

ENROLLED ORIGINAL

A RESOLUTION

17-899

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve the proposed Saint Elizabeths East Redevelopment Framework Plan submitted by the Mayor to the Council as a small area action plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Saint Elizabeths East Redevelopment Framework Plan Approval Resolution of 2008".

Sec. 2. Pursuant to section 4(c)(4) of the District of Columbia Comprehensive Plan Act of the 1984 Land Use Element Amendment Act of 1984, effective March 16, 1985 (D.C. Law 5-187; § 1-306.03(c)(4)), the Mayor transmitted to the Council on November 13, 2008, the proposed Saint Elizabeths East Redevelopment Framework Plan ("Plan"), dated November 2008.

Sec. 3. The Council finds that:

(1) The Plan area is located in Ward 8 and adjacent to the neighborhoods of Congress Heights, Barry Farms, and Anacostia . The planning area is defined as the Saint Elizabeths Hospital East Campus, bounded on the west by Martin Luther King Jr. Avenue, S.E., on the north by Suitland Parkway, S.E., on the east by Hebrew Cemetery, and on the south by Alabama Avenue, S.E.

(2) The Plan was initiated in June 2008 by the Office of Planning. The Plan is an update to the Saint Elizabeths Hospital Framework Plan that was initiated in January 2003. A draft plan was completed in May 2004 and then revised in December 2005 to exclude recommendations on the West Campus, which was retained by the federal government for federal purposes. To facilitate the comprehensive redevelopment of the entire campus, the District paused in its planning activities to allow the federal government to develop its concept for the West Campus. In the fall of 2007, the U.S. General Services Administration released a draft Environmental Impact Statement and Master Plan for the reuse of the West Campus as the Department of Homeland Security headquarters.

(3) The Office of Planning resumed its planning for the East Campus and utilized the work from the 2003-2005 planning process as the basis for the 2008 plan update. The Office

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of Planning conducted 3 public meetings in July and September 2008 as part of the plan update process.

(4) The proposed Plan was published and made available to the public on September 29, 2008, and a public hearing was conducted on October 28, 2008.

(5) The purpose of the Plan is to guide the revitalization of the Saint Elizabeths East Campus by providing a framework for future master planning and development. Council approval of the Plan as a small area action plan is required by the Comprehensive Plan for the National Capital ("Comprehensive Plan").

(6) The Plan uses specific land-use analysis and incorporates the broadest range of planning techniques and practical solutions to achieve the District's goals and objectives.

(7) The Plan outlines strategies to guide development at Saint Elizabeths, as directed by the Comprehensive Plan. The plan includes broad development guidance that suggests the creation of 5 neighborhoods, each containing a unique mix of land uses, development intensities, and appropriate treatment of the historic resources of the campus. The Plan also includes recommendations for creating community facilities, commemorating historic places, and enhancing the open-space network and identifies the critical transportation and infrastructure improvements that are necessary to prepare the East Campus, and surrounding communities, for new development.

(8) The Plan defines near, mid-term, and long-term strategies for revitalization and articulates broad development goals, urban design guidelines, and priority actions considered critical to the revitalization of the East Campus of Saint Elizabeths.

(9) The Plan will provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the Comprehensive Plan.

Sec. 4. The Plan, as submitted, is approved by the Council as a small area action plan.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

17-900

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To establish the date by which the Mayor shall submit to the Council the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2010, to identify information and documentation to be submitted to the Council with the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2010, and to require the Mayor to submit performance plans and accountability reports pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Budget Submission Requirements Resolution of 2008".

Sec. 2. Pursuant to section 442(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42(a)) ("Home Rule Act"), the Mayor shall submit to the Council, and make available to the public, not later than March 20, 2009, the proposed budget for the District government and related budget documents required by sections 442, 443, and 444 of the Home Rule Act (D.C. Official Code §§ 1-204.42, 1-204.43, and 1-204.44), for the fiscal year ending September 30, 2010. The proposed budget shall contain the following:

- (1) For the entire District government, including all subordinate agencies, independent agencies, independent instrumentalities, and independent authorities ("agency"), a summary statement or table showing:
 - (A) The revenues by source (local, dedicated tax, special purpose, federal, private, and intra-district);
 - (B) Expenditures by Comptroller Source Group for fiscal years 2007 and 2008; and
 - (C) Projections for revenues and expenditures for the fiscal year 2009 approved and adjusted budget and for the 2010 proposed budget;

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(2) For each agency or separate Organizational Level I line item in the District's annual budget, summary statements or tables showing all sources of funding by source (local, dedicated tax, special purpose, federal, private, and intra-district) for fiscal years 2007 and 2008, including a presentation of any variance between fiscal year appropriations and expenditures;

(3) For each agency or separate Organizational Level I line item in the District's annual budget, a summary statement or table showing projections of all sources of funding by source (local, dedicated tax, special purpose, federal, private, and intra-district), for the fiscal year 2009 approved and adjusted budget and for the 2010 proposed budget;

(4) For each agency or separate Organizational Level I line item in the District's annual budget, summary statements or tables showing expenditures by Comptroller Source Group and by Program (Organizational Level II), delineated by Activity (Organizational Level III), further delineated by Service (Organizational Level IV), by source of funding for fiscal years 2007 and 2008, including a presentation of any variance between fiscal year appropriations and expenditures, as well as projections for the fiscal year 2009 approved and adjusted budget and for the 2010 proposed budget;

(5) For each agency, a capital budget based on an updated, multiyear capital improvement plan for all capital projects, including highway and other transportation improvements, showing all sources of funding by source (local, special purpose, dedicated tax, federal, private, and intra-district) as required in sections 442 and 444 of the Home Rule Act;

(6) For each Program (Organizational Level II), a delineation by Comptroller Source Group;

(7) A summary statement or table showing the fiscal year 2010 baseline budget, at the Activity level and a revised fiscal year 2009 budget (as of March 1, 2009), which includes any supplemental budget allocations, budget rescissions, and fiscal year 2009 reprogrammings for both operating and capital and expenditures and authority that will have a recurring fiscal impact in succeeding fiscal years;

(8) A summary table, which shall include a list of all intra-agency and inter-agency changes of funding, with a narrative description of each change sufficient to provide an understanding of the change in funds and its impact on services, from the Fiscal Year 2009 Balanced Budget Request Emergency Amendment Act of 2008, signed by the Mayor on December 8, 2008 (D.C. Act 17-573; 55 DCR ___) ("Balanced Budget Request Act"), to the fiscal year 2010 Mayor's proposed budget, as follows:

(A) The fiscal year 2009 target budget, which shall be calculated based on the Balanced Budget Request Act, plus or minus target adjustments; for each target adjustment, the Executive shall indicate whether the target adjustment is a policy decision of the agency or a baseline change reflected in the fiscal year 2010 current services funding level budget;

(B) The fiscal year 2010 baseline budget, which shall be calculated as the fiscal year 2009 target budget, plus or minus baseline adjustments made by the Office of the Chief Financial Officer; for each target adjustment, the Executive shall indicate whether the

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target adjustment is a policy decision of the agency or a baseline change reflected in the fiscal year 2010 current services funding level budget; and

(C) The fiscal year 2010 Mayor's proposed budget, which shall be calculated as the fiscal year 2009 baseline budget minus cost savings and plus policy initiatives made by the Executive;

(9) A crosswalk providing the same information as paragraph (8) of this section for any agency that has undergone a restructuring; and

(10) A narrative description of each program and activity that explains the purpose and services to be provided.

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

(1) Copies of all documents referenced in and supportive of the budget justification for fiscal year 2010, including the proposed Fiscal Year 2010 Budget Request Act, and any other legislation that is necessary for implementation of the proposed budget for the District for fiscal year 2010;

(2) A summary statement or table showing, by Comptroller Source Group and by Program, delineated by Activity, further delineated by Service, authorized full-time equivalents ("FTEs") by revenue source (local, dedicated tax, special purpose, federal, private, intra-district, and capital); FTEs indicating the actual salary of the incumbent, or, in the case of a vacant position, the authorized salary, for fiscal years 2007 and 2008; projections for fiscal years 2009 and 2010; and a listing of authorized FTEs for fiscal year 2009 that reflects new positions, reorganizations, and transfers;

(3) For legislation enacted by the Council of the District of Columbia as of March 1, 2008:

(A) A summary statement or table showing legislation enacted that is not accounted for in the 2010 fiscal year baseline and proposed budgets; and

(B) A list of all enacted legislation that is subject to appropriations, without regard to fiscal year, and a statement for each as to whether it is funded, unfunded, or partially funded in the proposed fiscal year 2010 budget, and if it is not funded or partially funded, then an additional statement as to the fiscal impact to fund it in fiscal year 2010;

