

ENROLLED ORIGINAL

A RESOLUTION

15-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to permit the District of Columbia Board of Elections and Ethics ("Board") to waive, for good cause, the requirement that the names of nominees for presidential electors be filed with the Board by the close of business on September 1 of each presidential election year.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Presidential Elector Deadline Waiver Congressional Review Emergency Declaration Resolution of 2003".

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 2003 redresses this condition by allowing the Board to waive the statutory deadline in instances where good cause is demonstrated.

(e) The current emergency law will expire on September 18, 2003, and the temporary bill is still awaiting the completion of its Congressional review.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to transfer the operation of the Disability Compensation Program from the Office of Personnel to the Office of Risk Management of the Office of the City Administrator; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make a conforming amendment; to require the Office of Risk Management of the Office of the City Administrator to report annually to the Council on its risk management activities; and to limit the number of full-time equivalent employees engaged in the performance of the risk management function in fiscal year 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disability Compensation Program Transfer Second Congressional Review Emergency Declaration Resolution of 2003".

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

(1) The transfer of operation of the Disability Compensation Program initiated in the Fiscal Year 2002 Budget Support Act of 2001 was designed to enhance efficiency and effectiveness of operations through application of professional disability compensation management and techniques.

(2) The Disability Compensation Program is largely comprised of the examination and resolution of disability compensation claims and related loss analysis and risk control strategies to contain these costs. These functions are typically performed as part of a professional risk management program

(3) Most of the professional expertise required by the Disability Compensation Program is being received from the Office of the City Administrator/Office of Risk Management that was established after the initial transfer of the operation of the Disability Compensation Program. The Office of Personnel also continues its assigned oversight responsibilities for the program.

(4) Redundancy of management is impacting economy, efficiency, and effectiveness of the program during this first year of the revised program operation.

(5) It is expected that the prompt enactment of emergency legislation transferring the administration of the Disability Compensation Program to the Office of the City Administrator/Office of Risk Management will assist in realizing the original efficiency and effectiveness objectives of the Fiscal Year 2002 Budget Support Act of 2001 transfer during this second year.

(6) Because permanent legislation must undergo 2 Council readings and a 30-day Congressional review period before it can become effective, emergency legislation was

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required to enable the Office of the City Administrator/Office of Risk Management to begin to immediately apply professional risk management to the program without administrative redundancy.

(7) The Disability Compensation Program Transfer Emergency Amendment Act of 2003 expires on October 27, 2003 and the permanent legislation is still undergoing Congressional review.

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 Disability Compensation Program Transfer Second Congressional Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15- 226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide an exemption from sales and use taxes related to the renovation and operation of the Lincoln Square Theater.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lincoln Square Theater Sales and Use Tax Exemption Congressional Review Emergency Declaration Resolution of 2003".

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

(1) The Council has previously passed both emergency and temporary versions of this legislation.

(2) The emergency legislation, D.C. Act 15-95, will expire on September 18th.

(3) The projected law date of the temporary legislation, D.C. Act 15-142, is October 28th.

(4) In order to prevent a gap in the authority of this legislation, this Congressional review emergency legislation is warranted.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Lincoln Square Theater Sales and Use Tax Exemption Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve legislative measures necessary to support action taken on the District's Fiscal Year 2004 proposed budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2004 Budget Support Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) In May 2003, the Council enacted the Fiscal Year 2004 Budget Request Act, signed by the Mayor on June 2, 2003 (D.C. Act 15-093; 50 DCR 4627), which was transmitted to Congress.

(b) In June 2003, the Council enacted the Fiscal Year 2004 Budget Support Emergency Act of 2003, effective June 20, 2003 (D.C. Act 15-105; 50 DCR 5613) ("Emergency Act"). The Emergency Act, which contains the programmatic changes needed to implement the Fiscal Year 2004 Budget and Financial Plan, expires on September 18, 2003.

(c) Permanent legislation, the 2004 Budget Support Act of 2003, signed by the Mayor on June 20, 2003 (D.C. Act 15-106; 40 DCR 5668), was transmitted to Congress for a 60-day period of Congressional review as provided for in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)) and is projected to become law on November 16, 2003, 2 months after the expiration of the Emergency Act.

