

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2010

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that the Mayor submit, and the Council approve, a separate resolution for the determination that real property is no longer needed for public purposes, to require the Mayor to submit an analysis with the proposed resolution for the determination that real property is no longer required for public purposes, to provide that a resolution to extend the time for disposition of real property shall be deemed disapproved if the Council takes no action, and to modify the procedure for disposition of public school real property to provide more information regarding public charter schools; to amend the Office of Property Management Establishment Act of 1998 to clarify the designation and organization of the Department of Real Estate Services, to require a triennial inventory of assets, and to require a rolling facilities condition assessment; and to amend the Master Facilities Planning and Program Coordination Advisory Act of 2003 to reorganize and re-constitute a District Facilities Planning Advisory Committee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Land Surplus Standards Amendment Act of 2009".

Sec. 2. An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 10-801) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

"(2) The Mayor shall submit separate resolutions for the determination that the real property is no longer required for public purposes pursuant to subsection (a-1) of this section and for the approval of its disposition pursuant to subsection (b) of this section."

(3) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1)(1) If the Mayor believes that real property is no longer required for public

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purposes, the Mayor shall submit to the Council a proposed resolution which includes a finding that the real property is no longer required for public purposes. In the proposed resolution submitted to the Council, the Mayor shall also provide a description of the real property and a detailed explanation as to why the real property is no longer required for public purposes.

“(2) The proposed resolution shall be accompanied by an analysis setting forth:

“(A) Whether the real property has any necessary use by the District;

“(B) Why the determination that the real property is no longer required for public purposes is in the best interests of the District; and

“(C) A summary of public comments received at the public hearing required under paragraph (4) of this subsection.

“(3) The proposed resolution shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 90-day period, the proposed resolution shall be deemed disapproved.

“(4) Before submitting a proposed resolution pursuant to this subsection, the Mayor shall hold at least one public hearing on the finding that the real property is no longer required for public purposes. The hearing shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the real property. The Mayor shall provide at least 30 days notice to Advisory Neighborhood Commissions of the public hearing and shall publicize the hearing by placing a notice in the District of Columbia Register at least 15 days before the hearing.

“(a-2) If the Council determines that the real property is no longer required for public purposes pursuant to subsection (a-1) of this section, the Mayor shall attempt to dispose of the real property for a use with a direct public benefit as described in a specific government plan adopted by the Mayor or Council, including the Community Development Plan, the Comprehensive Plan, the Strategic Neighborhood Area Plan, or the Comprehensive Housing Strategy Plan.”

(4) Subsection (b) is amended by repealing paragraph (1).

(5) Subsection (d) is amended by striking the word "approved" and inserting the word "disapproved" in its place.

(6) Subsection (e) is amended by striking the phrase "subsection (b)(2) of".

(7) Subsection (g) is amended to read as follows:

“(g) For real property that the Mayor has determined, after input from affected communities, to be no longer needed by the District of Columbia Public Schools (“DCPS”), the Mayor shall submit to the Council a report on whether the Mayor intends to dispose of the real property to a public charter school under section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09), or for use by another agency of the District government. The report shall be submitted to the Council by the Mayor within 90 days of the determination that the real property is no longer needed by the DCPS. If the report is not submitted by the Mayor to the Council within

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the 90-day period, the Mayor shall dispose of the real property in accordance with the provisions of this act and shall transmit to the Council the resolutions required by subsection (a)(2) of this section within 180 days of the Mayor's determination."

(b) Section 6a (D.C. Official Code §10-807) is repealed.

Sec. 3. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended as follows:

(a) Strike the phrase "Office of Property Management" wherever it appears and insert the phrase "Department of Real Estate Services" in its place.

(b) Strike the phrase "Office" wherever it appears and insert the phrase "Department" in its place.

(c) Section 1806 (D.C. Official Code §10-1005) is amended to read as follows:

"Sec. 1806. Organization.

