

ENROLLED ORIGINAL

## A RESOLUTION

15-296

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency, due to Congressional review of the Department of Insurance and Securities Regulation Merger Review Temporary Act of 2002 with respect to the need to amend the Holding Company System Act of 1993 to change the burden of proof for an acquiring company's proposition to acquire a nonprofit domestic insurer, to extend the length of the review period of the Mayor for certain insurance mergers, and to clarify who may participate in the public hearing and to provide for a review period after the determination made by the Mayor; and to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to change the burden of proof for an acquiring company's proposition to acquire a nonprofit domestic insurer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Insurance and Securities Regulation Merger Review Second Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) On July 2, 2002, the Council passed the Department of Insurance and Securities Regulation Merger Review Emergency Amendment Act of 2002 to extend, on an emergency basis, the decision-making time period when reviewing merger applications, of the Department of Insurance and Securities Regulation Commissioner ("Commissioner"), from 30 days to 120 days. This emergency legislation gave the Commissioner the option to increase the length of the review period if it is necessary and if all interested parties have given their consent. This legislation was passed on an emergency basis to further enable the Commissioner to review the proposed conversion of Group Hospitalization and Medical Services, Inc. ("GHMSI") from a nonprofit hospital and medical services corporation to a for-profit hospital and medical services corporation and subsequently, the acquisition of GHMSI by WellPoint Health Networks, Inc.

(b) To further enable the Commissioner during the review process, there also was an immediate need to shift the burden of proof when the Commissioner is deciding on whether or not to permit conversions, and mergers, of for-profit insurance companies to, or with, nonprofit insurance companies. Prior to this emergency legislation, if the Commissioner cannot determine that it is not in the public interest, then the Commissioner must allow the merger or acquisition to proceed. With these amendments to the law there is a shift of this burden to the acquiring

## ENROLLED ORIGINAL

company. In the case currently before the Commissioner, this would mean that WellPoint and GHMSI would be required to prove that the conversion and acquisition is in the public interest of the residents of the District. If they cannot prove that the conversion and acquisition is in the public interest of the residents of the District of Columbia, then the Commissioner must deny the application.

(c) This emergency legislation also changed the phrase "any person to whom notice of hearing was sent, and any other person whose interest may be affected" to the phrase "and any party". The purpose of this amendment was to conform the language of the Holding Company System Act with the defined terms in the D.C. Administrative Procedures Act ("DCAPA"). The DCAPA definition of "party" would permit the Commissioner to create one or more classes of party status, thus broadening the definition and permitting more interested persons to be involved in the hearing process.

(d) This emergency also provided that after the Commissioner made a determination about the proposed conversion and acquisition of GHMSI by WellPoint such determination will not be effective for 90 days. Current law did not provide for Council review of the decision made by the Commissioner. The amendment provided for a 90-day period during which the Council will have the opportunity to review the decision regarding the conversion and acquisition and consider whether it is in the public interest.

(e) The amendments were also included in the Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003, which passed the Council on September 16, 2003. Unfortunately, that act has not completed the necessary Congressional review. The act transmitted to Congress on October 15, 2003 and has a projected effective date of January 2, 2004 while the temporary act will become ineffective on November 5, 2003. Therefore, this emergency bill is necessary to close the gap between the temporary bill's expiration date and the permanent bill's effective date.

(f) Consequently, it is necessary that the Council adopt this legislation on an emergency basis.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Insurance and Securities Regulation Merger Review Second Congressional Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

15-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Procurement Practices Act of 1985 to authorize District government agencies to participate in intra-jurisdictional cooperative purchasing agreements for the purpose of procuring construction services or architectural and engineering services related to construction repairs, upgrades, restoration, alteration and reconstruction of existing buildings and facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Cooperative Purchasing Agreements Amendment Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) Under current District law, District government agencies may participate in cooperative purchasing agreements for the purpose of procuring architectural and engineering services for facility repairs, restoration, alterations, upgrades, and related architectural and engineering services.

(b) On October 6, 2003, the Council of the District of Columbia enacted permanent legislation, the Cooperative Purchasing Agreements Amendment Act of 2003, (Act 15-155), that allowed District government agencies to participate in cooperative purchasing agreements for the sole purpose of procuring architectural and engineering services for facility repairs, restoration, alterations, upgrades, and related architectural and engineering services.

(c) The Cooperative Purchasing Agreements Amendment Act of 2003 is currently awaiting Congressional approval. The Cooperative Purchasing Agreement Temporary Amendment Act of 2002 will expire on November 5, 2003.

(d) This congressional review emergency is urgently needed to prevent a lapse in legal authority, and to provide a continued avenue for necessary repairs, restoration, alterations, upgrades, and related architectural and engineering services to be procured until the permanent legislation becomes effective.

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 Cooperative Purchasing Agreements Congressional Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

ENROLLED ORIGINAL

A RESOLUTION

15-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from taxation certain property owned by the Veterans of Foreign Wars Department of the District of Columbia and to provide equitable real property tax relief to the organization

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Act of 2003 expired on October 27.

