

ENROLLED ORIGINAL

A RESOLUTION

18-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to extend the length of time allowed for the Commissioner of the Department of Insurance, Securities, and Banking to review Group Hospitalization and Medical Services, Inc.'s surplus; and to suspend implementation of the open-enrollment provisions of the Medical Insurance Empowerment Amendment Act of 2008.

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

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

(1) The Medical Insurance Empowerment Amendment Act of 2008 ("Act") became law on March 25, 2009.

(2) On July 14, 2009, the Council approved the Medical Insurance Empowerment Surplus Review Emergency Act of 2009, which altered certain dates and times in the underlying Act. An accompanying temporary act also received 1st reading on July 14, 2009.

(3) Due to the Council's summer recess, the temporary act did not receive 2nd reading until September 22, 2009.

(4) This Congressional review emergency is required to fill a temporal gap in authority between enactment of the emergency and temporary acts.

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 Medical Insurance Empowerment Surplus Review Congressional Review 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

18-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Unemployment Compensation Act to qualify for federal modernization funding pursuant to the American Recovery and Reinvestment Act of 2009.

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

Sec 2. (a) The current total unemployment rate in the District of Columbia is in excess of 10% and is expected to increase.

(b) The increasing level of unemployment requires the provision of additional funding to insure the availability of benefits for, and services to, the unemployed.

(c) The proposed emergency legislation will continue to allow the District of Columbia to qualify for additional modernization funding from the United States Department of Labor.

(d) Failure to enact the proposed emergency legislation will result in additional burdens being placed on District employers who are already negatively impacted by the current recession.

(e) The Unemployment Compensation Administration Modernization Emergency Amendment Act of 2009, effective August 10, 2009 (D.C. Act 18-182; 56 DCR 6740), will expire on November 8, 2009. Temporary legislation, the Unemployment Compensation Administrative Modernization Temporary Amendment Act of 2009, passed on 2nd reading on September 22, 2009 (Enrolled version of Bill 18-419), is still pending the Mayor's signature. Congressional review emergency legislation is necessary to prevent a gap in the legislation.

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 Unemployment Compensation Administrative Modernization Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Unemployment Compensation Act to extend the Additional Benefits Program for persons exhausting unemployment benefits on or after August 29, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unemployment Compensation Additional Benefits Program Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The current total unemployment rate in the District of Columbia is in excess of 10% and is expected to increase.

(b) The unemployment benefits funds provided to the District of Columbia pursuant to the Assistance for Unemployed Workers and Struggling Families Act, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 115), will begin to run out on or about August 29, 2009. Approximately 4,263 claimants are expected to exhaust all benefits between August 29, 2009, and mid-January 2010, when the proposed additional benefits program will end.

(c) The proposed additional benefits program extension will provide up to 20 additional weeks of benefits to claimants who have exhausted all current benefit programs.

(d) Failure to establish the additional benefits program extension will result in a significant number of benefit claimants being without any source of income at a time when unemployment is continuing to rise.

(e) Current legislation, the Unemployment Compensation Additional Benefits Emergency Amendment Act of 2009, effective August 10, 2009 (D.C. Act 18-183; 56 DCR 6943) will expire on November 8, 2009. The temporary legislation, the Unemployment Compensation Additional Benefits Temporary Amendment Act of 2009, passed on 2nd reading on September 22, 2009 (Enrolled version of Bill 18-422), is still pending the Mayor's signature. Congressional review emergency legislation is necessary to prevent a gap in the legislation.

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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 Unemployment Compensation Additional Benefits Program Congressional Review 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