(d) It is of vital importance that the time sensitive provisions of the Emergency Act, some of which need to be implemented on October 1, 2003, continue in effect, without interruption, until the permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to revise the laws and regulations governing the removal and disposition of abandoned, dangerous and other unlawfully parked or stored vehicles on public space or private property by reducing the time periods for the removal and disposition of such vehicles, streamlining the notice process, clarifying the procedures for reclaiming such vehicles, and providing for criminal penalties for persons who repeatedly place such vehicles on public space or private property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) Pursuant to the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code §50-2401, et seq.), the Department of Public Works is responsible for the removal of any abandoned or dangerous vehicle from any public or private property.

(b) Over the past year, the District has been deluged with abandoned and dangerous vehicles dumped in alleys, streets, parks, schoolyards, and businesses, reaching into every commercial sector and neighborhood across the city.

(c) Historically, it has been shown that 93% of vehicles that are dumped in the District are never reclaimed by their owners—they are being dumped with no intention of ever returning for them.

(d) Many of these dumped vehicles then become breeding grounds for vermin, trash dumping, crime, drugs, prostitution, and other illicit activities.

(e) The dumped vehicles occupy precious parking space, erode property values, and blight throughout the District.

(f) District law establishes that these vehicles can be removed, impounded and then auctioned, if not reclaimed by their owners. However, the timeframe required before the Department of Public Works can lawfully remove the vehicle is excessive if the District seeks to rid itself of this plague of abandoned and often-dangerous vehicles.

(g) As a means of ameliorating this problem, it is immediately necessary to empower the Department of Public Works to more effectively combat vehicle dumping by granting it the authority to quickly remove classes of vehicles that are abandoned or dangerous, and to more quickly auction or dispose of them, rather than storing them in excess of 45 days, establish

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defined timeframes for the removal and disposal of each type of vehicle and establish civil and criminal penalties for vehicle dumping, for both individuals and businesses.

(h) This emergency bill is needed because the current emergency legislation regarding abandoned, dangerous and other unlawfully parked vehicles expires on September 18, 2003 and the permanent legislation will not be effective until October 28, 2003, after Congressional review. This emergency bill will provide for the uninterrupted enforcement by the Department of Public Works of the removal and disposition of abandoned, dangerous and other unlawfully parked vehicles in 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 Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Congressional Review Emergency Act of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately

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A RESOLUTION

15-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency, with respect to the need to provide guidance on the calculation and distribution of funds to District of Columbia Public Schools and Public Charter Schools.

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

Sec. 2. (a) The School Enrollment Integrity Temporary Amendment Act of 2001 expired on May 26, 2002. The Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 ("Emergency Act") will maintain in effect the calculation and distribution of payments on a quarterly basis to Public Charter Schools until permanent legislation is enacted by the Council.

(b) The quarterly payment schedule is the current practice that is administered by the Office of the Chief Financial Officer.

(c) The Emergency Act will repeal and replace the Public School Enrollment Integrity Clarification Emergency Act of 2003, which is ineffective, due to a technical error.

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 Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-230

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency with respect to the need to modify the procedures for debarring or suspending a person or business from consideration for award of District contracts or subcontracts and to authorize persons or businesses currently debarred or suspended to do business with the District until a further determination is made regarding the debarment or suspension.

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

Sec. 2. (a) Currently, the District's contract debarment and suspension proceedings are heard and decided solely by the Chief Procurement Officer.

(b) Debarments and suspensions impact several areas of the government, yet the representatives of those areas are not included in the debarment and suspension proceeding.

(c) Several government officials, in addition to the Chief Procurement Officer, can bring important knowledge and experience to debarment and suspension proceedings to aid in the District's determination of whether a debarment or suspension is in the best interest of the District.

(d) The current debarment and suspension procedures do not fully consider the best interests of the District government or allow adequate input from impacted District agencies.

(e) The current debarment and suspension procedures may lead, or may have led, to decisions that are detrimental to the District or that inappropriately impact contractors.