(b) The Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003 has been enacted by the Council of the District of Columbia and has been transmitted to the U.S. Congress for its review

(c) Permanent legislation, the Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2003, has been introduced and referred to committee.

(d) If this legislation is not enacted on an emergency basis, there will exist a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

**10061**

ENROLLED ORIGINAL

## A RESOLUTION

15-299

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to maintain a Special Education Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Education Task Force Establishment Second Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The District of Columbia Fiscal Year 2004 Budget Support Act of 2003, which contains permanent language establishing the Special Education Task Force, is pending before the U.S. Congress.

(b) The Special Education Task Force Establishment Congressional Review Emergency Act of 2003 expired on October 27, 2003.

(c) An immediate crisis continues to exist regarding the District of Columbia Public Schools' ("DCPS") ability to deliver special education services to students within the public school system. Special Education continues to be a major strain on DCPS' budget and the District's budget as a whole. Despite significant increases to DCPS' budget over the last five years, improvement in the delivery of special education services has not occurred.

(d) In addition, DCPS must comply with certain legal mandates, such as the Individuals with Disabilities Education Act, when a student seeks special education services. The inability to comply with the law has elevated the cost of special education.

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 Special Education Task Force Establishment Second Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

**10062**

A RESOLUTION

15-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the Make a Difference Selection Committee, to increase the number of yearly honorees from 10 to 25.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Make a Difference Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Make a Difference Amendment Act of 2003 is pending before the U.S. Congress.

(b) The Make a Difference Amendment Temporary Act of 2003 expires on November 7, 2003.

(c) It is important that the number of yearly honorees remains at 25 to allow more worthy persons to be honored.

(d) Emergency legislation must be enacted to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Make a Difference Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to confirm the reappointment of Fritz R. Kahn to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Fritz R. Kahn Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), provide the members of the Board of Appeals and Review ("Board") shall be appointed with the advice and consent of the Council.

(b) The Board considers appeals from decisions in different types of cases in which error is alleged and makes final administrative determination sustaining, reversing, or modifying the action from which the appeal is taken or, when appropriate, dismissing the appeal or remanding the case for further consideration.

(c) The Board was scheduled to sunset on September 30, 2003, its responsibilities were to be assumed by the new Office of Administrative Hearings, and no new appointments or reappointments to the Board were made in consideration of that action.

(d) Subsequently, there has been a delay in hiring new administrative law judges for the Office of Administrative Hearings, and the Office of Administrative Hearings will not become fully operational until March 2004.

(e) It is necessary to continue the operation of the Board until the Office of Administrative Hearings is fully operational to avoid any delay in considering appeals from citizens.

(f) The current term Fritz R. Kahn has expired, and there are cases that Mr. Kahn is currently considering.

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 Board of Appeal and Review Fritz R. Kahn Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

---

**10064**

A RESOLUTION

15-302

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on an emergency basis, the Mayoral reappointment of Mr. Fritz R. Kahn to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Fritz R. Kahn Emergency Confirmation Resolution of 2003".

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

Mr. Fritz R. Kahn  
4715 Nebraska Avenue, N.W.  
Washington, D.C. 20016-1828  
(Ward 3)

as a Legal Member of the Board of Appeals and Review, in accordance with Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), until May 1, 2004, or until the Office of Administrative Hearings is fully operational, whichever occurs first.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to confirm the reappointment of Phyllis D. Thompson to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Phyllis D. Thompson Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), provide the members of the Board of Appeals and Review ("Board") shall be appointed with the advice and consent of the Council.

(b) The Board considers appeals from decisions in different types of cases in which error is alleged and makes final administrative determination sustaining, reversing, or modifying the action from which the appeal is taken or, when appropriate, dismissing the appeal or remanding the case for further consideration.

(c) The Board was scheduled to sunset on September 30, 2003, its responsibilities were to be assumed by the new Office of Administrative Hearings, and no new appointments or reappointments to the Board were made in consideration of that action.

(d) Subsequently, there has been a delay in hiring new administrative law judges for the Office of Administrative Hearings, and the Office of Administrative Hearings will not become fully operational until March 2004.

(e) It is necessary to continue the operation of the Board until the Office of Administrative Hearings is fully operational to avoid any delay in considering appeals from citizens.

(f) The current term Phyllis D. Thompson has expired, and there are cases that Ms. Thompson is currently considering.

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 Board of Appeal and Review Phyllis D. Thompson Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

---

**10066**

A RESOLUTION

15-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on an emergency basis, the Mayoral reappointment of Ms. Phyllis D. Thompson to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Phyllis D. Thompson Emergency Confirmation Resolution of 2003".

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

Ms. Phyllis D. Thompson  
1362 Monroe Street, N.E.  
Washington, D.C. 20017-2509  
(Ward 5)

as a Legal Member of the Board of Appeals and Review, in accordance with Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), until May 1, 2004, or until the Office of Administrative Hearings is fully operational, whichever occurs first.

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

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

15-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to confirm the reappointment of Brian K. Flowers to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Brian K. Flowers Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), provide the members of the Board of Appeals and Review ("Board") shall be appointed with the advice and consent of the Council.

