

## ENROLLED ORIGINAL

## A RESOLUTION

18-244

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To approve the transfer of jurisdiction over a portion of U.S. Reservation 343-D, Parcel 255/19, of Anacostia Park from the National Park Service to the District of Columbia for transportation purposes for construction of the new 11<sup>th</sup> Street Bridges.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Transfer of Jurisdiction Over a Portion of U.S. Reservation 343-D, Parcel 255/19, of Anacostia Park Approval Resolution of 2009".

Sec. 2. Pursuant to section 1 of An Act To authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council of the District of Columbia approves the transfer of jurisdiction over a portion of U.S. Reservation 343-D, Parcel 255/19, of Anacostia Park from the United States Department of Interior, National Park Service to the District of Columbia for transportation purposes for construction of the new 11<sup>th</sup> Street Bridges.

Sec. 3. The Surveyor shall assure that all necessary approvals have been obtained and agreements executed prior to recording the transfer of jurisdiction approved and accepted.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Surveyor of the District of Columbia, the Director of the National Capital Planning Commission, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Director of the National Park Service, and the Director of the District Department of Transportation.

Sec. 5. 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. 6. This resolution shall take effect immediately.

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## A RESOLUTION

18-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To reappoint Mr. Lyle M. Blanchard to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Lyle M. Blanchard Reappointment Resolution of 2009".

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

Mr. Lyle M. Blanchard  
4200 Cathedral Avenue, N.W., #216  
Washington, D.C. 20016  
(Ward 3)

as a member of the District of Columbia Retirement Board, established by section 121(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Official Code § 1-711(a)), for a term to end January 27, 2013.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the Chairman of the District of Columbia Retirement Board, and to the Office of the Mayor.

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

## ENROLLED ORIGINAL

## A RESOLUTION

18-246

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to ensure that all jobs created by the American Recovery and Reinvestment Act of 2009 be listed on the Department of Employment Services website, to require the Mayor, through the Department of Employment Services, to maintain a list of all jobs created and filled by District residents as a result of the American Recovery and Reinvestment Act of 2009, and to require the Mayor to report the list of District residents hired.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Stimulus Accountability Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) On June 30, 2009, the Council passed Bill 18-362, the Stimulus Accountability Emergency Act of 2009, effective July 13, 2009 (D.C. Act 18-143)("Emergency Act"), which is due to expire October 11, 2009.

(b) Temporary legislation, the Stimulus Accountability Temporary Act of 2009, signed by the Mayor on July 28, 2009 (D.C. Act 18-171) ("Temporary Act"), was transmitted to Congress July 16, 2009, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(c) The projected law date for the Temporary Act is October 22, 2009, 11 days after expiration of the Emergency Act.

(d) The Emergency Act will expire before the temporary legislation takes effect.

(e) To avoid a gap in legal authority, the underlying proposed Congressional review emergency is needed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Stimulus Accountability Congressional Review Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-247

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To appoint the General Counsel to the Council as Ethics Counselor for the Council, and to specify the duties that the Ethics Counselor shall perform in addition to the requirements set forth in section 1803 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 "Council Ethics Counselor Appointment Resolution of 2009".

Sec. 2. In accordance with section 1803 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-618.03), the General Counsel to the Council is appointed as the Ethics Counselor for the Council of the District of Columbia.

Sec. 3. The responsibilities of the Ethics Counselor for the Council shall include:

- (1) Advising Councilmembers and staff ("Council employees") with respect to their obligations under the District's conflict of interest laws and regulations;
- (2) Maintaining copies of all laws, regulations, orders, and advisory opinions with respect to ethical conduct and financial disclosure that are applicable to Council employees;
- (3) Issuing advisory opinions concerning potential conflicts of interest that are presented to Council employees for resolution; and
- (4) In coordination with the Office of Campaign Finance, providing training on the application of ethics and conflict of interest laws and regulations to Council employees.

Sec. 4. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

18-248

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, to adopt a Code of Official Conduct for the Council to ensure the full public confidence that representative government requires and recognize that public office is a public trust, to commit the Council to the highest standards of ethics, honesty, openness, and integrity, and to consistent adherence to these values.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Code of Official Conduct Rules Amendment Resolution of 2009".

Sec. 2. Article II of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, effective January 2, 2007 (18-1; 55 DCR 748), is amended as follows:

(a) A new section 201a is added to read as follows:

"201a. Code of Official Conduct.

"(a) Councilmembers and Council staff shall maintain a high level of ethical conduct in connection with the performance of their official duties and shall refrain from taking, ordering, or participating in any official action that would adversely affect the confidence of the public in the integrity of the District government. Council members shall strive to act solely in the public interest and not for any personal gain or take an official action on a matter as to which he or she has a potential conflict of interest created by a personal, family, client, or business interest, avoiding both actual and perceived conflicts of interest and preferential treatment.