18-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the criminal offense of being voluntarily present in a motor vehicle containing a firearm that is not lawfully carried nor lawfully transported; to establish a criminal offense for entering or remaining in a motor vehicle without consent; 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; to establish a Gang and Crew Intervention Joint Working Group to coordinate responses to high-profile youth violence; to amend the District of Columbia Election Code of 1995 to prohibit the destruction of campaign materials for the period beginning 30 days before and ending 4 days after any election, initiative, referendum, or recall, and to establish a civil infraction as a penalty for violations; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to extend the deadline for completion of criminal code reform to 2012; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until April 30, 2013, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification; to amend the District of Columbia Mental Health Information Act of 1978 to clarify the authorization period for a person to release mental health information, to provide for emergency authorization of disclosure, to provide for disclosure of mental health information under certain circumstances to correctional institutions or law enforcement officials, and to authorize the court to order disclosure or redisclosure of mental health information; to amend the Firearms Control Regulations Act of 1975 to establish a gun-offender registry and require the registration of gun offenders; to amend section 14-306 of the District of Columbia Official Code to clarify that a spouse or domestic partner shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense or an offense against a child, minor, or vulnerable adult, in civil proceedings involving an offense against the child, minor, or vulnerable adult, in criminal or delinquency proceedings involving joint crimes, and in criminal proceedings involving crimes that occurred prior to the marriage or domestic partnership; to amend section 14-307 of the District of Columbia Official Code to clarify exceptions to the physician-patient privilege in grand jury, criminal,

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delinquency, family, or domestic violence proceedings where the person is targeted or charged with certain crimes; to amend An Act To establish a code of law for the District of Columbia to increase the penalties for repeated offenses of crimes of violence; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to establish offenses pertaining to the possession or delivery of contraband into jails and secure juvenile residential facilities; to amend An Act For the suppression of prostitution in the District of Columbia to increase the penalties for repeat offenders; to amend the Omnibus Public Safety Amendment Act of 2006 to extend the effective period for prostitution free zones to 480 consecutive hours; to amend the Anti-Sexual Abuse Act of 1994 to strike the affirmative defense of consent; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the terms "property," "person" and "value" and to make related conforming amendments so that the terms more broadly encompass conduct associated with theft and identify theft, to permit a person to be convicted of any combination of theft, fraud, and other property offenses arising out of the same course of conduct, to expand the jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, to include in the definition of the crime of identity theft the use of personal identifying information belonging to or pertaining to another person to identify himself or herself at the time of an arrest or to facilitate or conceal the commission of a crime, to provide for increased penalties for unauthorized use of a vehicle during a crime of violence and for repeated offenses of unauthorized use of a vehicle; to repeal An Act To define and punish vagrancy in the District of Columbia, and for other purposes; to amend the Bias-Related Crime Act of 1989 to add homelessness as a protected class; to amend the DNA Sample Collection Act of 2001 to add all felonies as a qualifying offense for the purposes of DNA collection; 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 specify categories of persons for whom it would be unlawful to possess a firearm, to provide for increased penalties for repeat offenders, and to increase the mandatory-minimum sentence for a felon in possession of a firearm; to amend section 23-110 of the District of Columbia Official Code to allow for dismissal of a motion to strike a sentence if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion; to amend section 23-523 of the District of Columbia Official Code to clarify that daylight hours mean the period from 6:00 a.m. to 9:00 p.m.; to amend section 23-581 of the District of Columbia Official Code to add malicious destruction, voyeurism, unlawful entry of a motor vehicle, and tampering with a detection device as arrests that do not require the officer to obtain a warrant; to amend section 23-1322 of the District of Columbia Official Code to expand the types of crimes that cause a rebuttable presumption to detain individuals pending trial, and to change the standard for detention from a substantial probability to probable cause; to amend section 47-2811 of the District

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of Columbia Official Code to clarify licensing requirements for massage establishments; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to add "cathinone" to the schedule; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to provide additional bases for the Chief of Police to declare a drug free zone upon a finding of a disproportionately high number of arrests for dangerous crimes or crimes of violence within the proposed drug free zone; to amend the Distract Driving Safety Act of 2004 to provide definitions for "use" of a wireless communication device, and for "text" or "texting;" to amend the District of Columbia Traffic Act, 1925 to clarify the previous conviction date for purposes of enhanced penalties, to clarify the blood alcohol content, and to provide that alcohol concentration of 0.05 to 0.08 constitutes prima facie proof that the person was under the influence of intoxicating liquor; to amend the Innocence Protection Act of 2001 to provide that the government must establish material prejudice; to amend An Act To establish a code of law for the District of Columbia to repeal unnecessary provisions pertaining to stalking; to amend section 16-801 of the District of Columbia Official Code to correct an incorrect reference to attempted theft so it properly references attempted identity theft; to amend section 16-909 of the District of Columbia Official Code to clarify the relationship between a donor of semen to a person for artificial insemination and the child thereby conceived; to amend section 16-916.01 of the District of Columbia Official Code to clarify the self-support reserve for a parent with a legal duty to pay child support by aligning this amount with revised poverty guideline figures; to amend the Anti-Sexual Abuse Act of 1994 to provide a defense to sexual abuse for the domestic partner of a ward, patient, or client to mirror the defense that currently exists in the law for a spouse; to prohibit stalking and establish criminal penalties for violations of this prohibition; and to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to repeal various provisions requiring security agencies to execute bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Public Safety and Justice Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) D.C. Act 18-129, the Crime Bill Emergency Amendment Act of 2009, approved by the Council on June 16, 2009, and signed by the Mayor on June 30, 2009, was subsequently repealed and replaced by the Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (Omnibus Public Safety Bill).