(b) The Board considers appeals from decisions in different types of cases in which error is alleged and makes final administrative determination sustaining, reversing, or modifying the action from which the appeal is taken or, when appropriate, dismissing the appeal or remanding the case for further consideration.

(c) The Board was scheduled to sunset on September 30, 2003, its responsibilities were to be assumed by the new Office of Administrative Hearings, and no new appointments or reappointments to the Board were made in consideration of that action.

(d) Subsequently, there has been a delay in hiring new administrative law judges for the Office of Administrative Hearings, and the Office of Administrative Hearings will not become fully operational until March 2004.

(e) It is necessary to continue the operation of the Board until the Office of Administrative Hearings is fully operational to avoid any delay in considering appeals from citizens.

(f) The current term Brian K. Flowers has expired, and there are cases that Mr. Flowers is currently considering.

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 Board of Appeal and Review Brian K. Flowers Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on an emergency basis, the Mayoral reappointment of Mr. Brian K. Flowers to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Brian K. Flowers Emergency Confirmation Resolution of 2003".

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

Mr. Brian K. Flowers  
1331 Irving Street, N.E.  
Washington, D.C. 20017-2453  
(Ward 5)

as a District Member of the Board of Appeals and Review, in accordance with Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), until May 1, 2004, or until the Office of Administrative Hearings is fully operational, whichever occurs first.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-307

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to confirm the reappointment of Maureen A. Young to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Maureen A. Young Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), provide the members of the Board of Appeals and Review ("Board") shall be appointed with the advice and consent of the Council.

(b) The Board considers appeals from decisions in different types of cases in which error is alleged and makes final administrative determination sustaining, reversing, or modifying the action from which the appeal is taken or, when appropriate, dismissing the appeal or remanding the case for further consideration.

(c) The Board was scheduled to sunset on September 30, 2003, its responsibilities were to be assumed by the new Office of Administrative Hearings, and no new appointments or reappointments to the Board were made in consideration of that action.

(d) Subsequently, there has been a delay in hiring new administrative law judges for the Office of Administrative Hearings, and the Office of Administrative Hearings will not become fully operational until March 2004.

(e) It is necessary to continue the operation of the Board until the Office of Administrative Hearings is fully operational to avoid any delay in considering appeals from citizens.

(f) The current term Maureen A. Young has expired, and there are cases that Ms. Young is currently considering.

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 Board of Appeal and Review Maureen A. Young Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on an emergency basis, the Mayoral reappointment of Ms. Maureen A. Young to the Board of Appeals and Review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Appeals and Review Maureen A. Young Emergency Confirmation Resolution of 2003".

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

Ms. Maureen A. Young  
1520 Farragut Street, N.W.  
Washington, D.C. 20011-3832  
(Ward 4)

as a Public Member of the Board of Appeals and Review, in accordance with Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367), and section 2(f)(3) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(3)), until May 1, 2004, or until the Office of Administrative Hearings is fully operational, whichever occurs first.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to amend Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law, and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the Administrator of the Mental Retardation and Developmental Disabilities Administration, or the Administrator's designee, to grant, refuse, or withdraw consent, with certain limitations, on behalf of incapacitated customers, for health care services, treatment, or procedures, upon the certification of 2 licensed physicians.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Emergency Declaration Resolution of 2003".

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

(1) The Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2002, effective March 25, 2003 (D.C. Law 14-241; 49 DCR 11167), is expected to expire on November 5, 2003.

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

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 Citizens With Mental Retardation Substituted Consent for Health Care Decisions Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-310

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to establish the Rehabilitation Services Program and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of vocational rehabilitation services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rehabilitation Services Program Establishment Emergency Declaration Resolution of 2003".

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

(1) There exists an immediate crisis in the District of Columbia because of the failure to establish a rehabilitation services program and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of vocational rehabilitation services.

(2) Currently, the Department of Human Services Rehabilitation Services Administration ("RSA") provides vocational rehabilitation services in accordance with the requirements of the Rehabilitation Act of 1973 ("Act"). RSA has used the Act's regulations and program instructions to implement services. Since a rehabilitation services program has not been established as a District of Columbia government entity, the RSA is unable to implement any of the optional provisions of the Act or to issue rules to implement discretionary provisions of the Act.

(3) In seeking to serve the needs of all District of Columbia residents who require vocational rehabilitation services, RSA has implemented an economic needs test, which is an optional provision of the Act. Recently, advocates who represent customers seeking vocational rehabilitation services have challenged RSA's authority to impose an economic needs test without legislative authority. These advocates believe that each client is entitled to all services and that services should not be limited to what is needed to prepare for, secure, and maintain employment. This interpretation of the Act has had a significant impact on RSA's

## ENROLLED ORIGINAL

budget. Under this interpretation, RSA will be unable to provide services to a large number of eligible individuals with disabilities.