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 Debarment Procedures Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-231

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency with respect to the need to approve the expansion of the borders of the Golden Triangle business improvement district.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Expansion of the Golden Triangle Business Improvement District Emergency Declaration Resolution of 2003".

Sec. 2. (a) Certain properties adjacent to the Golden Triangle business improvement district ("Golden Triangle BID") have requested to be included in the Golden Triangle BID and to receive the services provided by the Golden Triangle BID.

(b) Section 10(b) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 12-26; D.C. Official Code § 2-1215.09(b)), states that the business improvement district ("BID") taxes for a BID expansion area shall be collected at the next practicable regularly scheduled billing.

(c) The Golden Triangle BID would like to begin providing services as soon as possible in order to help improve the services to the expansion area and help attract further investment.

(d) In order for businesses and organizations in the expansion area to be eligible to receive services, they must be included in the next billing cycle, which begins October 1, 2003, making it necessary to approve this expansion of the Golden Triangle BID immediately.

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 Expansion of the Golden Triangle Business Improvement District Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-232

IN THE COUNCIL OF DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency with respect to the need to provide equitable real property tax relief to the Sexual Minority Youth Assistance League.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Emergency Declaration Resolution of 2003".

Sec. 2. (a) The permanent version of this legislation was introduced earlier this year, and the Committee on Finance and Revenue held a hearing on the bill on May 28, 2003.

(b) The underlying legislation would provide equitable real property tax relief to the Sexual Minority Youth Assistance League ("League") for taxes they paid on the property located at 410 7th Street, S.E. The League applied for, and received, a property tax exemption on this property which went into effect on October 31, 2000.

(c) The Office of Tax and Revenue cannot grant this relief administratively; thus, the underlying legislation is needed.

(d) The legislation would refund the \$3,663 in taxes they paid from the period of June 1, 2000, when they bought the building, to October 31, 2000, when they received the exemption.

(e) As the League is a greatly valued nonprofit organization, which has experienced decreased donations in the current economic climate, emergency legislation is warranted to provide them with this relief at the earliest possible date.

(f) The Committee on Finance and Revenue will be marking up the permanent version of the legislation by the end of this month.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To declare the existence of an emergency with respect to the need to amend the Omnibus Sports Consolidation Act of 1994 to require that the financial affairs of the District of Columbia Sports and Entertainment Commission be under the direct supervisory authority of the Chief Financial Officer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sports and Entertainment Commission Financial Affairs Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Office of Chief Financial Officer ("OCFO") issued a report in June 2003 stating that the unrestricted net assets of the District of Columbia Sports and Entertainment ("DCSEC") had declined from \$17.3 million at the end of FY 2000 to \$5.4 million at the end of FY 2002, with further losses likely for FY 2003 and FY 2004.

(b) The OCFO report stated: "It is incumbent that the Sports Commission must undertake serious cost cutting measures and actions to increase its revenues for the remainder of FY 2003 and all of FY 2004 to at least break-even, without using their cash to cover the projected losses.... Based on our analyses of the Commission's operating losses for FY 2003 and FY 2004, we are of the view that elected officials of the District and stakeholders should re-examine the agency's primary mission, in light of its negative operating results. This would entail examining such issues as the scope of the mission of the agency and its commensurate staffing level."

(c) The OCFO report also indicated that the DCSEC has not complied with the financial safeguards enacted in the District Anti-Deficiency Act of 2002, effective April 4, 2003 (D.C. Law 14-285; D.C. Official Code § 47-355), including financial reporting requirements of agency heads and chief financial officers.

(d) The OCFO report concluded that "continued operation at this level places the Sports Commission in a state of financial risk as a ongoing concern by FY 2004."

(d) On May 19, 2003, the Mayor announced the creation of a Blue Ribbon Panel on Sports Commissions to review the best practices of such commissions across the country.

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(e) On September 12, 2003, the Interim Chairman of the DCSEC submitted a letter to the Mayor, providing an overview of the operations of DCSEC, and indicating that a comprehensive set of recommendations would be provided to the Mayor by the DCSEC to address the question of whether DCSEC can be expected to succeed as a self-funding ongoing concern.