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

(A) The fiscal year 2010 baseline Medicaid budget by each specific agency, (delineated by Program and Activity), related to the District of Columbia's Medicaid program, including a presentation of current fiscal year reprogrammings that will have a recurring fiscal impact in succeeding fiscal years and a comparison to the fiscal year 2009 final estimated Medicaid spending by each specific agency, (delineated by Program and Activity);

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(B) The total Medicaid expenditures per month for fiscal year 2008 compared to the anticipated Medicaid expenditures for each month of fiscal years 2009 and 2010;

(C) The total number of actual Medicaid enrollees for each month of fiscal year 2008 compared to the number of anticipated Medicaid enrollees for each month of fiscal years 2009 and 2010, including data showing discrete numbers for each of the following groups:

- (i) Aged;
- (ii) Disabled;
- (iii) Temporary Assistance for Needy Families ("TANF") adults;
- (iv) TANF children;
- (v) Children Health Insurance Program ("CHIP") parents;
- (vi) CHIP children;
- (vii) Other adults;
- (viii) Other children;
- (ix) Pregnant women;
- (x) Immigrant children; and
- (xi) Blind persons;

(D) The amount of Medicaid reimbursement projected to be achieved in fiscal years 2009 and 2010, by each specific agency receiving Medicaid reimbursement, (delineated by Program and Activity), including a comparison to the actual reimbursements received in fiscal year 2008; the amount of projected local dollars that are used to leverage the federal reimbursement in fiscal years 2009 and 2010, including a comparison to the actual local dollars used to leverage federal reimbursement in fiscal year 2008; and a list of the local match by each agency's Program and Activity that is associated with leveraging Medicaid matching dollars; and

(E) The total number of actual Medicaid waiver program enrollees for each month of fiscal year 2008, for each Medicaid waiver, compared to the number of projected Medicaid waiver program enrollees for each month of fiscal years 2009 and 2010.

(5) A summary statement or table showing:

(A) The number of full-time and part-time school-based personnel in the District of Columbia Public Schools, by school level (e.g., elementary, middle, junior high, pre-kindergarten through 8th grade, senior high school) and school, including school-based personnel funded by other District agencies, federal funds, or private funds; and

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

(6) Mayoral reprogramming requests submitted to the Council during the current fiscal year in a summary statement or table;

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(7) For the Office of Labor Relations and Collective Bargaining within the Office of the City Administrator, and the Office of Labor Management Programs within the Executive Office of the Mayor, the following budget information shall be presented separately;

(A) The expenditures by revenue source (local, special purpose, dedicated tax, federal, private, and intra-district) for fiscal years 2009 and 2010;

(B) Expenditures by Comptroller Source Group for fiscal years 2007 and 2008; and

(C) Projections for fiscal years 2009 and 2010;

(8) For all District government agencies, a multiyear capital budget for all capital projects, including highway and other transportation projects and services, setting forth the projects and subprojects' names and numbers with the following information:

(A) Original estimate;

(B) Prior year estimate;

(C) Projected year authority for the budget year and for 5 future year budgets; and

(D) A description specific to the project and subproject, including purpose, location, all sources of funding, key milestones, and current status;

(9) For all District government agencies, salary-lapse data for the 3 previous fiscal years, including information that details what the salary lapse was and whether it was reprogrammed for other purposes, and information explaining the salary-lapse assumptions that were used in developing the core budget for fiscal year 2010;

(10) For all District government agencies, a summary statement or table showing all reprogrammings for the last 2 fiscal years, which statement or table shall include information that details what agency sent or received the reprogrammed funds and identifies the reprogrammed funds by source (local, special purpose, federal, private, and intra-district);

(11) For the Fire and Emergency Medical Services Department, include within the budget narrative a detailed explanation of the financial resources available for Emergency Medical Services in fiscal years 2009 and proposed 2010;

(12) A list, by agency, of FTEs, including capital FTEs, and associated funding (by funding source) that are funded out of the agency budget, but report to the Office of the Chief Financial Officer;

(13) Separate budget tables for the Summer Youth Employment Program, if it is not presented as a distinct program, activity, or service;

(14) Separate budget tables for the Home Purchase Assistance Program, if it is not presented as a distinct program, activity, or service;

(15) A list, by agency, of all special purpose revenue remaining fund balances, each fund balance use, carryover of funds from prior fiscal years, a narrative description of each fund, and the revenue source for each special purpose revenue fund;

(16) The rate and assumptions used in setting fixed costs, by agency;

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(17) A table of all Intra-District funds included in the Fiscal Year 2010 budget, including the receiving and transmitting agency, and whether a signed Memorandum of Understanding is in place;

(18) The Highway Trust Fund and Unified Fund spending plan;

(19) A description of the operating budget impact of all projects in the capital budget;

(20) A table showing budget authority and actual amounts borrowed in the 2 prior years for all projects in the capital budget;

(21) A table showing all tax-supported debt within the 12% cap and spending authority remaining within the cap;

(22) For capital projects funded through multiple agency, a summary of all cross-agency funds and corresponding capital project numbers;

(23) A list of actual capital spending on a school-by-school basis for fiscal year 2008; and

(24) The capital budget request for school modernization on a school-by-school basis for fiscal years 2010 through fiscal year 2015.

Sec. 4. Pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective May 16, 1995 (D.C. Law 11-16; D.C. Official Code § 1-614.11 *et seq.*), the Mayor shall submit to each Councilmember and the Council Officers, and make available to the public, not later than January 31, 2009, all performance accountability reports for fiscal year 2008 that cover all publicly funded activities of each District government agency. The Mayor shall submit to the Council, and make available to the public, not later than March 20, 2009, the performance plans for fiscal year 2010 that cover all publicly funded activities of each District government agency.

Sec. 5. Pursuant to section 446 of the Home Rule Act, the Council's 56-calendar day budget review period shall begin after the date that all materials required to be submitted by sections 2 through 4 have been submitted in accordance with this resolution and the Council's rules.

Sec. 6. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A RESOLUTION

17-901

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To confirm the appointment of Ms. Asmara Sium to the Commission on African Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on African Affairs Asmara Sium Confirmation Resolution of 2008".

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

Ms. Asmara Sium
3003 Van Ness Street, N.W., #W-825
Washington, D.C. 20008
(Ward 3)

as a member of the Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393), for a term to end 2 years after the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-902

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To confirm the appointment of Ms. Nancy Plaatjies to the Commission on African Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on African Affairs Nancy Plaatjies Confirmation Resolution of 2008".

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

Ms. Nancy Plaatjies
17 Harvard Street, N.W., #313
Washington, D.C. 20009
(Ward 1)

as a member of the Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393), for a term to end one year after the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-903

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve proposed rules for the payment of a pay differential for District government employees called to active duty from reserve units of the United States Armed Forces as a result of Operation Enduring Freedom or in preparation for, or as a result of, Operation Iraqi Freedom.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Rulemaking Approval Resolution of 2008".

Sec. 2. Pursuant to section 1103(a)(7)(B) 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 § 1-611.03 (a)(7)(B)), the Council approves the rules transmitted by the Mayor, published at 55 DCR 7115, for the payment of a pay differential to District government employees called to active duty from reserve units of the United States Armed Forces as a result of Operation Enduring Freedom or in preparation for, or as a result of, Operation Iraqi Freedom.

Sec. 3. Transmittal.

The Council shall transmit a copy of the resolution, upon its adoption, to the Mayor and the Director of the D.C. Department of Human Resources.

Sec. 4. Fiscal impact statement.

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. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-904

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve the disposition of District-owned real property located at 6425 14th Street, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "6425 14th Street, N.W., Disposition Approval Resolution of 2008".

Sec. 2. For the purposes of this resolution, the term:

(1) "Affordable unit" means a unit made available to a household the income of which is equal to, or less than, the maximum area median income designated for that unit.

(2)(A) "Area median income" has the same meaning as set forth in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

(B) Notwithstanding subparagraph (A) of this paragraph, area median income may be calculated in a manner consistent with the regulations promulgated pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), the Community Development Block Grant program, or the low income housing tax credit program.

(3) "CBE Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 ("CBE Act"), effective October 10, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(4) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the CBE Act (D.C. Official Code § 2-218.01 *et seq.*).

(5) "First Source Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the Property.

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(6) "Property" means the District-owned real property with a street address of 6425 14th Street, N.W., and known for purposes of taxation and assessment as lot 184 in square 2786.

(7) "Purchase price" means the consideration paid by purchaser for the purchase or lease of the property.

(8) "Purchaser" means Blue Skye Development, LLC, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Approval of disposition.

(a) Pursuant to section 433 of the Abatement and Condemnation of Nuisance Property Omnibus Amendment Act of 2002, effective April 19, 2002 (D.C. Law 13-281; D.C. Official Code § 42-3171.03), the Mayor transmitted to the Council a request for approval of the proposed disposition of the property to the purchaser.