(4) If vocational rehabilitation services cannot be provided to all eligible individuals who apply for services, RSA would be required by federal law to establish an order of priority for services, prioritizing individuals with the most severe disability before other individuals with severe disabilities and non-severe disabilities can receive services. With this order of priority, RSA would be forced to deny vocational rehabilitation services to thousands of individuals with disabilities. An order of priority would have a significant impact on services to multicultural populations whose presenting disability is frequently not categorized as severe. It would also have a significant impact on services to the following populations: individuals with drug- and alcohol-related disabilities; individuals with learning disabilities; individuals with mild mental illness; and individuals with various other disabilities.

(5) If the Rehabilitation Services Program is not established as a District of Columbia government entity and the Mayor is not authorized to establish an economic needs test to be used in determining the ability of applicants and recipients to contribute to payment of the costs of vocational rehabilitation services, the District of Columbia would be forced to establish priorities for its rehabilitation services program, which would jeopardize the health, safety, and welfare of many individuals with disabilities in the District of Columbia.

(6) The Rehabilitation Services Program Establishment Second Temporary Act of 2002, effective April 4, 2003 (D.C. Law 14-290; 50 DCR 1105), is scheduled to expire on November 15, 2003. The Rehabilitation Services Program Establishment Act of 2003, as introduced on May 30, 2003 (D.C. Bill 15-287), is pending in committee.

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

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 Rehabilitation Services Program Establishment Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

15-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to amend Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Towing Regulation and Enforcement Authority Emergency Declaration Resolution of 2003".

Sec. 2. (a) On January 7, 2003, the Council of the District of Columbia enacted the Towing Vehicles Rulemaking Authority Continuation Temporary Act of 2002, (D.C. Law 14-277), which amended Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

(b) The permanent legislation governing the business of furnishing towing services for motor vehicles, the Towing Regulation and Enforcement Authority Act of 2003, was introduced but has not yet been passed by the Council. The Towing Vehicles Rulemaking Authority Continuation Temporary Act of 2002 will expire on November 13, 2003.

(c) This emergency legislation is urgently needed to prevent a lapse in the authority of the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, with such rules to be submitted to the Council for a 45-day period of review.

Sec. 3. The Council of the District of Columbia has determined that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Towing Regulation and Enforcement Authority Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to modify the conditions under which payment of supplies or services received by the District government without a valid written contract may be authorized.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Procurement Practices Vendor Payment Revised Approval Authorization Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an emergency regarding the need to modify the conditions under which payment of supplies or services received by the District government without a valid written contract may be authorized.

(b) The Procurement Practices Vendor Payment Authorization Amendment Act of 2002 was enacted to require that employees, who authorize payment for services received without a valid written contract, be identified and that appropriate disciplinary action be taken against these employees.

(c) Additionally, the Procurement Practice Vendor Payment Authorization Amendment Act of 2002 was enacted to ensure that vendors who provided supplies or services to the District government receive timely payments to prevent the practice of filing "friendly lawsuits" to ascertain payment on outstanding invoices.

(d) The current law does not solve the issue of timely payments to vendors because it does not provide for certainty of payment or eliminate the need to file "friendly lawsuits".

(e) The current law requires the Mayor to transmit the request for authorization of payment to the Council, by act, to be "reviewed and approved" without the requirement that the Council must act within a reasonable time period or be required to take any action. Therefore, the act could remain within the Council for an indefinite period of time.

(f) The current law requires that the request for authorization to make payment be sent to the Council in the form of an act; therefore, the Council's actions will be subject to the Congressional review process, which will delay payments to vendors who provided supplies or services to the District of Columbia government, should the Council determine that payment is warranted.

(g) Pursuant to current law, Congress will now be required to review payments to vendors over \$100,000.

(h) There are a number of vendors that have not been paid on invoices and they need and deserve to be paid.

(i) Vendors who have not been paid need to be able to determine if the requests for payment authorization will be approved or disapproved so that they can pursue other options, should they determine to do so.

(j) The proposed amendment would also prevent vendors from filing additional "friendly lawsuits."

(k) Friendly lawsuits are an additional cost to the District government because the government is required to acknowledge the fact, as alleged, and a judgment will be entered for the vendor. This procedure would require the time and resources of all relevant District government agencies.

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 Procurement Practices Vendor Payment Revised Approval Authorization Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to clarify the term of the Inspector General and to amend the conditions for removal of the Inspector General for cause to include a resolution by the Council in favor of the Mayor's decision to remove the Inspector General for cause.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inspector General Appointment and Term Clarification Amendment Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Mayor posted a position announcement seeking applicants for the position of Inspector General of the District of Columbia with a deadline for submitting application materials and credentials of November 14, 2003, after Charles C. Maddox, Inspector General of the District of Columbia, resigned, effective December 31, 2003.

(b) The position announcement states that the position is in the Mayor's Cabinet until May 29, 2005, which is approximately one and 1/2 years.

(c) The Inspector General's position is established in existing law as "a six-year term."

(d) Ms. Angela Avant was the first Inspector General appointed to a fixed six-year term in 1996 ending on January 15, 2002. Ms. Avant's term was completed by both E. Barrett Prettyman, Jr. and Charles C. Maddox.