(f) Until recommendations are developed and implemented to address the short-term and long-term financial pressures facing the DCSEC, there exists an immediate need to place the financial affairs of the DCSEC under the direct authority of the District's Chief Financial Officer to ensure that there are appropriate limitations on expenditures and obligating amounts.

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 Sports and Entertainment Commission Financial Affairs Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 16, 2003

To confirm the Mayoral appointment of Mr. Tyrone T. Butler as Chief Administrative Law Judge of the Office of Administrative Hearings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Administrative Law Judge of the Office of Administrative Hearings Tyrone T. Butler Confirmation Resolution of 2003".

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

Mr. Tyrone T. Butler
955 26th Street, N.W., #311
Washington, D.C. 20037
(Ward 2)

as the Chief Administrative Law Judge of the Office of Administrative Hearings, in accordance with section 7(b)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.04(b)(1)), to serve for a term of 6 years.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "City Administrator Position Compensation System Changes Approval Resolution of 2003".

Sec. 2. (a) Pursuant to sections 1052 and 1106(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D. C. Law 2-139; D.C. Official Code §§ 1-610.52 and 1-611.06(a)), the Council approves the proposed compensation system changes as recommended by the Mayor for the position of City Administrator, which were transmitted to the Council by the Mayor on September 16, 2003.

(b) The pay schedule for the position of City Administrator shall have a minimum, midpoint and maximum range of basic pay, and provide as follows:

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EXCEPTED SERVICE PAY SCHEDULE
CITY ADMINSTRATOR POSITION
OUTSIDE THE SCOPE OF COLLECTIVE BARGAINING
EFFECTIVE DATE OF THIS SCHEDULE: OCTOBER 6, 2003

<u>MIN</u>	<u>MID</u>	<u>MAX</u>
135,000	155,000	175,000
145,000	165,000	185,000
		195,000

Sec. 3. The compensation system changes approved in section 2 shall become effective on October 6, 2003.

Sec. 4. 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)).

Sec. 5. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 6. This resolution shall take effect immediately.

A RESOLUTION

15-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 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 Appropriations Act, 2003.

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

Sec. 2. (a) Section 119 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), 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 September Budget Modifications for FY 2003 Grant Funds Approval Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To declare the existence of an emergency with respect to the need to approve an allocation, through a reprogramming, of \$25 million in state aid received by the District of Columbia for Fiscal Year 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "\$25 million Allocation Through a Reprogramming Revised Emergency Declaration Resolution of 2003".

Sec. 2. (a) During Fiscal Year 2003, the District experienced a major revenue shortfall, which the federal government addressed by giving the District \$25 million in state aid.

(b) The state aid will be used to help agencies that have undergone massive cuts to their budgets.

(c) If the District does not use the state aid by the end of fiscal year 2003, it will lose access to these funds.

(d) It is of vital importance that the state aid be reprogrammed and allocated expeditiously.

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 \$25 million Allocation Through a Reprogramming Revised Emergency Approval Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To approve, on an emergency basis, the allocation, through a reprogramming, of \$25 million in state aid received by the District of Columbia for Fiscal Year 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "\$25 million Allocation Through a Reprogramming Revised Emergency Approval Resolution of 2003".

Sec. 2. In accordance to Title VI of the Jobs and Growth Tax Relief Reconciliation Act of 2003, approved May 28, 2003 (Pub. L. No. 108-27; 117 Stat. 752) ("Act"), \$25 million shall be reprogrammed and allocated as follows:

1	CYITC	Out-of School programs	5,000,000
2	DOES	Summer jobs - Meet increased demand	500,000
3	OCC	Child Abuse/Neglect legal staff	283,000
4	OCFO	Reduce IDCR funding for data management	527,000
5	MPD	Public safety data management	1,000,000
6	OCFO	Property tax legal challenge	200,000
7	Various	Settlement and judgments	430,000
8	DOH	Choice in Drug Treatment	200,000
9	DDOT	Street repairs and repaving	3,500,000
10	DOH	Health Care Safety Net	13,360,000
		State Aid Sub-total	25,000,000

Sec. 3. No funds shall be made available prior to certification by the Chief Financial Officer that funds will be expended for the purposes designated in section 2.