(b) The disposition would be pursuant to a negotiated agreement with the purchaser, who was selected through a competitive request for proposals process.

(c) The proposed disposition would include the following terms and conditions, in addition to such other terms and conditions as the Mayor deems necessary or appropriate:

(1) The purchase price shall be at least \$270,000

(2) Purchaser or any developer of the property selected by purchaser shall execute a CBE Agreement acceptable to the Mayor. The CBE Agreement shall require purchaser or any developer or developers of the property selected by purchaser to contract with certified business enterprises for at least 35% of the contract dollar volume of the project and require at least 20% equity and development participation of local, small, and disadvantaged business enterprises.

(3) Purchaser or any developer of the property selected by purchaser shall enter into a First Source Agreement with the District.

(4) Purchaser or any developer of the property selected by purchaser shall cause not less than 51% of the residential units on the property to be developed as affordable units. Of the residential units, 15% shall be affordable units affordable to households with incomes of 30% or less of the area median income, 15% shall be affordable units affordable to households with incomes of 60% or less of the area median income, and 21% shall be affordable units affordable to households with incomes of 80% or less of the area median income.

(d) The Council finds that the property is no longer required for public purposes.

(e) The Council approves the disposition of the property.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 5. Transmittal.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-905

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the sense of the Council urging repeal of Division B of Public Law 109-13, known as the REAL ID Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Urging Repeal of the REAL ID Act Resolution of 2008".

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

(1) The Constitution of the United States enshrines the fundamental rights of Americans, including the freedom of privacy and freedom from unreasonable searches.

(2) Security measures to protect the public should be carefully designed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the District of Columbia and the United States.

(3) The REAL ID Act (Division B of Pub. L. No. 109-13) requires: that uniform information be placed on every state driver's license; that every American must have such a license, to be used as identification for federal purposes such as entering a federal building or boarding an airplane; and that each state's license database must be shared with other states and federal law enforcement.

(4) The REAL ID Act in effect creates a national identification card, and national database including personal information of every American including name, address, birth date, social security number, and personal photo.

(5) This database is likely to contain errors and false information, creating significant hardship for Americans attempting to verify their identity in order to fly, open a bank account, or perform any of the numerous functions required to live in the United States today.

(6) This database is likely to increase Americans' vulnerability to identity theft; the Federal Trade Commission estimates that 10 million Americans are victims of identity theft annually and thieves increasingly are targeting motor vehicle departments.

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(7) The REAL ID Act will enable the crime of identity theft by making the personal information of all Americans – including name, date of birth, gender, driver’s license or identification card number, digital photograph, address, and signature accessible from of thousands of locations.

(8) The REAL ID Act requires the driver’s license to contain the licensee’s actual home address in all cases with no provision for securing such information for individuals in potential danger such as undercover police officers and victims of stalking or criminal harassment.

(9) The REAL ID Act contains onerous record verification and retention provisions that place unreasonable burdens on state governments – and do so as an unfunded federal mandate.

(10) Initial estimates jointly prepared by the National Conference of State Legislatures, the National Governors Association, and the American Association of Motor Vehicle Administrators put the cost of the unfunded mandate at \$11 billion. The federal Department of Homeland Security now states the cost at \$4 billion.

(11) The purpose of the driver’s license is to identify eligibility to operate a motor vehicle. This has been a state function since 1908. But the purpose of REAL ID is to use the states to determine U.S. citizenship or legal residency, to create an ID to access all federal buildings and board airplanes in interstate commerce, and for other, unspecified “official purposes” to be prescribed by the federal government.

(12) Identification systems would still be open to insider fraud, counterfeit documentation, and database failures; thus, the REAL ID Act would provide little real security benefit to the United States.

(13) The REAL ID Act contains no exceptions for religious belief, thereby limiting the religious liberty of groups such as the Amish and some Evangelical Christians.

(14) The REAL ID Act passed Congress with no debate, attached to a supplemental appropriations act for war spending and tsunami relief.

(15) More than 600 organizations opposed the passage of the REAL ID Act; 24 states have adopted legislation opposing REAL ID, including 10 forbidding compliance. The National Conference of State Legislatures and the National Governors Association oppose REAL ID.

(16) The REAL ID Act repealed a preferred process – a state/federal collaboration – to develop better, uniform standards for states to issue driver’s licenses..

Sec. 3. It is the sense of the Council of the District of Columbia that the harm and flaws of the REAL ID Act outweigh the perceived benefits, that the REAL ID Act (now scheduled to be fully implemented in 2017) will not make a great difference (if it makes any) in the so-called War on Terrorism, that the privacy rights and liberties of individual Americans should not be jeopardized, and that REAL ID is a massive unfunded federal mandate on the states. The

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Council urges repeal of the REAL ID Act. The Council urges a return to the negotiated state/federal rulemaking process originally called for in the National Intelligence Reform Act of 2004 (P.L. 108-458). The Council urges Congresswoman Eleanor Holmes Norton to support measures to repeal the REAL ID Act.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, and Congresswoman Eleanor Holmes Norton.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register

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A RESOLUTION

17-906

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve an eligible project and related matters pursuant to section 490 of the District of Columbia Home Rule Act and the Tax Increment Financing Authorization Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds Waterfront Arts Project Refundable TIF Approval Resolution of 2008".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Act" means the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).

(2) "Available Increment" means, for any fiscal year of the District, the sum of the Available Real Property Tax Increment and the Available Sales Tax Increment; provided, that the Available Increment shall not include the Available Real Property Tax Increment or the Available Sales Tax Increment derived from the Gallery Place Project Area or the Mandarin Project Area except to the extent that such Available Real Property Tax Increment or Available Sales Tax Increment has been released from the lien of the respective indenture for those projects; provided further, that following any allocation of the Footprint Increment with respect to a Future Downtown Project as provided in this resolution, such Footprint Increment shall be excluded from the Available Increment.

(3) "Available Real Property Tax Increment" means, for any fiscal year of the District, 100% of the real property tax increment in respect of the Downtown TIF Area, being that portion of the real property tax levied pursuant to Chapter 8 of Title 47 of the District of Columbia Code and payments lieu of real property taxes, exclusive of the Special Real Property Tax, attributable to the difference, if any, between the aggregate assessed value for such fiscal year of all lots of Commercial Real Property within the Downtown TIF Area and the aggregate assessed value of all lots of Commercial Real Property within the Downtown TIF Area in effect on January 1, 1999.

(4) "Available Sales Tax Increment" means, for any fiscal year of the District, 100% of the sales tax increments in respect of the Downtown TIF Area, being the revenues

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resulting from the imposition of tax on sales imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Code, including penalties and interest charges, exclusive or the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08), from sales at locations within the Downtown TIF Area in each fiscal year of the District, less the amount of sales tax revenues for such sales at such locations in fiscal year 1999.

(5) "Budgeted Reserve" means, for any fiscal year of the District, an amount, not to exceed \$15 million, equal to the Debt Service (including Debt Service due and unpaid from any prior fiscal year).

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

(7) "Commercial Real Property" means any parcel of taxable real property other than owner-occupied residential property.

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

(9) "Credit Support Provider" means Financial Security Assurance Inc. in its capacity as a credit support provider for the Gallery Place Bonds and the Mandarin Bonds.

(10) "Debt Service" means the scheduled payments of interest on, and principal of, or scheduled accretion of value with respect to, the Gallery Place Bonds and the Mandarin Bonds, including principal and interest payable in accordance with the terms of any credit enhancement for any the Gallery Place Bonds and the Mandarin Bonds.

(11) "Development Agreement" means the Development Agreement between the District and the Development Sponsor setting forth the terms and conditions upon and pursuant to which the District will issue the Waterfront Arts Project Bonds and the Development Sponsor will develop the project.

(12) "Development costs" shall have the same meaning as provided in section 2(13) of the Act.

(13) "Development Sponsor" means the Washington Drama Society, Inc., doing business as Arena Stage, a District of Columbia nonprofit corporation.

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

(15) "Downtown TIF Area" is the TIF area, as defined in section 31 of the Act, established by the District of Columbia Tax Increment Revenue Bond Downtown TIF Area Emergency Approval Resolution of 2001, effective November 6, 2001 (Res. 14-257; 48 DCR 10582), and the Tax Increment Revenue Bond Downtown TIF Area Base Year Emergency Approval Resolution of 2002, effective February 5, 2002 (Res. 14-364; 49 DCR 1255).

(16) "Eligible Project" has the same meaning as in section 2(18) of the Act.