"(a) There are established 6 primary organizational functions in the Department as follows:

"(1) The Office of Chief Property Management Officer, which shall include the staff and organizational units needed to carry out the overall plan and direction for the Department of Real Estate Services, including coordination and management for energy management, information technology, resource allocation, human resources, operations, and the administrative functions of the office;

"(2) The Portfolio Division, which shall coordinate:

"(A) Lease administration;

"(B) Allocation of owned and leased properties to District agencies;

"(C) Property acquisition and disposition;

"(D) Fixed-cost forecasting for District facilities; and

"(E) Rent collection from entities leasing District-owned property;

"(3) The Construction Division, which shall:

"(A) Implement and oversee the Department's capital improvement program for client agencies within the District; and

"(B) Execute the capital budget program, which includes the rehabilitation of existing real property facilities and construction of new facilities supporting the District;

"(4) The Contracting and Procurement Division, which shall provide services and support in procuring for the District:

"(A) Construction, architecture, and engineering services;

"(B) Facilities maintenance and operation services;

"(C) Real estate asset management services, including leasing and auditing;

"(D) Utility contracts; and

"(E) Security services;

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“(5) The Facilities Division, which shall coordinate the day-to-day operations of District-owned properties, vacant lots, and homeless shelters by:

“(A) Maintaining building assets and equipment;

“(B) Performing various repairs and non-structural improvements; and

“(C) Providing janitorial, trash and recycling pickup, postal, and engineering services; and

“(6) The Protective Services Police Department, which shall coordinate and manage the security and law enforcement requirements for District government facilities.”’

(d) Sec. 1806f (D.C. Official Code §10-1011) is amended to read as follows:

“Sec. 1806f. Inventory of real property assets.

“(a) The Department shall submit to the Council triennially:

“(1) An inventory of all real property assets, based upon information provided by each District department, agency, and instrumentality under the executive control of the Mayor. The inventory shall be maintained by the Department on a centralized automated database. Information contained in the database for each property shall include the following:

“(A) A detailed description of each real property asset;

“(B) Facility condition assessments, which shall contain a proposed or actual annual budget for maintenance and deferred maintenance, and a detailed description and estimate of any needed repairs;

“(C) The street address of the property;

“(D) The property’s square and lot number;

“(E) The current and prospective future use of the property;

“(F) The area of the property in square feet and, if improved, the gross floor area, including the subsurface area and the number of stories of any building on the property;

“(G) The current assessed value of the property and any improvements;

“(H) The Ward and Advisory Neighborhood Commission boundary within which the property is located; and

“(I) Whether the real property is located within a historic district or is designated as a registered historic landmark under District or federal laws and, if so, the designation; and

“(2) An updated review of the real property currently leased by the District as required by section 1806g.

“(b) The Department shall make available to the public on its website a database of information of the inventory of all real property assets in a form substantially similar to that as maintained and used by the Department.

“(c) The Department shall maintain a facilities condition assessment of all District-owned assets under the control of the Mayor on a rolling basis over 5 years.

“(d) This section shall apply to improved commercial real property assets, whether occupied or unoccupied, and all real property assets that the Mayor has determined to be no

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longer needed for educational purposes and for which jurisdiction has been transferred to the Department of Real Estate Services for disposal.

“(e) The Director shall submit to the Council an annual report indicating the changes in inventory no later than 30 days after the beginning of the fiscal year.”

Sec. 4. Section 1402 (a) through (c) of the Master Facilities Planning and Program Coordination Advisory Act of 2003, effective November 13, 2003 (D.C. Law 15-39; D.C. Official Code § 10-1031(a) through (c)), is amended to read as follows:

“(a) There is established a District Facilities Planning Advisory Committee (“Committee”), whose purpose shall be to provide advice, comments, and recommendations to the Council pursuant to subsection (c) of this section.