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(b) D.C. Act 18-181, the Omnibus Public Safety Bill, approved by the Council on July 14, 2009, and signed by the Mayor on August 6, 2009, will expire on November 4, 2009.

(c) Bill 18-151, the Omnibus Public Safety and Justice Amendment Act of 2009, is the permanent legislation for these emergency provisions. Bill 18-151 passed first reading by the Council on June 30, 2009.

(d) Second reading on Bill 18-151 by the Council occurred July 14, 2009.

(e) Third and final reading on Bill 18-151 by the Council occurred July 31, 2009.

(f) Bill 18-151 is not projected to become law until December 7, 2009.

(g) This emergency is necessary to avoid a gap in legal authority and ensure that the multitude of criminal and civil provisions established by this legislation continue uninterrupted.

(h) Bill 18-151 addresses a broad range of subject matter including: possession of an illegal firearm in a vehicle, spousal privilege, stalking, gun offender registration, pre-trial detention, contraband in correctional facilities, drug free zones, prostitution, white collar crime, theft, chronic perpetrators of crimes of violence and unauthorized use of a vehicle, homelessness, drunk driving, and conspiracy.

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 Omnibus Public Safety and Justice Congressional Review 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

18-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the authority to organize a District of Columbia National Guard Morale, Welfare, and Recreation Association, to authorize the establishment of military corporations within the District of Columbia National Guard to raise funds and provide services for unit support or charitable purposes, to authorize the establishment of, and provide requirements for the operation of, unit and company funds, and to permit the District of Columbia National Guard to accept and expend donations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Guard Morale, Welfare, and Recreation Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The District of Columbia National Guard ("DCNG") services and provides direct support to both federal and District missions. For federal missions, DCNG provides trained and ready units, personnel, and equipment. DCNG also stands ready to defend and protect the District, plays an integral role in the District's Emergency Response Plan, and serves the community through a number of local programs.

(b) The ability to receive monetary donations, gifts, and services can help facilitate recreation, social, and community support activities for DCNG members and their families. Because there is no mechanism currently in place to permit these donations, donations intended to benefit deployed service members and their dependents must be refused.

(c) The authority to set up associations capable of accepting donations on behalf of DCNG members is urgently needed to permit DCNG to provide a multitude of programs, services, and other benefits that contribute to the well-being of those who serve the District, as well as the nation. These programs, services, and other activities will provide a direct benefit to the morale of soldiers and airmen in the District of Columbia National Guard, reducing both the stress and hardship of service. This will not only enhance the lives of DCNG members and their families, but also permit local individuals and groups to express their appreciation through the donation of goods and services to those that stand ready to assist the District and the nation.

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(d) The permanent bill is still pending Mayoral review, while an emergency version (D.C. Act 18-177, the National Guard Morale Welfare and Recreation Emergency Act of 2009) expires November 2, 2009. This emergency is needed to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the National Guard Morale, Welfare, and Recreation 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

18-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to require that specific findings are included in the proposed resolution for land disposition, and to require that specific documents accompany the proposed resolution when transmitted to the Council.

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

Sec. 2. (a) On June 30, 2009, the Council passed Bill 18-353, the District Land Disposition Emergency Amendment Act of 2009 (D.C. Act 18-140)("Emergency Act"), which is due to expire on October 14, 2009.