Sec. 4. By September 29, 2003, the Chief Financial Officer shall re-examine the allocations made with the funding provided by the Act. If the Chief Financial Officer determines that any amount, as allocated, will not be obligated or expended by the close of the fiscal year, those amounts shall be re-designated by the Chief Financial Officer to meet the obligations of the District of Columbia in accordance the provision of the Act.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

15-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To declare the existence of an emergency with respect to the need to detail the purpose for the expenditure of fiscal year 2003 reserve funds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "September Use of the Reserve Emergency Declaration Resolution of 2003".

Sec. 2. (a) Section 202(j)(3) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)), requires that reserve funds be obligated or expended in accordance with local laws enacted by the Council.

(b) The expenditure of \$41,093,000 from the fiscal year 2003 reserve funds shall be made available as follows:

(1) An amount not to exceed \$1,600,000 to the District's Department of Housing and Community Development for the purpose of providing for the Department of Housing and Urban Development grant disallowances;

(2) An amount of \$16,193,000 to the District's Department of Health, Medicaid Assistance Administration for increased Medicaid rates and utilization;

(3) An amount of \$23,300,000 to the Office of the Chief Financial Officer to cover CAFR audit adjustments, unanticipated revenue shortfalls, or any other budget adjustments necessary to ensure a balanced budget for the District of Columbia for fiscal year 2003;

(4) An amount not to exceed \$4,000,000 to the District's Office of the Deputy Mayor for Planning and Economic Development, Commercial Trust Fund; and

(5) An amount not to exceed \$3,500,000 to the University of the District of Columbia ("University") following:

(A) Certification by the President of the University that no additional funds beyond the amount allocated to the University in the FY 2003 Budget submitted to Congress on June 2, 2003 will be requested of the District government to fund the costs of the compensation agreement in FY 2004 and beyond; and

(B) Approval of the compensation agreement by the Chairman of the University Board of Trustees.

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 September Use of the Reserve Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To declare the existence of an emergency with respect to the need to approve a compensation collective bargaining agreement between the Doctor's Council of the District of Columbia and the Department of Mental Health submitted by the Mayor of the Department of Mental Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement for Employees Represented by the Doctor's Council of the District of Columbia Emergency Declaration Resolution of 2003".

Sec. 2. (a) On March 30, 2003, a collective bargaining agreement was approved and ratified between the Department of Mental Health and the Doctor's Council of the District of Columbia.

(b) The legislation was submitted and all necessary approvals were secured as of May 15, 2003, including a fiscal impact statement that stated that funds were sufficient for the implementation of the agreement.

(c) Subsequently, a hearing was scheduled and conducted during which a concern was raised concerning the fiscal impact statement and a new fiscal impact statement was issued stating that funds were no longer available for the collective bargaining agreement.

(d) As a result of the new fiscal impact statement, the legislation was returned to the Department of Mental Health pending availability of funds.

(e) The Department of Mental Health has reprogrammed funds to ensure the availability of money for the agreement.

(f) The salary increases are necessary for the Department of Mental Health to be competitive and to retain and recruit doctors in this very competitive environment.

(g) Hiring psychiatrists at the Department of Mental Health is at a critical stage, with health and safety considerations a serious concern. The lack of ability to hire doctors at this time could seriously impact patient care as well as the safety of individuals housed at St. Elizabeth's Hospital.

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 Compensation Settlement for Employees Represented by the Doctor's Council of the District of Columbia Emergency Approval Resolution of 2003 be adopted on an emergency basis.

Sec. 4. The resolution shall take effect immediately.

A RESOLUTION

15-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To approve, on an emergency basis, a compensation collective bargaining agreement between the Doctor's Council of the District of Columbia and the Department of Mental Health submitted by the Mayor for the Department of Mental Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement for Employees Represented by the Doctor's Council of the District of Columbia Emergency Approval Resolution of 2003".

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-618.17(j)), the Council approves the attached compensation collective bargaining agreement, including the on-call allowance and related pay schedules of the agreement, between the Department of Mental Health and the Doctor's Council of the District of Columbia that was signed on March 31, 2003.