“(b) The Committee shall be composed of 7 members. Three members shall be appointed by the Chairman of the Council, one of whom the Chairman shall designate to serve as chair; one member shall be appointed by the Chair of the Council committee with jurisdiction over the Department of Real Estate Services; one member shall be appointed by the Chair of the Council committee with jurisdiction over the Deputy Mayor for Planning and Economic Development; and 2 members shall be appointed by the Mayor. The Committee may act with a quorum of 4 appointed members. Each member shall be a resident of the District and have demonstrated experience in facility management or program activities in at least one of the fields of real estate, policy and planning, community development, or other field deemed suitable for the purposes of the work of the Committee. The term of an appointment shall be 3 years from the date of appointment. The Chairman of the Council shall have sole and exclusive authority at his or her discretion to remove members of the Committee. The Committee shall annually provide its conclusions and findings to the Council.

“(c) The Committee shall perform the following duties:

“(1) Review the inventory to be promptly provided by the Department of Real Estate Services of all facilities owned and operated by the District government pursuant to section 1806f of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code § 10-1011);

“(2) Review the audit of leased properties to be promptly provided by the Department of Real Estate Services pursuant to section 1806g of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code § 10-1012);

“(3) Review data and provide advice and comments on the District Facilities Plan, including benchmarks for the District and comparable jurisdictions regarding the number of public facilities maintained by the District government using demand and usage metrics, including facilities per capita and per square mile, and long-term agency facilities needs;

“(4) Review and provide advice and comments on a 10-year projected annual average cost for maintaining the current inventory of properties (and other information as may reasonably be required for the committee to perform its duties) to be prepared by the Mayor;

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“(5) Provide advice and comments on standards developed by the Mayor for the location of public facilities, including population density, public needs, accessibility, frequency of use, proximity to similar facilities, opportunity for multiple uses, the long-term cost effectiveness of facility maintenance, and program integration plans;

“(6) Provide advice and comments on conclusions prepared by the Mayor on the number of facilities that the District should maintain based on:

“(A) Benchmark comparisons;

“(B) Available and possible sources of funding;

“(C) Program integration plans;

“(D) The long-term facilities needs of District agencies; and

“(E) Other measures which the Committee considers appropriate;

“(7) Provide advice and comments on recommendations prepared by the Mayor for renovation, construction, consolidation, and closure of selected facilities based on an analysis conducted;

“(8) Provide advice and comments on the appropriate relationship between the District Facilities Plan and other existing planning documents;

“(9) Provide advice and comments on Mayoral plans for program integration regarding the impact of the neighborhood places and wraparound schools initiative on facility co-location and investment; and

“(10) Provide for broad community input and comment on the District Facilities Plan, any other existing plan, and related inter-program coordination.”.

Sec. 5. Fiscal impact statement.

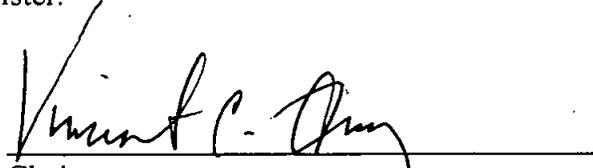
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia

UNSIGNED

Mayor  
District of Columbia  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To amend An Act To require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes to require that the owner of certain buildings more than 75 feet in height develop and maintain a fire safety and evacuation plan and conduct fire drills at least once every 12 months; and to amend the Smoke Detector Act of 1978 to require apartment building owners to post notice in conspicuous places in common areas of the building and provide tenants or unit owners, by hand or by first-class mail, with information on the operation of a building's fire alarm system, whether the building's fire alarm system is connected to smoke detectors in individual dwelling units or to the Fire and Emergency Medical Services Department, and to instruct tenants to immediately call 911 in the event of a fire.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009".

Sec. 2. An Act To require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, approved March 19, 1906 (34 Stat. 70; D.C. Official Code § 6-701.01 *et seq.*), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Fire safety requirements for high-rise buildings.