"(b) Councilmembers and Council staff shall take full responsibility for understanding and complying with the letter and spirit of all laws and regulations governing standards of conduct for District public officials, including those relating to conduct, conflicts of interest, gifts, disclosures, campaign finance, political activity, and freedom of information. This includes understanding and complying with Council Rules 201a and 202; D.C. Official Code § 1-615.51 (whistleblower protection); D.C. Official Code § 1-618.01, *et seq.*, and 6 DCMR, Chapter 18 (Standards of Conduct); District of Columbia Campaign Finance and Conflict of Interest Act (D.C. Official Code § 1-1104.03 (Constituent Services Funds); D.C. Official Code §

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1-1105.06(a) and (b) (Lobbying); D.C. Official Code § 1-1106.01 - 1-1106.02, and D.C. Municipal Regulations, Title 3, Chapters 33 and 37 (conflict of interest); D.C. Official Code § 1-1106.51 (use of government resources); Official Correspondence Regulations (D.C. Official Code § 2-701 *et seq.*)(Official Mail); and all applicable federal conflict of interest and ethics rules and regulations: the Hatch Act (5 U.S.C. §§ 7321 -7326)(partisan political activity); 5 U.S.C. § 3110 (nepotism); 18 U.S.C. § 201(b)(2) (bribery); 18 U.S.C. § 207 (post-employment restrictions); 18 U.S.C. § 208 and 5 CFR Part 734 (conflict of interest).

“(c) Councilmembers and Council staff shall specifically adhere to the Council Code of Official Conduct that lists the core ethical principles, which build public trust in government. The Code of Official Conduct attached to this resolution is adopted.

“(d)(1) The Council shall proactively review the District’s overall ethics program, including structure, training, enforcement, and overall ethics culture, and work to comply with national standards for the creation of effective compliance and ethics programs.

“(2) The Ethics Counselor for the Council, in coordination with the Office of Campaign Finance, shall conduct mandatory training on the conflict of interest and ethics laws and regulations applicable to Councilmembers and staff on at least an annual basis. Ethics training materials, including summary guidelines to all applicable laws and regulations, shall be prepared by the Ethics Counselor for the Council and made readily available online and in print.”

(b) Section 263 is amended by striking the period at the end of the sentence and inserting the phrase “, and shall serve as Ethics Counselor for the Council.” in its place.

Sec. 3. This resolution shall take effect immediately.

## CODE OF OFFICIAL CONDUCT

Members of the Council of the District of Columbia shall at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering, or participating in any official action which would adversely affect the confidence of the public in the integrity of the government of the District of Columbia.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by elected officials is essential to assure the proper performance of government business and the maintenance of confidence by citizens in their government. The avoidance of misconduct and conflicts of interest on the part of Councilmembers is indispensable to the maintenance of these standards.

Councilmembers shall avoid all actions which might result in, or create the appearance of, the following:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person;
- (c) Impeding government efficiency or economy;
- (d) Losing complete independence or impartiality;
- (e) Making a government decision outside official channels; or
- (f) Affecting adversely the confidence of the public in the integrity of government.

Councilmembers shall not ask for or accept, either directly or through someone else, any gift, gratuity, favor, loan, entertainment, or anything of value from a person who has or is seeking a contract with the District of Columbia; is regulated by the District; or has any interest that may be affected by the Councilmember's performance of official duties. (See section 1803 for full rule.)

A Councilmember shall report immediately to the Office of the Inspector General, or other appropriate authorities any information concerning conduct which he or she knows, or should know, involves corrupt or other criminal activity, or conflict of interest of another Councilmember or employee of the District of Columbia or person dealing with the District. (See section 1803.8-11)

Councilmembers shall not order, direct, or request subordinates employees to perform during regular working hours any personal services not related to official District government functions and activities. (See section 1804.1(c))

Councilmembers shall avoid conflicts of interest concerning the award, implementation, monitoring, and performance of contracts for services. (See section 1803.14(a))

*(This Code contains excerpts from the D.C. Personnel Regulations; Chapter 18, Part 1; Councilmembers are governed by the entire Chapter as well as by other District and federal ethics laws.)*

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18-249

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to approve the borrowing of funds through the issuance and sale of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Tax Revenue Anticipation Notes Emergency Declaration Resolution of 2009".