(17) "Footprint Increment" means for any fiscal year of the District, the sum of:
(A) Up to 100% (as set forth in the resolution of the Council approving the applicable Future Downtown Project) of that portion of the real property tax levied pursuant to Chapter 8 of Title 47 of the District of Columbia Office Code and payments in lieu of real

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property taxes, exclusive of the Special Real Property Tax, attributable to the difference, if any, between the aggregate assessed value during such fiscal year of all lots of Commercial Real Property included in the site of such Future Downtown Project and the aggregate assessed value of all lots of Commercial Real Property included in such site in effect on the effective date of the allocation to the Future Downtown Project as stated in the applicable Council resolution; and

(B) Up to 100% (as set forth in the resolution of the Council approving the applicable future Downtown Project) of the tax revenues resulting from the imposition of the taxes imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code on sales at locations included in the site of such Future Downtown Project, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.8), less the amount of the sales tax revenues from such sales at such locations for the fiscal year prior to the year in which the Council approves such Future Downtown Project.

(18) "Future Downtown Project" means an Eligible Project located in the Downtown TIF Area, other than the Gallery Place Project and the Mandarin Project, and certified and approved in accordance with the Act.

(19) "Gallery Place Bonds" means the \$73,650,000 District of Columbia (Washington, DC) Tax Increment Revenue Bonds (Gallery Place Project Issue) Series 2002.

(20) "Gallery Place Project" means the project described in § 47-1002(26) of the District of Columbia Official Code.

(21) "Gallery Place Project Area" means the area described in D.C. Official Code § 47-1002(26).

(22) "Home Rule Act" means the District of Columbia Home Rule Act, approved September 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(23) "Initial Sales Tax Amount" means the amount certified in connection with the issuance of Gallery Place Bonds and the Mandarin Bonds, dated as of March 20, 2002.

(24) "Mandarin Bonds" means the \$45,995,387.40 District of Columbia (Washington DC) Mandarin Oriental Hotel Project Tax Increment Revenue Bonds Series 2002.

(25) "Mandarin Project" means the project described in D.C. Official Code § 47-1002(27).

(26) "Mandarin Project Area" means the area described in D.C. Official Code § 47-1002(27).

(27) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of the Mead Center for American Theater, including theater buildings and support facility of approximately 200,000 square feet, including 3 theater spaces (the Fichandler Stage at approximately 670 seats to be completely renovated, the Kreeger Theatre containing approximately 514 seats to be completely renovated, and the new Smith/Kogod black box of approximately 200 seats), rehearsal space, offices,

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kitchen, lobbies, bookstore, and café, and approximately 77 on-grade and below-grade parking spaces, on land described as Lot 123, Square 472, all subject to and in accordance with the Development Agreement.

(28) "Promissory Note" means the promissory note of the Development Sponsor in favor of the District setting out the terms upon which the Development Sponsor will pay the District an amount equal to the principal amount of the Waterfront Arts Project Bonds and interest on the unpaid portion thereof until paid.

(29) "Special Real Property Tax" means the special real property tax provided for in section 481 of the Home Rule Act and pledged to the payment of general obligation bond indebtedness of the District.

(30) "Tax increment" shall have the same meaning as provided in section 490 of the Home Rule Act.

(31) "Waterfront Arts Project Bonds" means the District of Columbia tax increment bonds, notes, or other obligations authorized to be issued pursuant to this resolution.

Sec. 3. Findings.

The Council finds that:

(1) The Act provides, pursuant to section 490 of the Home Rule Act, for the issuance by the Chief Financial Officer of TIF Bonds, as defined in section 2(32) of the Act, to finance development costs of eligible projects.

(2) The Development Sponsor has requested the District to issue and deliver the Washington Arts Project Bonds for the purpose of financing, refinancing, or reimbursing the Development Sponsor for a portion of the development costs of the project.

(3) The Deputy Mayor has determined that the project has special merits and that there is a reasonable probability that the special merits of the project will not be realized without the tax increment financing allocation.

(4) The Chief Financial Officer has certified the project in accordance with section 4 of the Act. In particular, the Chief Financial Officer's certification states that the project complies with the criteria listed in the Act as follows:

(A) The project is one constituting special merits.

(B) The Development Sponsor has promised to pay the District the full present value of the Waterfront Arts Project Bonds over a 25-year period.

(5) The project is expected to produce public benefits for the District as follows:

(A) The construction of the project will produce additional construction jobs in the District.

(B) The expanded operations of the Development Sponsor that will be made possible by the construction of the project will create additional tax revenues for the District and will provide additional employment opportunities and other economic benefits for District residents.

(C) The project will enhance the cultural and educational benefits

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derived from the Development Sponsor's operations to the benefit of District residents.

(6) The project is an eligible project within the meaning of the Act.

Sec. 4. Authorization of bond issuance; allocation of tax increments from Downtown TIF Area; approval of Development Agreement and Promissory Note.

(a) Pursuant to section 490 of the Home Rule Act and section 5 of the Act, the Council approves and authorizes the issuance of the Waterfront Arts Project Bonds to fund development costs of the project.

(b) There is hereby allocated to the payment of debt service on the Waterfront Arts Project Bonds the Available Increment, subordinate to the allocation of the Available Increment to the Budgeted Reserve. The termination date for the allocation of Available Increment authorized by this paragraph shall be the earlier of:

(1) The final maturity date of the Waterfront Arts Project Bonds; or

(2) The date on which all of the Waterfront Arts Project Bonds are paid or provided for and are no longer outstanding pursuant to their terms, and to the extent that the Available Increment is not prior to the effective date of this resolution otherwise exclusively committed to another purpose and as further provided for pursuant to an act of the council, all as determined by the Chief Financial Officer.

(c) The Development Agreement and Promissory Note are approved in substantially the form submitted to the Council. The Mayor and the Chief Financial Officer are authorized to execute and deliver the Development Agreement and to accept the Promissory Note on behalf of the District. The Mayor and the Chief Financial Officer are further authorized to execute and deliver on behalf of the District any amendments or supplements to the Development Agreement and to accept any amendments to the Promissory Note that may be determined by the Mayor and the Chief Financial Officer to be in the best interests of the District and consistent with the purpose and intent of this resolution or as may be provided in the Development Agreement. The execution by the Mayor and the Chief Financial Officer of any amendment or supplement to the Development Agreement or Promissory Note shall be conclusive evidence of such determination.

(d) The District may at any time allocate any part of the future Available Increment to any Future Downtown Project or to any other Eligible Project outside the Downtown TIF Area; provided, that any such allocation shall be subordinate to the allocation of Available Increment to the Budgeted Reserve except as expressly provided in subsection (e), (f), or (g) of this section.

(e) The District may allocate to any Future Downtown Project up to 100% of the Footprint Increment from such Future Downtown Project and, following the effective date of such allocation, such Footprint Increment for the Future Downtown Project shall not be included in the Available Increment, but only if, on the date of issuance of any bonds to be secured or paid from such Footprint Increment, there has been no failure to pay Debt Service and the District provides to the trustees and the Credit Support Provider the report of an independent consultant, reasonably experienced in such matters, demonstrating that, as of the effective date

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of the allocation to the Future Downtown Project as stated in the applicable Council resolution, the amount of the Available Increment from the Downtown TIF Area, less the Footprint Increment for such project, would be equal to at least one times combined maximum annual Debt Service (without giving effect to any provisions for payment of principal or interest on different terms following any payment with respect to any of the Gallery Place Bonds and the Mandarin Bonds by the Credit Support Provider) after giving effect to both (1) a 15% decline in total sales tax collections from the Downtown TIF Area and (2) a simultaneous 30% decline in the total assessed value of Commercial Real Property within the Downtown TIF Area.

(f) The following methodology shall be used in calculating Available Increment for purposes of the test set forth in subsection (e) of this section (provided, that if at the time of application of the test, there has been one or more previous allocations of Footprint Increment to one or more Future Downtown Projects, the references in this section to assessed value and collections from the "Downtown TIF Area" shall mean assessed value and collections from the Downtown TIF Area as reduced by all such previous allocations to the Future Downtown Project):

(1) For any fiscal year of the District for which only an estimate of the amount of sales tax revenue collections from the Downtown TIF Area is available, the decline in total sales tax revenues shall be calculated by reducing the amount of total sales tax revenues collected in the District of Columbia during such fiscal year by 15% and multiplying the result by 44%. The reduced amount of Available Sales Tax Increment shall then be calculated by deducting the Initial Sales Tax Amount for the Downtown TIF Area certified in connection with the issuance of the Gallery Place Bonds and the Mandarin Bonds from the result of the calculation stated in the preceding sentence. If the actual amount of total sales tax revenue collections from the Downtown TIF Area has been determined and a new Initial Sales Tax Amount for the Downtown TIF Area has been certified, the amount of total sales tax revenues collected in the Downtown TIF Area shall be reduced by 15% during such fiscal year and the reduced amount of Available Sales Tax Increment shall be calculated by deducting the new Initial Sales Tax Amount from the result of the preceding calculation.