(b) Temporary legislation, the District Land Disposition Temporary Act of 2009, signed by the Mayor on August 3, 2009 (D.C. Act 18-180) ("Temporary Act"), was transmitted to Congress on September 9, 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 § 1-206.2(c)(1)).

(c) The projected law date for the Temporary Act is October 22, 2009, 8 days after expiration of the Emergency Act.

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

(e) To avoid a gap in legal authority, the 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 District Land Disposition Congressional Review 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

18-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the creditable service for reduction-in-force actions for District residents from 3 years to 6 years.

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

Sec. 2. (a) Due to projected budget pressures, partially based on the Chief Financial Officer's revised budget revenue estimates, the administration has proposed and is implementing reduction-in-force ("RIF") procedures in the Department of Parks and Recreations, as well as other District agencies.

(b) By federal mandate, income generated within the District of Columbia by non-residents can not be taxed by the District; therefore, during a RIF, it is fiscally prudent to give increased preference to District residents maintaining employment to stabilize our local income tax base.

(c) With the Department of Employment Services reporting the unemployment rate in the District being over 10%, it is necessary to take action to extend the RIF retention preference of District residents to ease the potential burden on our social service agencies.

(d) The Council enacted the District Residency RIF Protection Emergency Amendment Act of 2009, effective July 31, 2009 (D.C. Act 18-172; 56 DCR 6634) ("emergency act"), and the District Residency RIF Protection Temporary Amendment Act of 2009, returned unsigned by the Mayor (Bill 18-385) ("temporary act").

(e) The emergency act expires on October 29, 2009. The temporary act must still complete its 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)), and is not projected to become law until after October 29, 2009.

(f) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary act becomes law.

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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 District Residency RIF Protection Congressional Review 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

18-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To disapprove the appointment of Dr. Ximena Hartsock as the Director of the Department of Parks and Recreation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Parks and Recreation Ximena Hartsock Disapproval Resolution of 2009".

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

Dr. Ximena Hartsock
710 I Street, S.E.
Washington, D.C. 20003
(Ward 6)

as the Director of the Department of Parks in Recreation, in accordance with 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 Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency with respect to the need to provide for real property tax rebates for supermarkets that would qualify for the existing real property tax exemption but for the inability of the landlord to pass the tax abatement onto the supermarket.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Neighborhood Supermarket Tax Relief Clarification Emergency Declaration Resolution of 2009".

Sec. 2. (a) Under D.C. Official Code § 47-1002(23), qualifying supermarkets are exempt from real property taxes for 10 years, so long as the property is used as a supermarket.

(b) Ellwood Thompson's, an organic, natural and sustainable food store dedicated to sustainable practices, high-quality products, and to supporting local farmers and the community, has negotiated with DC USA Operating Co., LLC to lease space in the DC USA Shopping Center in Ward 1 to operate a qualifying grocery store.

(c) Ellwood Thompson's receipt of the full benefit of the District supermarket tax incentive is critical to it being able to open and operate a grocery store at the DC USA Shopping Center. Without this emergency legislation, Ellwood Thompson's and similarly situated qualifying grocery stores cannot receive the full intended benefit.

(d) Real property taxes are levied and collected in rem, meaning that they are imposed on the property itself. When the owner of the development is not the supermarket, the tax abatement is given to the owner of the development.

(e) To prevent landlords from pocketing the benefit of the tax exemption, existing section 47-1002(23) requires that the real property tax reduction received by the owner as a result of the use of the property by the supermarket be passed to the supermarket in the form of reduced rent. The law contemplates that the pass-through will be implemented by a provision in the lease or other arrangement between the supermarket and its landlord.

(f) When a supermarket is unanticipated in a development, existing leases with any tenants may obligate the owner of the development to pass any tax abatements that it receives to the tenants in the development on a ratable basis based on square footage. Thus, a supermarket

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subsequently located on an existing development may not receive the full benefit of the tax abatement that is meant only for supermarkets, but rather a small, pro-rated amount. Without this clarification, Ellwood Thompson's faces considerable administrative and possibly legal hurdles to achieving the full intended benefit of the District tax incentive.

(g) This would be a second round of identical emergency and temporary law that the Council approved in December 2008, which is currently in effect. This new round of emergency legislation is necessary because temporary law on this matter is due to expire on October 31, 2009. Permanent legislation is currently before the Council's Committee on Finance and Revenue.