"(a) The owner of a high-rise building shall:

"(1) Prepare and maintain a fire safety and evacuation plan for the building; and

"(2) Conduct fire drills at least once every 12 months.

"(b) A violation of this section shall be subject to civil penalties as established by the Mayor pursuant to rulemaking.

"(c) For the purposes of this section, the term "high-rise building" shall mean any building having occupied floors more than 75 feet above the lowest level of fire department vehicle access."

Sec. 3. The Smoke Detector Act of 1978, effective June 20, 1978 (D.C. Law 2-81; D.C. Official Code § 6-751.01 *et seq.*), is amended by adding a new section 9c to read as follows:

"SMOKE DETECTOR AND FIRE ALARM NOTICE.

"Sec. 9c. (a)(1) An owner of an apartment building shall post in conspicuous places in the common areas of the building and provide to each tenant or unit owner, by hand or first-class

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mail, a written notice that includes:

“(A) Instructions on the operation of the apartment building fire alarm;

“(B) Whether the apartment building fire alarm is separate from or connected to the smoke detectors in the individual dwelling units;

“(C) Whether the apartment building fire alarm is connected to the Fire and Emergency Medical Services Department; and

“(D) A warning that in the event of a fire the Fire and Emergency Medical Services Department must be contacted immediately by calling 911.

“(2) The notice required by paragraph (1) of this subsection shall be on a form developed by the Mayor and published by the Mayor in English and in the languages required under section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933).

“(b) For the purposes of this section, the term:

“(1) “Apartment building” means a structure containing 4 or more dwelling units, including a condominium or cooperative but excluding a single-family residence.

“(2) “Condominium” shall have the same meaning as provided in section 2(2) of the Horizontal Property Act of the District of Columbia, approved December 21, 1963 (77 Stat. 449; D.C. Official Code § 42-2002(2)).

“(3) “Cooperative” shall have the same meaning as provided for the term “cooperative housing association” in section 103(7) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(7)).”.

Sec. 4. Fiscal impact statement.

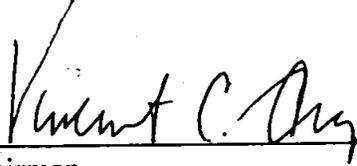
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

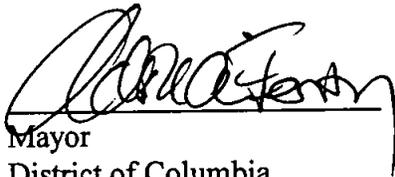
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

Codification  
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To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1979 to include conducting an investigation in response to a protected disclosure as a prohibited personnel action, to expand the definition of protected disclosures, to extend the limitations period for whistleblower retaliation claims, to increase the amount of supervisor penalties, to allow an employee to bring a civil action even if he or she has brought an administrative claim, and to establish authority to grant a cash award to an employee whose protected disclosure leads to a recovery by the District; to amend the Employees of District Contractors and Instrumentality Whistleblower Protection Act of 1998 to clarify the definition of a prohibited procurement practice, to prohibit District retaliation against contractors who make protected disclosures, and to extend the limitations period for whistleblower retaliation claims; and to amend the District of Columbia Procurement Practices Act of 1985 to increase the amount that a qui tam plaintiff may receive.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Whistleblower Protection Amendment Act of 2009".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1552(a) (D.C. Official Code § 1-615.52(a)) is amended as follows:

Amend  
§ 1-615.52

(1) Paragraph (5) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) For purposes of this paragraph, the term :

"(i) Investigation" includes an examination of fitness for duty and excludes any ministerial or nondiscretionary factfinding activity necessary to perform the agency's mission".

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“(ii) “Retaliating” includes conducting or causing to be conducted an investigation of an employee or applicant for employment because of a protected disclosure made by the employee or applicant who is a whistleblower.