(2) For purposes of calculating Available Real Property Tax Increment:

(A) The sum of the then most recent assessed value of all lots of Commercial Real Property in the Downtown TIF Area shall be reduced by 30%;

(B) The initial assessed value (as defined in section 2(22) of the Act) of all lots of Commercial Real Property in the Downtown TIF Area shall be subtracted from the amount derived in subparagraph (A) of this paragraph;

(C) The amount derived in subparagraph (B) of this paragraph shall be multiplied by the then-current tax rate applicable to Commercial Real Property; and

(D) The amount derived in subparagraph (C) of this paragraph shall be reduced by the greater of:

(i) Eighty percent such amount; or

(ii) The percentage of the District's real property tax allocated to

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the Special Real Property Tax in the applicable fiscal year.

(g) Notwithstanding any other provision in subsection (d), (e) and (f) of this section, the District may allocate to one Future Downtown Project that is a convention center hotel project up to 100% of the Footprint Increment from such Future Downtown Project and, following the effective date of such allocation, such Footprint Increment for the Future Downtown Project shall not be included in the Available Increment.

(h) The District may at any time allocate any part of the future Available Increment to any future Downtown Project or to any other Eligible Project outside the Downtown TIF Area in any manner not provided for in subsection (d), (e), or (f) of this section with the prior written consent of the Credit Support Provider with respect to each series of applicable bonds.

Sec. 5. Bond terms; execution.

(a) The Council approves the following summary of the terms of the Waterfront Arts Project Bonds:

(1) The Waterfront Arts Project Bonds shall be issued pursuant to the provisions of certain financing documents.

(2) The aggregate principal amount of the Waterfront Arts Project Bonds shall not exceed \$10 million, shall be the amount necessary to fund a portion of the eligible development costs of the project, plus financing costs and costs of issuance as determined by the Chief Financial Officer and shall not conflict with or impair the terms of other bonds provided for pursuant to an act of the council, as determined by the Chief Financial Officer.

(3) The interest rate or rates on the Waterfront Arts Project Bonds shall not exceed 6%.

(4) The final maturity date of the Waterfront Arts Project Bonds shall be the maturity date determined by the Chief Financial Officer, but shall not exceed 5 years and the debt service on the Waterfront Arts Project Bonds shall be structured in such manner that it will not exceed in any year the amount of the tax increment projected to be received by the District during such year from the surplus in the Downtown TIF Area after payment of all bonds which are superior in payment to the Waterfront Arts Project Bonds.

(5) The Waterfront Arts Project Bonds shall be secured by the Available Increment allocated to the project pursuant to section 4(b).

(6) The Development Sponsor shall agree to pay the District an amount equal to the principal amount of the Waterfront Arts Project Bonds, and interest on the unpaid portion thereof from time to time, in accordance with the terms of the Promissory Note.

(b) The Waterfront Arts Project Bonds may have any other terms and conditions consistent with this resolution and the Act.

(c) The Waterfront Arts Project Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Chief Financial Officer, or an authorized delegate of the Chief Financial Officer, and attested by the Secretary of the District of Columbia. The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or

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otherwise reproduced on the Waterfront Arts Project Bonds.

Sec. 6. Fiscal impact statement.

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. 7. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-907

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To authorize enforcement of a subpoena of Sequoia Voting Systems in the Superior Court of the District of Columbia to require production of documents to the Council Board of Elections and Ethics Investigation Special Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Enforcement of Subpoena of Sequoia Voting Systems Resolution of 2008".

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

- (1) On September 9, 2008, the District of Columbia held a primary election.
- (2) On election night, the D.C. Board of Elections and Ethics released an unofficial election results summary report that contained obviously inaccurate numbers and proved to be fundamentally flawed. In particular, the report showed that Precinct 141 showed nearly 4,759 voters despite having only 2,388 registered voters in the precinct. In addition, the report showed that 1,554 write-in votes had been cast for the Ward 2 Council seat, representing 17.21% of the total number of votes in that race, despite the absence of a write-in candidate.
- (3) On September 16, 2008, the Council established the Council Board of Elections and Ethics Investigation Special Committee ("Special Committee") to conduct a formal investigation and gave the Special Committee subpoena authority. The Council, in Resolution 17-770, charged the Special Committee with "investigat[ing] irregularities and other problems that occurred during primary elections on February 12, 2008, and September 9, 2008, . . . and examin[ing] election processes and procedures to ensure that future elections are conducted without incident."
- (4) On September 18, 2008, the Special Committee issued and properly served a subpoena ("Subpoena") on Sequoia Voting Systems ("Sequoia"), the vendor that provides voting equipment under contract to the District of Columbia.
- (5) In the Subpoena, the Special Committee requested 6 categories of documents, the 5th of which specifically identified the following: "All documents, including source code, build functions, control files, build environment, technical data, documentation, testing reports, and other data or information related to equipment (including but not limited to the Sequoia

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Optech Eagle III-P Optical scan system, cartridges, and the WinEDS system) supplied by Sequoia Voting Systems for use by the District of Columbia.”

(6) On September 26, 2008, Sequoia responded to the Subpoena, but refused to produce many of the documents subpoenaed. In particular, Sequoia refused to produce the source code and other related materials specifically identified in request 5, claiming that the documents were “trade secrets and proprietary information.” Sequoia made this claim despite contractual provisions giving the District rights outright to the source code provided under contract.

(7) In a report prepared for the D.C. Board of Elections and Ethics, Sequoia explained that the erroneous results were the result of a misread from a single “memory pack” cartridge. Sequoia attributed the misread to human error in interacting with equipment, i.e., improper seating of the cartridge, premature removal of the cartridge, or an electrostatic discharge.

(8) On October 3, 2008, the Special Committee held a public hearing, during which testimony was presented that cast substantial doubt on Sequoia’s theories, including testimony from Sequoia identifying a new potential cause of the error: server error. The Special Committee made requests for additional information at the hearing.

(9) On October 8, 2008, based on the testimony received during the public hearing, the Special Committee issued a preliminary report entitled *Restoring Confidence in the District’s Elections*. In the report, the Special Committee found, *inter alia*, that Sequoia’s explanation for the anomaly on September 9, 2008 is inadequate,” and recommended that the District put in place a “team of independent, voting-technology experts to conduct a targeted forensic evaluation of the voting equipment and software provided by Sequoia Voting Systems.”

(10) Based on this recommendation, the Special Committee has formed a team of voting technology experts to conduct a forensic investigation.

(11) On November 11, 2008, the Special Committee submitted by counsel, Jenner & Block LLP, a letter to Sequoia identifying Sequoia’s deficiencies and failures in producing the documents sought by the Subpoena. As part of that letter, the Special Committee specifically renewed its demand for source code and related materials in request 5 and proposed the use of a protective order to provide “protection for trade secrets and proprietary information while giving the Special Committee access to information required for its review and sought under the Committee’s subpoena.” On November 19, 2008, however, Sequoia responded by again refusing to produce the source code and other materials responsive to the subpoena. Specifically, with regard to request 5, Sequoia stated that it “respectfully relies on its prior response.”

(12) To date, Sequoia has not advanced a legitimate basis upon which to refuse to produce the responsive documents sought by the Special Committee in the Subpoena and has failed to offer or negotiate any terms for producing those documents.

(13) Because the source code and other related documents are necessary to conduct a forensic investigation and to identify the cause of the erroneous primary results, the

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Special Committee requires a full and complete response and production of the documents sought in the Subpoena.

(14) Beyond the need for a forensic investigation, there is a substantial public interest in the production of the source code and other related documents. By withholding these documents, Sequoia frustrates the Special Committee's ability to do the following:

(A) Identify whether additional "sleeper glitches" may be present in the election results and to ensure the overall integrity of the voting systems in use in the District;

(B) Evaluate whether the voting systems were adequately designed consistent with federal standards;

(C) Assist in evaluating whether Sequoia has substantially complied with its contract terms; and

(D) Make recommendations for future contract negotiations and for implementation of minimum technical standards for voting equipment in the District of Columbia.

(15) The Special Committee has endeavored in good faith to obtain the documents subject to request in the Subpoena that are necessary for the conduct of the Special Committee's investigation. Sequoia has repeatedly and contumaciously refused to fully comply with the Subpoena. It is, therefore, necessary to authorize appropriate legal action to enforce the Subpoena.

Sec. 3. For the reasons set forth in section 2, the Council of the District of Columbia directs either its General Counsel or retained counsel for the Special Committee to file a petition in the Superior Court of the District of Columbia for the enforcement of the Special Committee's Subpoena to compel production of the documents requested in the Subpoena under penalty of contempt.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-908

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To confirm the appointment of Dr. James J. Augustine as the Medical Director for the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fire and Emergency Medical Services Department Medical Director James J. Augustine Confirmation Resolution of 2008".