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 Neighborhood Supermarket Tax Relief Clarification Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency with respect to the need to clarify the real property tax status of land owned by the First Congregational United Church of Christ, located in Ward 2.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "First Congregational United Church of Christ Property Tax Abatement Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Committee on Finance and Revenue held a public hearing on the permanent version of this legislation yesterday, Bill 18-463, the First Congregational United Church of Christ Property Tax Abatement Act of 2009.

(b) The legislation would provide an abatement of real property taxation for the property owned by First Congregational United Church of Christ ("Church") located in Square 375, Lots 833 through 835 and 7000 through 7011, in Ward 2. The abatement would facilitate the long-awaited redevelopment of a significant parcel of land in the east end of the downtown area and convert real property which is currently tax-exempt to a productive, taxpaying usage as largely commercial property.

(c) Upon the completion of the development deal, which is anticipated in mid-October, the District would realize significant recordation tax revenues and the bulk of the property – to be commercial use – would be returned to the tax rolls.

(d) In November 2006, the Church entered an agreement with a developer to redevelop the property, which redevelopment would entail essentially selling the air rights above the church to the developer. The property was originally to be redeveloped as condominiums and now is to be developed as office space. In return, the Church would get a new church out of the deal on the same site. The old church was falling down and the Church had no other resources to build a new facility.

(e) From that time to the present, of course, the world financial markets collapsed along with the potential equity or debt financing for this project. During that time period, as a safety precaution, the church was torn down and now there is nothing standing where the church used to be and development of the project ground to a halt.

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(f) As of this time, the Church still owns the land, but since there isn't a church building on the property, their automatic property tax exemption, as provided for under the law in D.C. Official Code § 47-1002(13), is in jeopardy, and thus the Church is potentially liable for paying property taxes for the approximately 2-year time period that the church building has been torn down, on what was formerly a tax-exempt property.

(g) As of this time, the developer has now obtained financing and it is expected that the Church can close on the deal and sell the air rights in mid-October. The potential tax liability to the Church, however, is an impediment to the consummation of the deal, and it is money the church does not have.

(h) The underlying emergency legislation will clarify the tax situation and allow the development to move forward. The Church will get a new facility and construction will commence on a very important property downtown that is currently an eyesore. Additionally, upon the sale of the air rights, the District will garner approximately \$300,000 in recordation taxes, as well as start collecting taxes on the taxable portion of the property, which is the office building part of the development.

(i) Since the Church hopes to close on the sale of the air rights in mid-October, the underlying emergency legislation is warranted.

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 First Congregational United Church of Christ Property Tax Abatement Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency with respect to the need to approve the acceptance, obligation, and expenditure of the FY 2010 Clean Water State Revolving Fund Stimulus Grant in the amount of \$11,402,244.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "FY 2010 Clean Water State Revolving Fund Stimulus Grant Emergency Declaration Resolution of 2009".

Sec. 2. (a) Compliance with section 446b(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)), requires that no federal, private, or other grant funds not reflected in a budget approved by Act of Congress, may be accepted, obligated, or expended, until the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant, and the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(b) The Clean Water State Revolving Fund Stimulus Grant for \$11,402,244 was only received by the District government on September 7, 2009, and was therefore not reflected in the Fiscal Year 2010 budget submitted for approval to Congress. The grant must now be approved by the Council in order to be utilized during Fiscal Year 2010.

(c) This grant will be used to fund a variety of green projects such as River Smart Homes that reduce stormwater pollution, harvest and reuse of irrigation systems, green roofs on municipal buildings such as libraries, municipal garages and engine houses, green roof subsidies, tree canopy renovations, an impervious surface reduction project, a green alley demonstration project, green median demonstration project, Pope Branch and Rock Creek regenerative stormwater outfall projects, the creation of local green jobs, green tanks for fire engines, and green toilet school upgrades. These projects were specifically requested by various District agencies and were selected by the Office of the City Administrator.

(d) According to standard procedures, the Office of Budget and Planning will have submitted the Fiscal Year 2010 budget establishment request to Council on October 1, 2009, with the passive review period ending on October 22, 2009.

