V Street, N.W., W Street, N.W., 13th Street, N.W., and 14th Street, N.W., in Ward 1.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Portion of a Public Alley in Square 235, S.O. 03-2526, Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close a portion of a 12-foot wide unimproved north-south public alley in the westernmost portion of Square 235.

(b) The closing of the unimproved public alley in Square 235 will facilitate the construction of a residential condominium with ground floor retail and underground parking. The project has received the support of various District agencies, including the Office of Planning. In addition, the project has received conceptual design approval from the District of Columbia Historic Preservation Review Board, and received support from the Cardozo Shaw Neighborhood Association and Advisory Neighborhood Commission 1B.

(c) The approved project will generate stabilized, net new, fiscal revenues to the District in excess of \$2.3 million in new direct annual tax revenue, which is multiple times the current minimal tax the property is generating as unimproved.

(d) The alley closing is a critical element of the construction project. The Washington Metropolitan Area Transit Authority owns a portion of the property on which the mixed-use development is to be constructed and has entered into a contract for the sale of the property with the developer of the project. Under the terms of the contract, the developer must acquire the property no later than November 2004, with construction to begin immediately thereafter. The developer has a similar purchase contract with a second owner of the development site. In order to finance the project for the November 2004 closing, the developer must demonstrate to potential lenders that it has the ability to proceed with construction upon acquisition of the property, which is evidenced by the issuance of a building permit. Given the time required to

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prepare plans and for the District to review them and issue a building permit for a project of this size, the developer must begin final working drawings now in order to meet the November 2004 acquisition and construction deadline. However, working drawings cannot begin until the alley is closed because the size and shape of the building is dependent on the land area now included in the alley.

(e) The approval of the alley closing demonstrates that the District of Columbia remains committed in its support of this project. Such support is based on the considerable addition of residential units to the housing stock of the District and the large economic and employment benefits that the project will provide to the District.

(f) In light of the importance of this project to the District of Columbia, enactment of this emergency is necessary.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Portion of a Public Alley in Square 235, S.O. 03-2526, Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to avert the unintended, premature termination of existing mental health civil commitments on July 1, 2004, by extending the period in which petitions for recommitment may be filed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mental Health Civil Commitment Extension Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Mental Health Civil Commitment Extension Emergency Act of 2004 must be passed to avoid the premature release on July 1, 2004 of persons who have been civilly committed, which otherwise would be required by amendments made to the civil commitment process by the Mental Health Civil Commitment Act of 2002, effective April 4, 2003 (D.C. Law 14-283; 50 DCR 917) ("Act").

(b) The Act contains several amendments designed to modernize the District's statutory scheme for civil commitment. The Act changes the commitment term for persons who have been civilly committed from being of indeterminate duration to a one-year period. It also creates a streamlined judicial procedure for annual recommitment of those still in need of commitment.

(c) The provisions of the Act that change the commitment term and provide for an annual recommitment procedure require affirmative Congressional enactment before they can be implemented because section 602 of the District of Columbia Home Rule Act prohibits the Council from enacting legislation relating to the Commission on Mental Health.

(d) In section 2(gg) of the Act, the Council provided that all indeterminate commitments would terminate as of July 1, 2004, unless a petition for recommitment were filed prior to that date. In adopting that provision, the Council had anticipated that Congressional enactment of the provisions relating to the Commission on Mental Health would have occurred by January 1, 2003, leaving an 18-month window for the Department of Mental Health, and other providers, to file recommitment petitions in all existing commitment cases. However, because Congress has not yet enacted these provisions, there is not a recommitment mechanism in place and existing commitments will terminate effective July 1, 2004 unless the period for filing petitions for

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recommitment is extended by the Council's adoption of this emergency legislation.

(e) The Council anticipates that Congress will be enacting the necessary provisions in the near future, but enactment is unlikely to occur before July 1, 2004. Even if Congress were to act before then, there would not be sufficient time to allow for consideration, filing, and execution of recommitment petitions in existing commitment cases.

(f) The Mental Health Civil Commitment Extension Emergency Act of 2004 will avert the premature termination of existing commitments and will allow for ample time to consider and file recommitment petitions. The legislation establishes a period of 18 months for the filing of petitions after the effective date of the Congressional enactment of the applicable provisions.

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 Mental Health Civil Commitment Extension Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to enact guidelines and safeguards to reform the Office of Property Management's lease and construction management operations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Property Management Reform Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) Attempts have been made to circumvent the need for Council approval by drafting contracts slightly below the threshold of \$1 million which would require Council approval.

(2) Leases and other contracts between the District of Columbia ("District") and a single party have been separated into multiple writings to lower the dollar amount in each individual contract, thus evading the requirement for Council approval.

(3) Addenda and amendments to Council-approved documents were ratified without Council approval, even in cases where the amount in the amendment or addendum exceeded \$1 million.

(4) The practice of awarding sole source contracts by the Office of Property Management ("OPM") deserves additional scrutiny.

(5) The Council needs to gather data on the OPM's contracting practices to determine whether there is a pattern and practice of deliberate evasion of Council scrutiny in the construction of these contracts and to determine whether a charter change is necessary to require Council approval for contracts below \$1 million.

(6) When considering the relocation of District facilities, the Council needs a complete cost-benefit analysis of the relocation.

(7) The Council needs information on the history and performance, costs, and benefits associated with instituting the tenant representation contract to determine whether it should be reinstated.

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(8) The Subcommittee on Human Rights, Latino Affairs, and Property Management has oversight authority over OPM and has the authority to examine the operations of OPM, including its lease management functions and its management of construction projects, and recommends that additional safeguards and tighter approval procedures are implemented to assure that past, current, and future lease agreements or memoranda of understanding associated with or entered into on the District's behalf are based on a fair market value of leased and purchased property.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Property Management Reform Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-575

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2004

To declare the existence of an emergency with respect to the need to amend Title 32 of the District of Columbia Rules and Regulations to clarify the applicability of requirements for the operation of motorized bicycles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Motorized Bicycle Responsibility Clarification Emergency Declaration Resolution of 2004".

Sec. 2. (a) The District's roadways have witnessed a recent increase in the number of miniature motorcycles, scooters, and mopeds.

(b) Current regulations provide for the regulation of motorized bicycles and of motor scooters, a subset of the larger category of motorcycles; however, there is not complete agreement among District agencies responsible for transportation safety over the applicability of the regulations as they pertain to motorized bicycles, leading to confusion and inadequate enforcement.

(c) Eliminating uncertainty over the meaning of the regulations will enable the Department of Motor Vehicles and the Metropolitan Police Department to ensure that all motor vehicles, including motorized bicycles and mini-motorcycles, have valid identification tags, registration, and proof of inspection, and that they are operated by licensed operators and sold by licensed salespersons.

(d) Certain motorized bicycles and miniature motorcycles are especially popular among children who are not old enough to obtain a driver's license and among adults whose licenses have been revoked or suspended, and therefore the continuing failure to enforce existing regulations would permit the potentially unsafe operation of these motor vehicles on the District's roadways to continue, needlessly endangering motorists, pedestrians, and residents.

Sec. 3. The Council of determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Motorized Bicycle Responsibility Clarification Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.