(2) Paragraph (6) is amended by striking the phrase “by statute” and inserting the phrase “by statute, without restriction to time, place, form, motive, context, forum, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee’s duties,” in its place.

(b) Section 1553 (D.C. Official Code § 1-615.53) is amended to read as follows:

Amend  
§ 1-615.53

“Sec. 1553. Prohibitions.

“(a) A supervisor shall not take, or threaten to take, a prohibited personnel action or otherwise retaliate against an employee because of the employee’s protected disclosure or because of an employee’s refusal to comply with an illegal order.

“(b) Except in cases where the communication would be unlawful, a person shall not interfere with or deny the right of employees, individually or collectively, to furnish information to the Council, a Council committee, or a Councilmember.”.

(c) Section 1554 (D.C. Official Code § 1-615.54) is amended as follows:

Amend  
§ 1-615.54

(1) Subsection (a) is amended to read as follows:

“(a)(1) An employee aggrieved by a violation of section 1553 may bring a civil action against the District, and, in his or her personal capacity, any District employee, supervisor, or official having personal involvement in the prohibited personnel action, before a court or a jury in the Superior Court of the District of Columbia seeking relief and damages, including:

“(A) An injunction;

“(B) Reinstatement to the same position held before the prohibited personnel action or to an equivalent position;

“(C) Reinstatement of the employee’s seniority rights;

“(D) Restoration of lost benefits;

“(E) Back pay and interest on back pay;

“(F) Compensatory damages; and

“(G) Reasonable costs and attorney fees.

“(2) A civil action shall be filed within 3 years after a violation occurs or within one year after the employee first becomes aware of the violation, whichever occurs first.

“(3) D.C. Official Code § 12-309 shall not apply to any civil action brought under this section.”.

(2) Subsection (b) is amended by striking the phrase “employing District agency” and inserting the word “defendant” in its place.

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

“(e)(1) If a protected disclosure assists in securing the right to recover, the actual recovery of, or the prevention of loss of more than \$100,000 in public funds, the Mayor may pay a reward in any amount between \$5,000 and \$50,000 to the person who made the protected

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disclosure; provided, that any reward shall be recommended by the Inspector General, the District of Columbia Auditor, or other similar law enforcement authority.

“(2) This subsection shall not create any right or benefit, substantive or procedural, enforceable at law or equity, by a party against any District government agency, instrumentality, officer, employee, or other person.”

(d) Section 1555 (D.C. Official Code § 1-615.55) is amended as follows:

Amend  
§ 1-615.55

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “any supervisor, including any manager, department director, or other District official,” and insert the phrase “any person” in its place.

(B) Strike the phrase “violated section 1553” and insert the phrase “violated section 1553 or section 203 of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code § 2-223.02),” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) As part of the relief ordered in a judicial proceeding, any person who is found to have violated section 1553 or section 203 of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code § 2-223.02), shall be subject to a civil fine not to exceed \$10,000.”

(e) Section 1556(b) (D.C. Official Code § 1-615.56(b)) is amended by striking the phrase “No civil action shall be brought” and inserting the phrase “An employee may bring a civil action” in its place.

Amend  
§ 1-615.56

(f) Section 1557 (D.C. Official Code § 1-615.57) is amended by striking the phrase “reporting documents” and inserting the phrase “reporting documents and in a letter provided to employees upon commencement of employment” in its place.

Amend  
§ 1-615.57

(g) A new section 1558a is added to read as follows:

“Sec. 1558a. Salary restriction for interfering with Council whistleblowers.