(e) Pursuant to *United States v. Wilson*, 351 U.S. App. D.C. 261, 290 F.3d 347 (2002), *cert. denied*, *Wilson v. United States*, 537 U.S. 1028 (2002), a person appointed to an unexpired term, completes the unexpired term—i.e. the six-year term does not start over with the new appointment.

(f) The first fixed term expired on January 15, 2002; the next fixed term expires on January 15, 2008.

(g) Each Mayor should have the opportunity to appoint his or her own Inspector General and resetting of the term of the Inspector General precludes this option.

(h) Clarifying the conditions of employment for Inspector General candidates provides notice, prior to the hire date, that the term of the position is through January 15, 2008, and that

subject to Congressional enactment, the successful candidate can only be removed for cause by the Mayor with 2/3 vote on a resolution of removal by the Council, present and voting.

(f) The Council seeks to clarify, on an emergency basis, that the Inspector General serves for a six-year term, similar to the Chief Financial Officer, and that both the Council and the Mayor must agree to the removal for cause of the Inspector General in a non-control year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Inspector General Appointment and Term Clarification Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to clarify the definition of "noise disturbance" to provide that noise meter readings are not required evidence of violations of the reasonable person standard that occur outside of the Central Employment Area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Noise Control Clarification Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Council's intent when it passed D.C. Law 11-161, the Noise Control Amendment Act of 1996, was that while noise meter measurements are required in the Central Employment Area ("CEA"), they are not meant to be required in other locations. To address noise violations that occur outside of the CEA, the Council added language that allows the government agent charged with enforcement to use the reasonable person standard.

(b) Neighborhoods outside the CEA are confronted by a variety of noise problems. Residents in these neighborhoods have expressed the concern that the Office of the Corporation Counsel will not be prosecuting the tickets issued by the Metropolitan Police Department due to language in law which is being interpreted to mean that an officer must take measurements with a noise meter no matter where the violation occurs.

(c) The Noise Control Clarification Emergency Amendment Act of 2003 would address this concern by amending the law, based on the advice of the Corporation Counsel, to make the use of noise meter readings discretionary for violations occurring outside of the CEA.

(d) The Noise Control Clarification Emergency Amendment Act of 2003 has the same provisions as D.C. Law 14-261, the Noise Control Temporary Amendment Act of 2002, which expires on November 7, 2003. The enactment of this bill is imperative to prevent any further interruption in the desired administration of the Noise Control Amendment Act of 1996.

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 Noise Control Clarification Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

10080

ENROLLED ORIGINAL

A RESOLUTION

15-315

IN THE COUNCIL OF DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to clarify the definitions of real property classifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Classification Clarification Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Council previously passed emergency and temporary legislation, in Council Period 14, to clarify the definition of vacant property, now known as Class 3 property.

(b) The temporary legislation, D.C. Law 14-275, will expire on November 13, 2003.

(c) The permanent version of this legislation, Bill 15-1, the Real Property Classification Clarification Act of 2003, is pending before the Committee on Finance and Revenue.

(d) The Committee on Finance and Revenue anticipates marking up the permanent legislation in November, and moving it forward to the full Council.

(e) In order to prevent a gap in the legal authority for the changes previously passed by the Council, the underlying emergency legislation is needed.

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 Real Property Classification Clarification Emergency Act of 2003 be approved after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to approve the acceptance and use of grants not included in the ceiling of the District of Columbia FY Appropriations, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "November Budget Modifications for FY 2004 Grant Funds Emergency Declaration Resolution of 2003".

Sec. 2. (a) Compliance with federal law established by section 119 of the FY 2003 Appropriations Act, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11) as extended by a Joint Resolution Making continuing appropriations for the fiscal year 2004, and for other purposes, approved September 30, 2003 (Pub. Law 108-84; 117 Stat. 1042), requires Council approval within 15 calendar days after a request for acceptance and use of grants not included in the ceiling of the FY 2003 appropriation for the District of Columbia.

(b) Grant requests have been submitted that are not included in the FY 2003 appropriations ceiling. These grants must be approved by the Council expeditiously.

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 November Budget Modifications for FY 2004 Grant Funds Approval Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to amend the District of Columbia Campaign Contribution Limitation Initiative of 1992 to clarify the contribution limitations by supporters of candidates for the President of the Board of Education, who is to be elected at-large, and to raise the campaign contribution limit for members of the Board of Education from \$200 to \$300.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the Board of Education Campaign Contribution Clarification Emergency Declaration Resolution of 2003".

Sec. 2. The Board of Education Campaign Contribution Clarification Temporary Act of 2003 will expire on November 5, 2003, and the law will revert back to the language of the District of Columbia Campaign Contribution Limitation Initiative of 1992. Permanent legislation, the Board of Education Campaign Contribution Clarification Act of 2003, has been introduced and referred to the Committee on Education, Libraries and Recreation. If legislation is not moved on an emergency basis, a gap in the law will result.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute an emergency making it necessary that the Board of Education Campaign Contribution Clarification Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-319

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to continue a parking meter fee moratorium on Saturday, and on other days between 6:30 p.m. and 7:00 a.m.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Parking Meter Fee Moratorium Emergency Declaration Resolution of 2003".