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(e) To meet deadlines set by the U.S. Environmental Protection Agency regarding the expenditures of Clean Water State Revolving Fund Stimulus Grants, the District must have its projects under contract by November 13, 2009, or else the District will be required to transfer the money to the District of Columbia Water and Sewer Authority ("DC WASA"). If that transfer occurs, the District will be disqualified from applying for other stimulus funds that are expected to become available. Further, the transfer would mean that the monies would not be used for the multiple green purposes outlined above.

(f) The short time period between October 22, 2009 and November 13, 2009, is an insufficient amount of time to ensure that all of the many grant-related contracts will be in place by the November 13, 2009 deadline and to avoid the loss of funding for these many green projects through a subsequent transfer of the grant to DC WASA.

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 FY 2010 Clean Water State Revolving Fund Stimulus Grant Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To approve, on an emergency basis, the acceptance, obligation, and expenditure of the FY 2010 Clean Water State Revolving Fund Stimulus Grant in the amount of \$11,402,244.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "FY 2010 Clean Water State Revolving Fund Stimulus Grant Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to section 446b(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)), the Council approves the acceptance, obligation, and expenditure of the FY 2010 Clean Water State Revolving Fund Stimulus Grant in the amount of \$11,402,244.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Director of the District Department of the Environment, and the Administrator of the Office of Documents and Administrative Issuances.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer 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

18-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency with respect to the need to approve an extension of Contract No. GAGA-2003-C-003D between the District of Columbia and SORG and Associates, P.C., through July 22, 2011.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "SORG Anacostia High School Design Contract Emergency Declaration Resolution of 2009".

Sec. 2. Pursuant to section 451(a) and (b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(a) and (b)), the Mayor transmitted to the Council a request for Council approval by a two-thirds vote of an extension of Contract No. GAGA-2003-C-003D ("contract") between the District of Columbia and SORG and Associates, P.C., ("SORG") and of a revised fee for the modernization of Anacostia Senior High School.

Sec. 3. (a) The contract between SORG and the District of Columbia Public Schools was effective February 28, 2003, with an initial term extending through December 20, 2007. The contract was extended on a number of occasions and currently has a termination date of December 20, 2009.

(b) Pursuant to section 704 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453), and Mayor's Order 2007-164, the responsibility for the management of the contract was transferred to the Office of Public Education Facilities Modernization.

(c) SORG has completed both an evaluation and feasibility assessment of the site and has also prepared a concept design for the project under the terms of the original agreement. Consequently, SORG has certain institutional knowledge of Anacostia Senior High School. The amended and restated contract will govern the remaining phases of the modernization.

(d) There exists an immediate need to approve emergency legislation in order to have the Anacostia Senior High School modernization completed in time for the 2011/2012 academic year.

ENROLLED ORIGINAL

Sec. 4. The Council of the District of Columbia determines the circumstances enumerated in section 3 constitute emergency circumstances making it necessary that the SORG Anacostia High School Design Contract Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To approve, on an emergency basis, an extension of Contract No. GAGA-2003-C-003D between the District of Columbia and SORG and Associates, P.C. through July 22, 2011.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "SORG Anacostia High School Design Contract Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Council approves the extension of the contract GAGA-2003-C-003D, with SORG and Associates, P.C., through July 22, 2011, for a fee of \$3,091,873 if the contract is completed on time and on budget and a fee of \$2,670,254, if either or both of these goals are not met.

Sec. 3. The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer 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. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2009

To declare the existence of an emergency with respect to the need to delay implementation of changes to the tobacco excise tax provisions and to provide transitional provisions.

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

Sec. 2. (a) Various changes were made to the District tobacco tax in the Fiscal Year 2010 Budget Support Second Emergency Act of 2009.

(b) The underlying emergency is needed to provide tobacco merchants and retailers time to convert their systems to collect the tobacco tax.

(c) Without the underlying emergency act, these businesses could be forced to change their systems at least 3 times in a 15-day period. Thus, this emergency act will provide the merchants and retailers time to change their systems.