Sec. 2. Emergency legislation is necessary to ensure that the District can take advantage of market conditions and refinance some of its previously issued general obligation bonds with Income Tax Secured Revenue Bonds so that debt service savings can be achieved.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2010 Tax Revenue Anticipation Notes Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-250

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act, 1925 to allow a person with a disability to use a personal mobility device on the sidewalks of the Central Business District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Personal Mobility Device for Persons with Disabilities Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to allow a personal mobility device, when operated by a person with a disability, on the sidewalks of the Central Business District, as defined by section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901).

(b) For a resident with a disability, a personal mobility device is not a hobbyist toy, but rather a vital tool that helps the resident negotiate District streets and sidewalks. Personal mobility devices give these residents mobility they would otherwise be without.

(c) Personal mobility devices afford persons with disabilities much broader access to the District than they would have without these devices, offering a significant enhancement to their quality of life, and enabling them to patronize downtown businesses and participate in downtown events.

(d) While it is possible for a bicycle rider to walk a bicycle on the sidewalk within the Central Business District, it is not possible for a person with a disability to do the same with a personal mobility device. Emergency legislation is necessary to expeditiously remedy this situation.

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 Personal Mobility Device for Persons with Disabilities Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-251

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Assistance Act of 1982 to eliminate obstacles to the formation and maintenance of 2-parent families seeking to obtain public assistance benefits.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Assistance Emergency Declaration Resolution of 2009".

Sec. 2. (a) There is a need for the District to amend the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), to conform District law with the federal Temporary Assistance for Needy Families ("TANF") program, which replaced the former Aid to Families with Dependent Children ("AFDC") program in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 601 *et seq.*) ("PRWORA").

(b) AFDC was an entitlement program that focused on providing cash assistance to needy and deprived children. An unintended consequence of AFDC was the discouragement of the formation and maintenance of 2-parent households or marriage.

(c) With the enactment of PRWORA, Congress eliminated the AFDC entitlement program and established the TANF block grant program.

(d) TANF policy encourages the formation and maintenance of 2-parent families and ends the dependence of needy parents on government benefits by promoting job preparation, work, and marriage.

(e) To accomplish this policy goal, states have been given greater flexibility to set up new programs or to modify rules of existing programs to implement these new purposes. This allows states to remove prior restrictions from AFDC and expand the eligibility of 2-parent households for cash assistance.

(f) Permanent legislation to resolve these issues was approved by the Committee on Human Services on September 17, 2009. Emergency legislation is needed to allow the eligibility and benefit changes to be implemented prior to the beginning of the fiscal year.

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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 Public Assistance Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to adopt provisions supporting the fiscal year 2010 budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Budget Support Second Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Mayor submitted the fiscal year 2010 budget and financial plan to the Council as a balanced budget.

(b) The Chief Financial Officer issued a revised revenue estimate certifying local fund revenues for fiscal years 2009 through 2013 that are below the previous certified estimates. This reduced revenue estimate created a shortfall in the approved fiscal year 2009 budget and the proposed fiscal year 2010 budget and financial plan.

(c) Appropriated budget authority for fiscal year 2009 and 2010 had to be reduced. The proposed fiscal year 2010 budget and financial plan had to be modified to establish a balanced budget and financial plan in order to timely present the proposed budget and financial plan to Congress.

(d) It is necessary to enact a budget support act to ensure that it reflects the balanced budget sent to Congress and that important District needs and initiatives are in place by October 1, 2009.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2010 Budget Support Second Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-253

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Postsecondary Education Reorganization Act to change the quorum requirement for the University of the District of Columbia Board of Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia Board of Trustees Quorum Emergency Declaration Resolution of 2009".

Sec. 2. (a) Under section 401 of the District of Columbia Public Postsecondary Education Reorganization Act, effective October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1204.01), a total of 8 of the voting members of the University of the District of Columbia Board of Trustees ("Board") constitutes a quorum for the transaction of business. The Board consists of a total of 15 members.

(b) On May 15, 2008, the terms of 6 of the 15 members expired. Under existing law, a member of the Board whose term has expired is allowed to hold over in his or her position for 180 days. For those members whose term expired May 15, 2008, the holdover period expired on November 11, 2008.

(c) The Council adopted the University of the District of Columbia Board of Trustees Emergency Amendment Act of 2008 that permitted Board members to serve until their successors were appointed. The temporary version of that legislation is scheduled to expire on October 31, 2009. At that time, only 9 members will remain on the Board, and only 5 have terms that will continue beyond November 2009.

(d) If immediate action is not taken by the Council to change the quorum requirement for the Board, the Board would be unable to transact business after November 2009.