Sec. 2. (a) On March 25, 2003, D.C. Law 14-235, the Parking Meter Fee Moratorium Temporary Act of 2002, became effective. This law imposed a moratorium on the payment of parking meter fees on Saturdays and on other days between the hours of 6:30 p.m. and 7:00 a.m.

(b) The Parking Meter Fee Moratorium Temporary Act of 2002 expires on November 5, 2003. The accompanying permanent legislation, the Parking Meter Fee Moratorium Act of 2003, was introduced but has not yet been passed by the Council.

(c) The parking meter fee moratorium program has helped to foster the ongoing revitalization of the District through increased visits to District neighborhoods and increased shopping within the commercial corridor. Continuation of this program is necessary in order to provide for this ongoing revitalization of 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 Parking Meter Fee Moratorium Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to enter into discussions with Howard University for purposes of negotiating a new hospital on the Public Reservation 13 site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Capital Medical Center Negotiation Emergency Declaration Resolution of 2003".

Sec. 2. (a) The District's existing healthcare infrastructure is inadequate in part because of the uneven distribution of hospitals throughout the city. As a result, District residents are put at risk, especially those seeking emergency services.

(b) Section 3 of the Draft Master Plan for Public Reservation 13 Approval Act of 2002, effective April 11, 2003, (D.C. Law 14-300, D.C. Official Code § 10-1502), authorizes the construction of a hospital.

(c) The Council and the Mayor have reached an understanding on how best to enhance the District's inadequate healthcare infrastructure.

(d) The Council and Mayor have held preliminary discussions with Howard University in pursuit of achieving an enhanced healthcare infrastructure.

(e) It is imperative that the Council and the Mayor provide Howard University and its leaders with solid assurances in a timely fashion of our commitment to move forward with negotiations in good faith.

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 National Capital Medical Center Negotiation Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

10085

A RESOLUTION

15-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to amend the Housing and Community Development Reform Advisory Commission Act of 2002 to strike the affiliation prohibition to broaden the pool of persons who may serve on the Housing and Community Development Reform Advisory Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing and Community Development Reform Advisory Commission Emergency Declaration Resolution of 2003".

Sec. 2. The Commission consists of 7 members 4 of whom are public members appointed by the Mayor, subject to the advice and consent of the Council, provided that the nominee is not a current or former officer, agent, employee, or other affiliate of an organization that has received funding from the Department of Housing and Community Development within the last 5 years.

(b) The Commission's ability to perform its statutory responsibilities would be greatly enhanced by having a member who has direct and current knowledge of the grant making procedures of the Department of Housing and Community Development.

(c) There is, therefore, a need to allow persons affiliated with organizations that have had dealings with the Department of Housing and Community Development to serve as members of the Commission.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Housing and Community Development Reform Advisory Commission Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to amend the Washington Convention Center Authority Act of 1994 to eliminate the limit on the number of consecutive terms that may be served by a member of the Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Authority Term Limit Emergency Declaration Resolution of 2003".

Sec. 2. (a) The terms of 3 of the current members of the Board of Directors ("Board") of the Washington Convention Center Authority ("WCCA") will expire at the end of the year.

(b) The 3 members are ineligible for reappointment because the current law limits public members of the WCCA Board to 2 consecutive terms.

(c) Absent a change in the law, 3 new public members would have to be appointed who are unfamiliar with the convention center project and with the WCCA, and there is a need to maintain continuity in the management of the WCCA.

(d) Emergency legislation is necessary to allow the reappointment of certain members of the current Board who possess important expertise and institutional knowledge.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Washington Convention Center Authority Term Limit Amendment Emergency Act of 2003 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

10087

## A RESOLUTION

15-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to disapprove a contract modification to exercise option year three between the Metropolitan Police Department and CB Richard Ellis, Inc., to provide capital improvements and renovations to facilities in the amount of \$9,982,000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Metropolitan Police Department CB Richard Ellis Option Year Three Emergency Declaration Resolution of 2003".

## Sec. 2. Findings.

(a) The Mayor has submitted a summary of a contract modification to exercise option year three between the Metropolitan Police Department and CB Richard Ellis, Inc., to provide capital improvements and renovations to facilities in the amount of \$9,982,000, for a 5-day Council review period.

(b) The Council has questions about the contract and has requested additional information from the Metropolitan Police Department and the Office of Contracting and Procurement and has not received that information in time for the Council to make an informed decision about whether the contract should be approved.

(c) The filing of this resolution, as well as the Metropolitan Police Department CB Richard Ellis Option Year Three Emergency Disapproval Resolution of 2003, will extend the Council's consideration of this contract while the issues referenced in subsection (b) of this section are addressed.

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 Metropolitan Police Department CB Richard Ellis Option Year Three Emergency Declaration Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To disapprove, on an emergency basis, a contract modification to exercise option year three between the Metropolitan Police Department and CB Richard Ellis, Inc., to provide capital improvements and renovations to facilities in the amount of \$9,982,000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Metropolitan Police Department CB Richard Ellis Option Year Three Emergency Disapproval Resolution of 2003".