“District funds shall not be available for the payment of the salary of any officer or employee of the District who:

“(1) Prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the District from having any direct oral or written communication or contact with any member, committee, or subcommittee of the Council in connection with any matter pertaining to the employment of the other officer or employee or pertaining to the department or agency of the other officer or employee in any way, irrespective of whether the communication or contact is at the initiative of the other officer or employee or in response to the request or inquiry of the member, committee, or subcommittee, of the Council except where the communication or contact would be unlawful; or

“(2) Removes; suspends from duty without pay; demotes; reduces in rank, seniority, status, pay, or performance rating; denies promotion to; relocates; reassigns; transfers; disciplines; or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment, of any other officer or employee of the District, or attempts or

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threatens to commit any of the foregoing actions with respect to the other officer or employee, by reason of any communication or contact of the other officer or employee with any member, committee, or subcommittee of the Council as described in paragraph (1) of this section.”

Sec. 3. The Employees of District Contractors and Instrumentality Whistleblower Protection Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code § 2-223.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 2-223.01) is amended as follows:

Amend § 2-223.01

(1) A new paragraph (6A) is added to read as follows:

“(6A) “Prohibited procurement action” includes any recommended, threatened, or actual proceeding, based wholly or in part on a protected disclosure made by an employee, officer, or owner of a contractor:

“(A) Terminate a contract by default or convenience without adequate and documented justification;

“(B) Unreasonably delay or withhold payment on legitimate vouchers or claims of a contractor;

“(C) Impose conditions or requirements on the contractor not required by the contract;

“(D) Take any action designed to or having the effect of impeding a contractor’s performance; or

“(E) Take any other action designed to or having the effect of injuring the business or reputation of a contractor.”

(2) Paragraph (10) is amended by striking the phrase “an employee” and inserting the phrase “an employee or contractor” in its place.

(b) Section 203 (D.C. Official Code § 2-223.02) is amended to read as follows:

Amend § 2-223.02

“Sec. 203. Prohibitions.

“(a) A supervisor shall not threaten to take or take a prohibited personnel action or otherwise retaliate against an employee because of the employee’s protected disclosure or because of an employee’s refusal to comply with an illegal order.

“(b) A District government official or employee having the responsibility to evaluate, award, authorize payments, terminate, or otherwise administer a contract for goods or services between the District government and a contractor shall not threaten to take or take a prohibited procurement action against a contractor, or a contractor competing for a contract, based wholly or in part on a protected disclosure made by an employee, officer, or owner of the contractor to a public body.”

(c) Section 204 (D.C. Official Code § 2-223.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “A civil action shall be filed within 1 year after a violation occurs or within 1 year after the employee first becomes aware of the violation” and inserting the phrase “A civil action shall be filed within 3 years after a

Amend § 2-223.03

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violation occurs or within one year after the employee first becomes aware of the violation, whichever occurs first" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1) A government contractor aggrieved by a violation of section 203(b) may bring a civil action before a court or a jury in the Superior Court of the District of Columbia seeking relief and damages, including an injunction, compensatory damages, reasonable costs, and attorney fees. A civil action shall be filed within 2 years after a violation occurs or within one year after the contractor first becomes aware of the violation, whichever occurs first."

Sec. 4. Section 815(f)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-308.15(f)(1)), is amended by striking the phrase "but not more than 20%" and inserting the phrase "but not more than 25%" in its place.

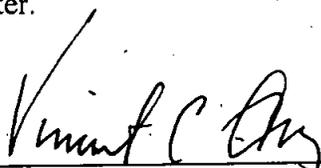
Amend § 2-308.15

Sec. 5. Fiscal impact statement.

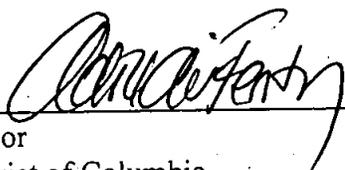
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of Congressional review as provided in 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 publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED

January 11, 2010  
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To amend the District of Columbia Prescription Drug Pricing Information Act to establish the Orange Book as the generic formulary for the District of Columbia, to authorize the Boards of Medicine and Pharmacy to create a therapeutic interchange list, to update protocols regarding the dispensing of substitute drug products, to require notification of drug substitutions, and to include new definitions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prescription Drug Dispensing Practices Reform Act of 2009".