Sec. 3. Fiscal impact statement.

Funds are sufficient in the FY 2003 budget and the FY 2004 through the FY 2007 budget and financial plan as agreed to by the Mayor and the Council of the District of Columbia. No additional resources will be required to implement the agreement.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption to the Doctor's Council of the District of Columbia, to the Department of Mental Health, and to the Mayor.

Sec. 5. The resolution shall take effect immediately.

A RESOLUTION

15-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To declare the existence of an emergency with respect to the need for the Council to voice its concerns over illegally operating trash transfer stations and that the Executive Branch enforce the law fully.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Illegally Operating Trash Transfer Stations Emergency Declaration Resolution of 2003".

Sec. 2. (a) Currently, all trash transfer stations, with the exception of Benning Road, are operating within 500 feet of residential communities.

(b) Even though there was a settlement agreement between waste haulers and the District to allow certain activities to occur, many of these businesses continue to violate other aspects of the law not covered by the settlement agreement.

(c) One facility has accrued violations in excess of \$90,000 in fines and refuses to pay even after the fines have been properly adjudicated.

(d) The government has a responsibility to ensure that facilities operating in residential neighborhoods operate in a manner that does not adversely affect the health and welfare of residents.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council on Illegally Operating Trash Transfer Stations Emergency Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 23, 2003

To declare, on an emergency basis, the sense of the Council on illegally operating trash transfer stations .

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Illegally Operating Trash Transfer Stations Emergency Resolution of 2003".

Sec. 2. The Council finds that:

(1) The Taylor Trash Removal Contractors, Inc. ("Taylor") has been in the trash removal business since 1964 and since November 1989 has operated a facility located at 5201 Hayes Street, N.E.

(2) On December 29, 1989, Taylor applied for and was granted a Certificate of Occupancy for 5201 Hayes Street, N.E., for "Warehouse – General Merchandise."

(3) The Department of Consumer and Regulatory Affairs ("DCRA") has issued Taylor several notices of infraction for operating an illegal solid waste facility.

(4) DCRA has cited Taylor for operating an open solid waste facility in violation of D.C. Code § 6-3452 (D.C. Official Code § 8-1052).

(5) DCRA has cited Taylor for operating a solid waste facility without a solid waste facility permit or an interim operating permit in violation of D.C. Code § 6-3453 (D.C. Official Code § 8-1053).

(6) DCRA has cited Taylor for failing to maintain the unenclosed areas of the solid waste facility free of solid waste and litter in violation 21 DCMR 733.1(a).

(7) DCRA has cited Taylor for failing to either remove solid waste from the facility by the conclusion of the facility's hours of operation or storing the waste inside the facility in containers or cargo areas of vehicles which are fully enclosed by metal on all sides in violation of 21DCMR 733.1(h).

(8) Taylor appealed the decisions by DCRA to the Board of Appeals and Review, on January 8, 2002, and was subsequently denied.

(9) Taylor appealed the decision of the Board of Appeals and Review, on April 9, 2003, to the D.C. Court of Appeals where DCRA's decision was affirmed.

ENROLLED ORIGINAL

(10) Taylor filed a motion in U.S. District Court for a preliminary injunction and a cross-motion for summary judgment to stop the District from enforcing the Solid Waste Facility Permit Act of 1995.

(11) Taylor's motions in U.S. District Court were denied and the case was dismissed without prejudice.

(12) DCRA's decisions concerning Taylor have been affirmed throughout the legal and adjudicatory processes.

(13) Most importantly, the community surrounding the Taylor facility has been harmed by this illegally operating business.

Sec. 3. It is the sense of the Council that allowing the operation of an illegal trash transfer station creates an endangerment to public health and safety. The executive branch of government shall apply and enforce all provisions of the Solid Waste Facility Permit Act of 1995 to protect the health, welfare, and safety of the residents of Ward 7 and the District of Columbia.

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit copies of this resolution upon its adoption to the Mayor, the Director of the Department of Consumer and Regulatory Affairs, and the Director of the Department of Public Works.

Sec. 5. This resolution shall take effect immediately.