Sec. 2. Pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)(1)), and section 105a(j) 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(j)), the Council of the District of Columbia disapproves a contract modification to exercise option year three between the Metropolitan Police Department and CB Richard Ellis, Inc., to provide capital improvements and renovations to facilities in the amount of \$9,982,000, a summary of which was transmitted by the Mayor to the Council on October 16, 2003.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-325

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to reappoint Charles A. Berger as a member of the Alcoholic Beverage Control Board and to appoint him as chairperson.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Charles A. Burger Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) On October 16, Chairman Linda Cropp introduced PR 15-495, the Alcoholic Beverage Control Board Charles A. Burger Confirmation Resolution of 2003, at the request of the Mayor. On October 21, 2003, PR 15-495 was referred to the Committee on Consumer and Regulatory Affairs ("Committee"). On October 22, 2003, an Abbreviated Notice of Public Roundtable was filed with the Secretary to the Council ("Secretary"). On October 24, 2003, a Notice of Intent to Act on New Legislation published in the District of Columbia Register.

(b) The purpose of PR 15-495 is to confirm the reappointment of Charles A. Burger to serve as a member of the Alcoholic Beverage Control Board ("Board") and his appointment to serve as chairperson of the Board..

(c) A public roundtable was held on this resolution on October 28, 2003, with testimony from the nominee and the public. On October 30, 2003, the Committee met to consider and mark up PR 15-495. The Committee filed its report on October 30, 2003 with the Secretary.

(d) Due to the Mayor's delay in transmittal of this and related confirmation resolutions, the Committee was forced to hold a public roundtable on abbreviated notice as well as schedule a mark-up by the end of the same week to avoid the grave problem of a very active and important board being without a quorum and unable to continue to conduct business for a length of time. Moreover, although the Committee filed its committee report with the Secretary's office the very same day as the mark-up and requested a waiver of the Committee of the Whole, since the Mayor's delayed transmittal did not allow for the 15-day notice in the District of Columbia Register of a Notice of Intent to Act on New Legislation, the Council must consider this resolution on an emergency basis so as not to be without an operational Board. Because of the delay, the Mayor had inadvertently placed the Board in a situation in which it would, by the end

**ENROLLED ORIGINAL**

of the month, not be able to attain a quorum to conduct business, given that the already extended terms of Mr. Burger, Ms. Abbott, and Ms. Thompson were due to expire by the end of October.

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 Alcoholic Beverage Control Board Charles A. Burger Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-326

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on an emergency basis, the reappointment of Mr. Charles A. Burger to the Alcoholic Beverage Control Board and his appointment as chairperson.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Charles A. Burger Confirmation Resolution of 2003".

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

Mr. Charles A. Burger  
405 6<sup>th</sup> Street, S.E.  
Washington, D.C. 20003-2704  
(Ward 6)

as a member, and his appointment as chairperson, of the Alcoholic Beverage Control Board, established by section 25-201(a) of the District of Columbia Official Code, for a term to end May 7, 2007.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-327

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to reappoint Vera M. R. Abbott as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Vera M. R. Abbott Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) On October 16, Chairman Linda Cropp introduced PR 15-496, the Alcoholic Beverage Control Board Vera M. R. Abbott Confirmation Resolution of 2003, at the request of the Mayor. On October 21, 2003, PR 15-496 was referred to the Committee on Consumer and Regulatory Affairs ("Committee"). On October 22, 2003, an Abbreviated Notice of Public Roundtable was filed with the Secretary to the Council ("Secretary"). On October 24, 2003, a Notice of Intent to Act on New Legislation published in the District of Columbia Register.

(b) The purpose of PR 15-496 is to confirm the reappointment of Vera M. R. Abbott to serve as a member of the Alcoholic Beverage Control Board ("Board").

(c) A public roundtable was held on this resolution on October 28, 2003, with testimony from the nominee and the public. On October 30, 2003, the Committee met to consider and mark up PR 15-496. The Committee filed its report on October 30, 2003 with the Secretary.

(d) Due to the Mayor's delay in transmittal of this and related confirmation resolutions, the Committee was forced to hold a public roundtable on abbreviated notice as well as schedule a mark-up by the end of the same week to avoid the grave problem of a very active and important board being without a quorum and unable to continue to conduct business for a length of time. Moreover, although the Committee filed its committee report with the Secretary's office the very same day as the mark-up and requested a waiver of the Committee of the Whole, since the Mayor's delayed transmittal did not allow for the 15-day notice in the District of Columbia Register of a Notice of Intent to Act on New Legislation, the Council must consider this resolution on an emergency basis so as not to be without an operational Board. Because of the delay, the Mayor had inadvertently placed the Board in a situation in which it would, by the end of the month, not be able to attain a quorum to conduct business, given that the already extended

ENROLLED ORIGINAL

terms of Mr. Burger, Ms. Abbott, and Ms. Thompson were due to expire by the end of October.