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

Dr. James J. Augustine
5006 MacArthur Court, N.W.
Washington, D.C. 20016
(Ward 3)

as the Medical Director of the Fire and Emergency Medical Services Department, in accordance with section 3a(a) of the Emergency Medical Services Improvement Amendment Act of 2008, effective April 15, 2008 (D.C. Law 17-147; D.C. Official Code § 5-404.01(a)), and section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-909

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve the proposed rules to adjust emergency ambulance transport service fees to generate sufficient revenue in fiscal years 2009 and 2010, respectively, to provide adequate reimbursement for costs associated with the provision of quality emergency ambulance medical service delivery.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ambulance Fee Amendment Final Rulemaking Approval Resolution of 2008".

Sec. 2. Pursuant to section 3006 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), the Mayor on November 18, 2008, transmitted to the Council proposed rules to adjust the emergency ambulance transport service fees. The Council approves the proposed rules published at 55 DCR 12158 to amend subsections 525.1, 525.2, and 525.3 of section 525 of Title 29 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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. This resolution shall take effect immediately.

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A RESOLUTION

17-910

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve proposed rules of the District of Columbia Alcoholic Beverage Control Board that would impose a 3-year moratorium on the issuance of new retailer's licenses for classes A, B, CT, CN, CX, DT, DN, and DX, and impose a cap of twelve (12) on the number of Class CR retailer's licenses in a portion of Glover Park.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Glover Park Liquor License Moratorium Approval Resolution of 2008".

Sec. 2. Pursuant to section § 25-211(b)(2) of the District of Columbia Code, the Mayor on November 28 2008 transmitted to the Council the proposed rules to amend Chapter 3 of Title 23 of the District of Columbia Municipal Regulations, to impose a moratorium on the issuance of new retailer's licenses for classes A, B, CT, CN, CX, DT, DN, and DX and impose a cap of twelve (12) on the number of Class CR retailer's licenses in a portion of Glover Park. The Council approves the proposed rules.

Sec. 3. Transmittal.

The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. Fiscal impact statement.

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. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-911

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve proposed rules to amend Chapter 3 of Title 23 of the District of Columbia Municipal Regulations that would raise the current limit on Class CR and Class DR retailer's licenses in the West Dupont Circle Moratorium Zone from seventeen (17) to twenty-one (21).

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "West Dupont Circle Liquor License Moratorium Amendment Approval Resolution of 2008".

Sec. 2. Pursuant to section 25-211(b)(2) of the District of Columbia Code, the Mayor on November 28, 2008 transmitted to the Council the proposed rules to amend Chapter 3 of Title 23 of the District of Columbia Municipal Regulations, by replacing the existing subsection 307.1, to raise the current limit on Class CR and Class DR retailer's licenses in the West Dupont Circle Moratorium Zone from seventeen (17) to twenty-one (21). The Council approves the proposed rules.

Sec. 3. Transmittal.

The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. Fiscal impact statement.

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. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-912

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To approve proposed rules of the District of Columbia Alcoholic Beverage Control Board that would impose a 5-year moratorium on the issuance of retailer's licenses for classes CR, CN, CT, CX, DR, DN, DT, and DX in a portion of Adams Morgan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adams Morgan Liquor License Moratorium Approval Resolution of 2008".

Sec. 2. Pursuant to section 25-211(b)(2) of the District of Columbia Code, the Mayor on November 28, 2008 transmitted to the Council the proposed rules to amend Chapter 3 of Title 23 of the District of Columbia Municipal Regulations, to impose a moratorium on the issuance of new retailer's licenses for classes CR, CN, CT, CX, DR, DN, DT, and DX in a portion of Adams Morgan.

Sec. 3. Transmittal.

The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. Fiscal impact statement.

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. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-913

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so, and to allow a law enforcement officer to make an arrest without a warrant for said violation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "GPS Anti-Tampering Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device.

(b) Persons required to wear a detection device should be less inclined to commit a new crime, thereby protecting public safety without the necessity of incarceration. Additionally, where this motivation fails, global positioning system ("GPS") devices have been used successfully to identify probable suspects by matching their whereabouts to the scene of a crime.

(c) In August 2008, it became apparent that a person who was required to wear a GPS device had deliberately attempted to interfere with its signal. Since that time, there have been 7 additional cases where tampering with a GPS device was either suspected or established. There are 10 additional instances where a person has removed or attempted to remove a GPS or electronic monitoring device.

(d) The wearing of a GPS or other electronic monitoring system device is designed to protect another individual or the community as a whole. This purpose is defeated if the device does not work because someone has deliberately tampered with it. Imposing a more stringent sanction on a person who tampers with or removes a GPS or other electronic monitoring system – whether or not he or she commits an additional crime – may deter some people from violating this condition of release. In those cases where deterrence is not achieved, punishment is appropriate.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the GPS Anti-Tampering Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-914

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to provide jurisdiction to the Office of Administrative Hearings to hear cases pertaining to firearm registration procedures and requirements; to amend the Firearms Control Regulations Act of 1975 to revise the definitions of the terms firearm, machine gun, pistol, and sawed-off shotgun, to add definitions for the terms assault weapon, intrafamily offense, magazine, and place of business, to provide a self-defense exemption for temporary possession of a firearm registered to another person within the registrant's home, to provide for the registration of pistols for use in self-defense within the home, to prohibit the registration of assault weapons and certain designated unsafe firearms, to provide that a person who has been convicted of an intrafamily offense within 5 years of application shall be ineligible to register a firearm, to provide that a person with multiple alcohol-related offenses within 5 years of application shall be ineligible to register a firearm, to provide that a person who within 5 years of application has had a history of violence shall be ineligible to register a firearm, to clarify that the Chief of Police may require an applicant for registration to receive training and pass testing on the use, handling, and storage of firearms, to require an applicant for registration to complete one hour of firing training and 4 hours of classroom instruction, to provide that applicants who have had civil protection or foreign protection orders entered against them shall be ineligible to register a firearm for 5 years, to establish a registration limit of one pistol per registrant per 30 days, to require a ballistics identification procedure as part of the registration process and to authorize the Chief of Police to assess a reasonable fee for the procedure, to clarify the process of revocation of a registration certificate, to provide a process for the renewal of registration certificates, to prohibit large capacity ammunition feeding devices, to provide that firearms dealers must notify the Chief of the theft or loss of any firearms or ammunition from their inventory, to provide that a dealers license shall be revoked if the dealer falls out of compliance with any of the duties or requirements, to provide that semiautomatic pistols manufactured and sold in the District be microstamped, to prohibit the sale, transfer, ownership, or possession of designated unsafe handguns, to clarify the firearms storage policy, to establish penalties for the reckless storage of a firearm accessible by a

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minor, and to provide the Mayor with rulemaking authority to implement the provisions of this act; to amend the Assault Weapon Manufacturing Strict Liability Act of 1990 to change the definition of the term assault weapon to conform it with the definition used in the Firearms Control Regulations Act of 1975; to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act; and to repeal the Second Firearms Control Congressional Review Emergency Amendment Act of 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Firearms Registration Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Second Firearms Control Emergency Amendment Act of 2008, effective September 16, 2008 (D.C. Act 17-502), was enacted to amend the Firearms Control Regulations Act of 1975 in light of the U.S. Supreme Court's decision in *District of Columbia v. Heller*. The Second Firearms Control Congressional Review Emergency Amendment Act of 2008, effective December 12, 2008 (D.C. Act 17-601), extended the legal authority of the provisions implemented by D.C. Act 17-502.

(b) Permanent legislation, Bill 17-843, the Firearms Registration Amendment Act of 2008, was adopted on 1st reading on December 2, 2008, and adopted on 2nd reading on December 16, 2008.

(c) Bill 17-843 contains provisions that are substantially different from D.C. Act 17-502 and D.C. Act 17-601. Many of the provisions must be implemented as soon as possible.

(d) Emergency legislation is necessary so that the provisions in Bill 17-843 can become effective immediately, superceding D.C. Act 17-601.

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 Firearms Registration Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

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17-915

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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December 16, 2008

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To declare the existence of an emergency with respect to the need to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to change the definitions for the terms firearm, machine gun, pistol, and sawed-off shotgun, to provide definitions for the terms shotgun and place of business, to make discharging a weapon without a permit from the Chief of Police a misdemeanor offense, to provide that the District and private persons may prohibit or restrict the possession of firearms on their property, to prohibit carrying rifles and shotguns in the District except in limited circumstances and to provide penalties for violations of the prohibition that are equivalent to those for unlawfully carrying a pistol, to allow for the transportation of firearms in limited circumstances and in a prescribed manner, to repeal the authority of the Chief of Police to issue licenses for the carrying of pistols, and to change the waiting period for delivery of a purchased pistol from 2 to 10 days; and to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inoperable Pistol Emergency Declaration Resolution of 2008".