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 University of the District of Columbia Board of Trustees Quorum Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

18-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Postsecondary Education Reorganization Act to grant the Board of Trustees of the University of the District of Columbia independent procurement authority; and to amend the District of Columbia Procurement Practices Act of 1985 to exempt the Board of Trustees of the University of the District of Columbia from the requirements of the District of Columbia Procurement Practices Act of 1985 except for the requirements pertaining to contract protests, appeals, and claims.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia Procurement Authority Emergency Declaration Resolution of 2009".

Sec. 2. (a) Through the Second Fiscal Year 2010 Budget Request Act of 2009, substantial investments were made in the capital budget for the University of the District of Columbia ("UDC"), in an effort to support deferred maintenance, long overdue modernization projects, and the construction of a new student center.

(b) Individually authorized capital projects were pooled into one general project fund, entitled "Renovation of the Van Ness Campus". UDC has been granted full management authority over the funds for this pooled project.

(c) The university stands prepared to manage implementation of existing projects, many of which have been stalled as a result of inconsistent priorities among the university and relevant District agencies involved in the procurement process. These delays have increased overall costs and obstructed the benefit of safe and modern facilities for students of the District's public university.

(d) To allow full discretion in the management of capital projects, independent procurement authority is necessary to facilitate the purchase of goods and services and to move forward with project implementation in a manner that is most expeditious and consistent with university needs and priorities.

(e) Given the urgent need to move forward with deferred maintenance and modernization projects, the existing capacity within UDC to effectively manage these projects,

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the ramifications of stalled procurement on project costs and implementation, and the substantial financial investment at stake, emergency legislation is necessary to provide the university with independent procurement authority to ensure effective project management.

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 University of the District of Columbia Procurement Authority Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-255

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Nonprofit Corporation Act to provide that if a nonprofit corporation whose articles of incorporation have been revoked has been reinstated, contracts or leases entered into by the nonprofit corporation and the District government during the period of revocation shall be ratified.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reinstated Nonprofit Corporation Contract Ratification Emergency Declaration Resolution of 2009".

Sec. 2 (a) Statutory law in the District of Columbia provides that all corporations, including nonprofit corporations, must file reports and pay report fees (at one time, annual, and now bi-annual). Corporations that do not file reports and pay fees, after notice, will have their articles of incorporation, which evidence corporate existence, revoked. Our statutory law provides a reinstatement procedure for such "lapsed" corporations. Upon filing of the reports and payment of the fees and related charges owing, the corporate existence is reinstated. The interpretation of our statutory law is that acts of the corporation during the revocation period are not ratified and are not deemed to be valid acts of the corporation. This result seems unjust. As the filing of reports and paying of fees are largely ministerial acts, the reinstatement of the lapsed corporation should not only restore the corporate existence, but also ratify acts taken during the period of revocation. An amendment to the law defining the rights and burdens of nonprofit corporations is needed.

(b) The District of Columbia has entered into numerous arrangements with nonprofit corporations that are in the public interest and provide public benefits. The disturbance of these arrangements for the failure, once cured, to perform ministerial acts may have an adverse impact on the District of Columbia. While the Council has not explored the universe of consequences of ratifying the acts of nonprofit corporations during the period of revocation, it is confident that amending the rights and burdens of nonprofit corporations with respect to this issue and their dealings with the District of Columbia on an immediate basis will be in the public interest and provide public benefits.

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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 Reinstated Nonprofit Corporation Contract Ratification Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-256

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 22, 2009

To prohibit, on an emergency basis, the Mayor and other District officials from approving permits and plans which include private fire hydrants unless information is provided stating who is responsible for the repair, maintenance, and replacement of the hydrants and the information is recorded with the Recorder of Deeds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Private Fire Hydrant Responsibility Emergency Declaration Resolution of 2009".

Sec. 2. (a) There is an emergency concerning the maintenance and repair of private fire hydrants.

(b) As a result of oversight hearings by the Council, it has become clear that across the city there are private fire hydrants for which it is unknown who in particular is responsible for their maintenance.

(c) Almost 200 (14%) of these private fire hydrants are out of service. Yet they are not being repaired or replaced. For example, neither the Fire and Emergency Medical Services Department nor the District of Columbia Water and Sewer Authority know who to contact to repair a private hydrant on Chain Bridge Road, N.W. near the site of a catastrophic 4-alarm fire on July 29, 2009.

(d) Private fire hydrants are typically a requirement of building construction approvals, such as for large tract or theoretical lot development. If the hydrant was considered necessary for fire protection when the project was built, then, obviously, the hydrant is still necessary for adequate fire protection.

(e) It is important for public safety that no new private fire hydrants be permitted without a clear recorded statement of who to hold accountable for the hydrant's maintenance, repair, and replacement.