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 Alcoholic Beverage Control Board Vera M. R. Abbott Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on emergency basis, the reappointment of Mrs. Vera M.R. Abbott to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Vera M.R. Abbott Emergency Confirmation Resolution of 2003".

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

Mrs. Vera M.R. Abbott  
102 Brandywine Place, S.W.  
Washington, D.C. 20032  
(Ward 8)

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

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to reappoint Audrey E. Thompson as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Audrey E. Thompson Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) On October 16, Chairman Linda Cropp introduced PR 15-497, the Alcoholic Beverage Control Board Audrey E. Thompson Confirmation Resolution of 2003, at the request of the Mayor. On October 21, 2003, PR 15-497 was referred to the Committee on Consumer and Regulatory Affairs ("Committee"). On October 22, 2003, an Abbreviated Notice of Public Roundtable was filed with the Secretary to the Council ("Secretary"). On October 24, 2003, a Notice of Intent to Act on New Legislation published in the District of Columbia Register.

(b) The purpose of PR 15-497 is to confirm the reappointment of Audrey E. Thompson to serve as a member of the Alcoholic Beverage Control Board ("Board").

(c) A public roundtable was held on this resolution on October 28, 2003, with testimony from the nominee and the public. On October 30, 2003, the Committee met to consider and mark up PR 15-497. The Committee filed its report on October 30, 2003 with the Secretary.

(d) Due to the Mayor's delay in transmittal of this and related confirmation resolutions, the Committee was forced to hold a public roundtable on abbreviated notice as well as schedule a mark-up by the end of the same week to avoid the grave problem of a very active and important board being without a quorum and unable to continue to conduct business for a length of time. Moreover, although the Committee filed its committee report with the Secretary's office the very same day as the mark-up and requested a waiver of the Committee of the Whole, since the Mayor's delayed transmittal did not allow for the 15-day notice in the District of Columbia Register of a Notice of Intent to Act on New Legislation, the Council must consider this resolution on an emergency basis so as not to be without an operational Board. Because of the delay, the Mayor had inadvertently placed the Board in a situation in which it would, by the end

**ENROLLED ORIGINAL**

of the month, not be able to attain a quorum to conduct business, given that the already extended terms of Mr. Burger, Ms. Abbott, and Ms. Thompson were due to expire by the end of October.

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 Alcoholic Beverage Control Board Audrey E. Thompson Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the reappointment of Mrs. Audrey E. Thompson to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Audrey E. Thompson Emergency Confirmation Resolution of 2003".

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

Mrs. Audrey E. Thompson  
58 Hamilton Street, N.W.  
Washington, D.C. 20032  
(Ward 4)

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

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

15-331

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To declare the existence of an emergency with respect to the need to appoint Peter B. Feather as a member of the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Peter B. Feather Confirmation Emergency Declaration Resolution of 2003".

Sec. 2. (a) On October 16, Chairman Linda Cropp introduced PR 15-499, the Alcoholic Beverage Control Board Peter B. Feather Confirmation Resolution of 2003, at the request of the Mayor. On October 21, 2003, PR 15-499 was referred to the Committee on Consumer and Regulatory Affairs ("Committee"). On October 22, 2003, an Abbreviated Notice of Public Roundtable was filed with the Secretary to the Council ("Secretary"). On October 24, 2003, a Notice of Intent to Act on New Legislation published in the District of Columbia Register.

(b) The purpose of PR 15-499 is to confirm the appointment of Peter B. Feather to serve as a member of the Alcoholic Beverage Control Board ("Board").

(c) A public roundtable was held on this resolution on October 28, 2003, with testimony from the nominee and the public. On October 30, 2003, the Committee met to consider and mark up PR 15-499. The Committee filed its report on October 30, 2003 with the Secretary of the Council.

(d) Due to the Mayor's delay in transmittal of this and related confirmation resolutions, the Committee was forced to hold a public roundtable on abbreviated notice as well as schedule a mark-up by the end of the same week to avoid the grave problem of a very active and important board being without a quorum and unable to continue to conduct business for a length of time. Moreover, although the Committee filed its committee report with the Secretary's office the very same day as the mark-up and requested a waiver of the Committee of the Whole, since the Mayor's delayed transmittal did not allow for the 15-day notice in the District of Columbia Register of a Notice of Intent to Act on New Legislation, the Council must consider this resolution on an emergency basis so as not to be without an operational Board. Because of the delay, the Mayor had inadvertently placed the Board in a situation in which it would, by the end of the month, not be able to attain a quorum to conduct business, given that the already extended

**ENROLLED ORIGINAL**

terms of Mr. Burger, Ms. Abbott, and Ms. Thompson were due to expire by the end of October.

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 Alcoholic Beverage Control Board Peter B. Feather Emergency Confirmation Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-332

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm, on an emergency basis, the appointment of Mr. Peter B. Feather to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Peter B. Feather Emergency Confirmation Resolution of 2003".

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

Mr. Peter B. Feather  
1882 Columbia Road, N.W. #301  
Washington, D.C. 20009  
(Ward 1)

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

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

Sec. 4. This resolution shall take effect immediately.