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Sec. 2. (a) The Second Firearms Control Emergency Amendment Act of 2008, effective September 16, 2008 (D.C. Act 17-502), was enacted to amend the Firearms Control Regulations Act of 1975 in light of the U.S. Supreme Court's decision in *District of Columbia v. Heller*.

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(b) Permanent legislation, Bill 17-593, the Inoperable Pistol Amendment Act of 2008, was adopted on 1st reading on December 2, 2008, and adopted on 2nd reading on December 16, 2008. Bill 17-593 contains provisions related to the carrying and transportation of firearms in the District of Columbia.

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(c) Because Bill 17-593 amends Title 22 of the District of Columbia Official Code, it will not become law until after 60 days of Congressional review. Yet the bill improves the law

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pertaining to the control of gun-related violence.

(d) Emergency legislation is necessary so that the provisions in Bill 17-593 can become effective 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 Inoperable Pistol Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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ENROLLED ORIGINAL

A RESOLUTION

17-916

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to approve a real property tax abatement for the purpose of facilitating the redevelopment of the Anthony Bowen YMCA and a mixed used residential project in Ward 1.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "14W and the YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Emergency Declaration Resolution of 2008".

Sec. 2. (a) Permanent legislation, Bill 17-1048, the 14W and the YMCA Anthony Bowen Project Real Property Real Property Tax Exemption and Real Property Tax Relief Act of 2008, was introduced on December 2, 2008.

(b) The Committee on Finance and Revenue ("Committee") held a public hearing on the matter of this legislation on December 9, 2008.

(c) The Committee heard public testimony about the project, which will redevelop the historic Anthony Bowen YMCA as well as create 231 units of rental housing, of which 18 will be affordable units at 60% or less of area median income, 12,200 square feet of ground-level retail space, and 170 below-grade parking spaces.

(d) Further, the project will create a new 45,000-square-foot YMCA facility, including a 25-meter pool, gym, day-care facilities, and community-meeting space. The proponents of the legislation indicated the abatement contained in the underlying legislation is necessary for the project to finalize their financing this 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 14W and the YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-917

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to increase parking meter rates.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Equitable Parking Meter Rates Emergency Declaration Resolution of 2008".

Sec. 2. (a) Declining revenues threaten essential services for District residents.

(b) Additional revenue can be raised by increasing parking meter rates so that these rates are closer to those charged in comparable jurisdictions.

(c) An immediate increase in meter rates will maximize the amount of revenue that can be raised during the current fiscal year and thereby reduce the severity of cuts to critical affordable housing programs.

(d) Many commercial establishments are harmed by infrequent parking turnover that results from excessively cheap parking meter rates.

(e) Increased parking meter rates would increase the availability of curbside parking and thereby reduce congestion and air pollution caused by visitors who currently drive for long periods searching for parking spaces.

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 Equitable Parking Meter Rates Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-918

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to adjust operating hours of the late-night Adams Morgan taxi zone.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Taxi Zone Operating Hours Emergency Declaration Resolution of 2008".

Sec. 2. (a) Operating hours for the late-night Adams Morgan taxi zone listed in the D.C. Official Code do not match the hours when the taxi zone operation is needed.

(b) The District Department of Transportation is unable to adjust taxi zone signs to reflect appropriate taxi zone hours until existing law is changed.

(c) The approaching holiday season and Presidential inauguration create the urgent need to create effective taxi zone operating hours and associated signage.

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 Taxi Zone Operating Hours Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-919

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to amend section 25-798 of the District of Columbia Official Code to clarify that an association, which includes licensees in its membership, may enter into an agreement with the Metropolitan Police Department to provide for reimbursable details.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reimbursable Details Clarification Emergency Declaration Resolution of 2008".

Sec. 2. (a) Current law allows a licensee or licensees, independently or in a group, to enter into an agreement with the Metropolitan Police Department to provide for reimbursable details. The law is unclear, however, on whether an association, which includes licensees in its membership, may enter into such agreements.

(b) Section 25-798 of the District of Columbia Official Code defines a reimbursable detail as "an assignment of Metropolitan Police Department officers to patrol the surrounding area of an establishment for the purpose of maintaining public safety, including the remediation of traffic congestion and the safety of public patrons, during their approach and departure from the establishment".

(c) The DC Nightlife Association is dedicated to working for the success of the businesses that provide a vibrant nightlife for the residents and visitors in Washington, D.C. and to providing for public safety in this regard through the promotion and facilitation of training, safety, compliance, and cooperation with District government agencies.

(d) It was, and is, the intent of this Council that associations, such as the DC Nightlife Association, be able to hire reimbursable details.

(e) Emergency legislation is needed to clarify that Metropolitan Police Department may enter into such agreements, as having these officers on duty in an overtime status as quickly as possible will enhance public safety now, rather than later, and will reduce the impact of late night operations on regular patrol officers, thus allowing them to devote more time to combating crime and other patrol service area duties.

ENROLLED ORIGINAL

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 Reimbursable Details Clarification Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-920

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to require a time certain for the Office of the State Superintendent of Education to implement standards for disciplinary policies and procedures for District of Columbia Public Schools and Public Charter Schools, and to establish a reporting requirement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Schools and Public Charter Schools Suspension Reform Emergency Declaration Resolution of 2008".

Sec. 2. (a) Children across the city are being suspended at alarming rates by principals without any accountability. They are being pushed out into the streets with no educational plan or supportive services to correct their behavior or prepare them for their return to school. Children experiencing problems in school are the neediest. Generally, these children are already behind in class, have missed days from school, and are experiencing social and emotional challenges. Suspension only pushes these students further behind in school and away from the help and support they need. Eventually, many drop out of school.

(b) At present, principals have the authority to freely suspend students without anybody looking over their shoulders. Recently, at Hart Middle School, 70 students were suspended for 5 days without any homework or educational plan. Parents were haphazardly notified of their children's suspension, some by telephone and others by mail.

(c) To ensure that the right to an education is protected for all our children, legislation is needed to require the Office of the State Superintendent of Education to adopt and implement, upon approval by the State Board of Education, standards for disciplinary policies and procedures for District of Columbia Public Schools and Public Charter Schools. There is a great need for a fair process for authorizing suspensions in school to ensure that children are not being put out of school for frivolous reasons.

(d) Obtaining a high school diploma is essential for every child in the District of Columbia to be successful later on in life. Children, especially those experiencing behavioral problems in school, should be encouraged to work through life's challenges and to stay in school. Suspension does just the opposite. A principal's decision to suspend a student should be

ENROLLED ORIGINAL

taken very seriously. It should be a last resort and made only after evaluating alternatives to suspension.

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 Schools and Public Charter Schools Suspension Reform Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-921

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to develop and present to the Council a plan to establish evening and weekend career technical training for adults at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction and Engineering High School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Get DC Residents Training for Jobs Now Emergency Declaration Resolution of 2008".

Sec. 2. (a) President-Elect Barack Obama has stated that he will push for an investment of infrastructure dollars to local jurisdictions.

(b) There exists an immediate crisis regarding the number of adults in the District who are unemployed and who need additional training to become eligible for sustainable careers in the economic sectors that will be created by the President-Elect Barack Obama's proposed investment.

(c) It is our responsibility to prepare District residents for the jobs this investment will create to increase the tax base in the District of Columbia and to reduce poverty.

(d) Currently, the District does not offer enough opportunities for adults in the District to gain career training in the evenings and weekends.

(e) A plan to create adult career technical education programs must be initiated 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 Get DC Residents Training for Jobs Now Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-922

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to amend Title 25 of the District of Columbia Official Code to require licensees wishing to extend, during the inaugural celebration, both the permitted hours of operation and the hours of sale of alcoholic beverages under either an on-premises retailer's license or a temporary license to register with public safety and regulatory agencies.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inaugural Celebration Extension of Hours Public Safety Emergency Declaration Resolution of 2008".

Sec. 2. (a) During the period commencing on January 17, 2009, through January 21, 2009, the period preceding and including the inauguration of President-Elect Barack Obama, it is anticipated that as many as 3 million individuals will visit the District of Columbia. The Council of the District of Columbia extended by emergency legislation on December 2, 2008, the permitted hours of operation and the hours of sale of alcoholic beverages to meet the demand of the substantial number of visitors coming to the District of Columbia for this historic event.

(b) Section 25-723 of the District of Columbia Official Code governs the hours during which alcoholic beverages licensees can operate under an on-premises retailer's license or a temporary license and sell or serve alcoholic beverages.