(d) Further, it would also provide time for the Office of Tax and Revenue to provide adequate notice to the public of these changes in the law and to update its operations to comply with the new law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tobacco Excise Tax Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2009

To amend the Council Contracts and Grants Investigation Authorization Resolution of 2009 to appoint Amy R. Sabrin as Deputy Special Counsel of the investigation, and to authorize Ms. Sabrin to perform any of the duties that are delegated to her by the Special Counsel, Robert S. Bennett.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Contracts and Grants Investigation Authorization Amendment Resolution of 2009".

Sec. 2. The Council Contracts and Grants Investigation Authorization Resolution of 2009, effective July 14, 2009 (Res.18-217; 56 DCR 5892), is amended as follows:

(1) Section 2(b) is amended by striking the phrase "investigation into" and inserting the phrase "investigation, as Special Counsel, into" in its place.

(2) A new section 2a is added to read as follows:

"Sec. 2a. Deputy Special Counsel.

"Amy R. Sabrin is appointed as Deputy Special Counsel under the same terms as those applicable to the Special Counsel, and is authorized to perform any duties of the Special Counsel that are delegated to her by the Special Counsel."

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2009

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, to temporarily transfer the oversight of the District of Columbia Taxicab Commission from the Committee on Public Works and Transportation to the Committee of the Whole, and to establish a Committee of the Whole Subcommittee on Taxicabs; and to amend the Council Period 18 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2009 to appoint a chairperson and members of the subcommittee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 18 Rules Temporary Transfer of Taxicab Jurisdiction Amendment Resolution of 2009".

Sec. 2. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, effective January 2, 2009 (Res. 18-1; 56 DCR 748), is amended as follows:

(a) Section 231 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "cable television;" and inserting the phrase "cable television; the regulation of taxicabs;" in its place.

(2) A new subsection (e) is added to read as follows:

"(e)(1) The Subcommittee on Taxicabs, as delegated by the Committee of the Whole, shall be responsible for the regulation of taxicabs.

"(2) The purview of the Subcommittee on Taxicabs is the District of Columbia Taxicab Commission."

(b) Section 242 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "the regulation of taxicabs,".

(2) Subsection (b) is amended by striking the phrase "District of Columbia Taxicab Commission".

Sec. 3. Section 3 of the Council Period 18 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2009, effective January 2,

ENROLLED ORIGINAL

2009 (Res.18-2; 56 DCR 823), is amended by adding a new paragraph (12) to read as follows:

“(12) The chairperson of the Subcommittee on Taxicabs, established by section 231 of the Rules, shall be Michael Brown, and its members shall be Mary Cheh and Harry Thomas, Jr.”.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2009

To declare the existence of an emergency with respect to the need to increase the percentage of health care benefits paid by the District for the eligible spouses and dependents of former police officers and firefighters who retired after being injured in the line of duty or who were killed in the line of duty.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police and Firefighter Post-Retirement Health Benefits Emergency Declaration Resolution of 2009".

Sec. 2. (a) Previously, the District paid 75% of health care benefit premiums for former police officers and firefighters or their eligible spouses and dependents who retired after being injured in the line of duty or who were killed in the line of duty.

(b) The Fiscal Year 2010 Budget Support Act of 2009, as introduced, replaced this flat rate with a sliding scale. The amount of the District's contribution would have depended upon the amount of time former police officers and firefighters were employed by the District. For police officers and firefighters who served at least 10 years in the District, the government would have paid 25% of the premiums for the retirees and 20% of the premiums for their eligible spouses and dependents. Both of these rates increased by 2.5% per each additional year of service until maximum rates of 75% and 60%, respectively, were reached.

(c) The Council amended the Fiscal Year 2010 Budget Support Act of 2009 to exempt police officers and firefighters who were injured or killed in the line of duty and their eligible spouses and dependents from this sliding scale. Instead, the District would pay 75% of health care benefit premiums for former police officers and firefighters who were injured or killed in the line of duty and 60% of the health care benefit premiums for their eligible spouses and dependents.

(d) This emergency act restores the percentage of the health care benefits paid by the District for the eligible spouses and dependents of police officers and firefighters who were injured or killed in the line of duty to the previous level of 75%.

ENROLLED ORIGINAL

(e) To ensure uninterrupted health insurance for the eligible spouses and dependents of police officers and firefighters who were injured or killed in the line of duty, this legislation must be enacted 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 Police and Firefighter Post-Retirement Health Benefits Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.