(c) Emergency legislation is needed to clarify that licensees wishing to operate under the Inaugural extended hours set forth in section 25-723 shall be required to register with public safety and regulatory agencies to allow for planning of manpower and resources in advance of the Inauguration. These agencies need licensee registration to be completed no later than 10 days in advance of the first day of extended hours. Consequently, it is necessary for the Council to pass this legislation on an emergency basis.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumeration in section 2 constitute emergency circumstances making it necessary that the Inaugural Celebration Extension of Hours Public Safety Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-923

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to expand the D.C. Housing Authority Rent Supplement Program to allow service providers who own, lease, or operate supportive housing to apply for, and be awarded, sponsor-based assistance funding in order to house clients.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Second Emergency Declaration Resolution of 2008".

Sec. 2. (a) The D.C. Housing Authority Rent Supplement Program was created to provide housing assistance to extremely low-income households in the District of Columbia, including those who are homeless and those in need of supportive services, such as elderly individuals and individuals with disabilities. The District of Columbia Housing Authority ("DCHA") was appropriated funding in both fiscal year 2007 and fiscal year 2008 to implement the program. This funding is used to provide 3 types of housing assistance: Tenant-Based Assistance; Project-Based Assistance; and Sponsor-Based Assistance. Tenant-based assistance is provided directly to clients and allows them to secure units on the private market.

(b) The Sponsor-Based program was created to operate differently than the Project-Based program. Project-Based assistance is attached to a particular building or set of buildings. Sponsor-Based assistance, however, is comprised of funds allocated under contract to a particular private or nonprofit housing provider.

(c) Current law mandates that Sponsor-Based assistance be allocated only for units "owned and operated" by the provider. DCHA has advised that this language has the unintended effect of precluding certain providers who do not own and operate units but who will nonetheless secure housing for their clients. This was not the intent of the Council when it enacted the authorizing statute.

(d) The Local Rent Supplement Program Temporary Amendment Act of 2008, D.C. Law 17-164, is due to expire on December 24, 2008.

(e) There exists a need to preserve this language in advance of permanent legislation due to be enacted during the next Council period.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Second Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-924

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to provide real property tax relief to the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., is a religious institution located in Ward 7 of the District of Columbia and is exempt from real property taxes.

(b) The Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., was improperly classified and taxed on the basis of land only values in tax years 2005, 2006, and a portion of 2007.

(c) The Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., paid real property taxes in tax years 2005, 2006, and 2007, although they were a tax-exempt organization.

(d) The Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., was properly classified as tax-exempt organization in June 2007.

(e) Approval of emergency legislation will allow the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., real property tax relief by granting them a refund of taxes paid during the period that they were improperly classified.

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 Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-925

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to require the Department of Housing and Community Development to use all existing Housing Purchase Assistance Program funds available, after the enactment of the Fiscal Year 2009 Balanced Budget Support Emergency Act of 2008, to immediately reopen the Housing Purchase Assistance Program to process and service current participants and future applicants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "HPAP Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to require that appropriated funds available to the Department of Housing and Community Development ("DHCD") for the Housing Purchase Assistance Program ("HPAP") be used to immediately reopen the HPAP program with a particular focus on addressing applicants that have either current approvals, ratified purchase contracts pending approval by the Greater Washington Urban League, or have made a financial commitment related to a first-time home purchase based on a notice of eligibility or other representations related to the Home Purchase Assistance Program.

(b) The approved Fiscal Year 2009 budget for the Home Purchase Assistance Program is \$34,298,810.

(c) Without prior discussion or notice to the Council, the Department of Housing and Community Development began revising the Fiscal Year 2009 HPAP program activities based on a planned reprogramming that would reduce the budget by \$11.2 million.

(d) On November 10, 2008, the Council, as a part of a larger action, voted to freeze \$11 million of the Fiscal Year 2009 HPAP budget to help cover the larger budget gap.

(e) In a November 14, 2008 letter to the Greater Washington Urban League ("GWUL"), the Department of Housing and Community Development directed the GWUL continue to process only those HPAP participants who had a ratified purchase contract that had been approved as of that date.

(f) The GWUL was subsequently instructed to use November 17, 2008, as the cut-off date and to suspend the program by not accepting new applications.

ENROLLED ORIGINAL

(g) Consideration must be made for many HPAP participants who secured or were on the verge of securing a ratified purchase contract during the remainder of the 2009 calendar year.

(h) The appropriated HPAP funds have not been the subject of an approved reprogramming and thus are available and should be used for the HPAP program.

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 HPAP Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-926

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to require the Mayor to submit to the Council for approval any proposal to contract out or privatize services that is subject to section 451 of the District of Columbia Home Rule Act, or that would result in the abolition of the whole or part of an agency wherein the agency, or part of the agency, does not have or will not have any functions, and to require the Mayor to include additional requirements with the submission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District Employee Protection Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to have all information available for restructuring and personnel actions if it is determined by the Executive that 3rd party vendors should replace District workers. Particularly, the Council should know how any proposed action will affect service delivery or operational outcomes, and of any adverse change to the District income tax base.

(b) While critical boards, such as the Public Employee Relations Board, that are vital in addressing employee grievances and concerns, are vacant, it is critical that the Council have the authority, on an emergency basis, to increase our ability to gather information to take all necessary steps to remedy any service delivery or employee problems that may occur.

(c) On December 15, 2008, the Committee on Libraries, Parks and Recreation held a roundtable addressing employee relations within the Department of Parks and Recreation. During the roundtable, testimony from District employees demonstrated an immediate need for the Council to address proposed transitions from District employee- based services to 3rd party vendor services. The department did not send representation to the roundtable to refute the need addressed by department employees.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District Employee Protection Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-927

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to order the closing of a public alley in Square 617, bounded by North Capitol Street, N.W., N Street, N.W., O Street, N.W., and 1st Street, N.W., in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square 617, S.O. 07-9709, Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Council has considered on 1st reading on December 2, 2008, Bill 17-796, the Closing of a Public Alley in Square 617, S.O. 07-9709, Act of 2008, following a mark-up by the Committee of the Whole. Final reading on Bill 17-796 is scheduled for December 16, 2006.

(b) The alley closing legislation will facilitate the development of a 29-unit residential building at the northwest corner of North Capitol Street, N.W., and Hanover Place, N.W. The project will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenues, and new residential income tax, as well as transfer and recordation tax, baseball tax, and sales tax on materials. The development will also create approximately 17 jobs during construction.

(c) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously. The project, located across North Capitol Street from the NOMA area, is critical to the renaissance of the North Capitol Street Corridor. Any delay in approving the alley closing and the potential resultant delay in construction could adversely impact the development of this important area.

Sec. 3 The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Public Alley in Square 617, S.O. 07-9709, Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-928

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to create tax incentives for employers who hire certain District of Columbia veterans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Employment of Returning Veteran's Tax Credit Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to establish a hiring incentive program in the District of Columbia for employers to hire veterans who recently have been honorably or generally discharged and for returning National Guard and Reserve Troops that have been deployed at least 6 months.

(b) While the federal and District governments have veteran's preference programs, no such incentive is in place for private employers to hire veterans. Returning troops from recent combat zones are experiencing difficulty in securing employment as outlined in the hearing on the permanent bill.

(c) It would be less expensive to offer the limited proposed tax credit, 10% of the veteran's salary up to \$2,500 a year with a maximum of \$5,000 for any one employee, than to provide for the veteran and his or her familial needs through government programs.

(d) For the reasons enumerated in this section, it is proposed that the District begin offering hiring incentive for veterans starting with the tax year that begins January 1, 2009 and proposes that the program be approved 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 Employment of Returning Veteran's Tax Credit Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-929

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2008

To declare the existence of an emergency with respect to the need to provide for a holdover period for members of the Public Service Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Service Commission Holdover Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Public Service Commission ("Commission") is composed of 3 members, one of which is appointed as Chair and directs the administrative operations of the Commission.

(b) Under current law, members of the Commission must vacate their seats within 180 days of the expiration of their term. The 180-day period following the expiration of Commission Chair Agnes Yates's term ends on December 30, 2008.

(c) The lack of a Chair, and therefore a 3rd member of the Commission, will substantially impair the ability of the Commission to perform its function. This function, as the regulator of District utilities, is critical to District residents. The Commission is empowered to order repairs or improvement to gas facilities, electric plants, telephone lines, and other utility infrastructure. The Commission is also responsible for investigating, reviewing, and ultimately ruling on all utility rate increases.

(d) The Public Service Commission Holdover Emergency Amendment Act of 2008 would ensure that the Commission remains fully constituted and fully capable of exercising its regulatory functions until a replacement Commissioner is appointed. Though, as a limited extension of a Commissioner's term, in no event shall the extension exceed 90 days.

(e) This emergency is needed to preserve the status quo until a replacement for Chair Yates is confirmed by the Council. This would avoid a potential deadlock between Commissioners and ensure that the Commission is capable of responding to the myriad of important issues currently before the Commission (including Formal Cases 945, 982, 1026, 1053, and 1056), and others likely to come before the Commission in the coming weeks and months.

ENROLLED ORIGINAL

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 Service Commission Holdover Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.