Sec. 2. The District of Columbia Prescription Drug Price Information Act, effective September 10, 1976 (D.C. Law 1-81; D.C. Official Code § 48-801.01 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 48-803.01) is amended to read as follows:

"Sec. 301. Generically equivalent drug formulary; therapeutic interchange list.

"(a) The formulary of generically equivalent drug products for the District of Columbia shall be the chemical and generic drugs contained in the Food and Drug Administration publication, "Approved Drug Products with Therapeutic Equivalence Evaluations," including all updates issued by the Food and Drug Administration ("Orange Book").

"(b) The Boards of Pharmacy and Medicine may jointly establish a therapeutic interchange list.

"(c) If a therapeutic interchange list is established pursuant to subsection (b) of this section:

"(1) The Boards of Pharmacy and Medicine shall:

"(A) Revise or supplement the therapeutic interchange list as necessary;

"(B) Establish procedures to allow a prescriber to consent to the substitution of therapeutically equivalent drug products without prior approval based on the therapeutic interchange list; provided, that a prescriber be allowed to limit authorization to specific conditions or patients and that no prescriber be required for any reason to consent to

## ENROLLED ORIGINAL

participation in the therapeutic interchange list; and

“(C) Establish and maintain a database, searchable in real time, of those prescribers who have consented to use of the therapeutic interchange list, including any restrictions based on specific conditions or patients; and

“(2) The Department of Health shall distribute the therapeutic interchange list to all pharmacies licensed in the District and shall publish it regularly in the District of Columbia Register.”.

(b) Section 302 (D.C. Official Code § 48-803.02) is amended as follows:

(1) The section heading is amended to read as follows:

“Sec. 302. Dispensing of generically equivalent drug products.”.

(2) Subsection (a) is amended to read as follows:

“(a)(1) When a pharmacist receives a prescription for a brand name drug, the pharmacist may dispense a generically equivalent drug product that is listed in the Orange Book; provided, that the pharmacist shall dispense a generically equivalent drug product if requested by the purchaser, except as provided in section 303.

“(2) If a generic substitution is made pursuant to this subsection, the pharmacist shall dispense the generically equivalent drug product in stock having the lowest cost to the person purchasing the drug product.”.

(3) Subsection (b) is amended by striking the phrase “having the lowest current selling price” and inserting the phrase “that has the lowest cost to the person purchasing the drug product” in its place.

(4) Subsection (c) is repealed.

(c) Section 303 (D.C. Official Code § 48-803.03) is amended to read as follows:

“Sec. 303. Dispensing of substitute drug products - conditions.

“A pharmacist shall not dispense a:

“(1) Substitute drug product if the person purchasing the drug product or the patient for whom it is intended indicates a preference for the drug product actually prescribed;

“(2) Generically equivalent drug product pursuant to section 302 if:

“(A) The prescriber writes on a prescription order, signed by the prescriber, in the prescriber's own handwriting "dispense as written" or "D.A.W." or a similar notation; provided, that checking or initialing a box preprinted or stamped on a prescription form shall not constitute an acceptable notation; or

“(B) The prescriber, by telephone, expressly indicates that the prescription is to be dispensed as communicated and this indication is noted in the pharmacist's own handwriting in the manner provided in subparagraph (A) of this paragraph;

“(3)(A) Therapeutically equivalent drug product unless:

“(i)(I) The pharmacist or pharmacist's agent obtains prior approval from the prescriber or the prescriber's agent before the therapeutically equivalent drug product can be dispensed; or

## ENROLLED ORIGINAL

“(II) The therapeutically equivalent drug product is included on the therapeutic interchange list and the endorsing prescriber has given consent to the Boards of Pharmacy and Medicine to permit therapeutic interchange without prior approval;

“(ii) The person purchasing the drug product provides consent to the therapeutic interchange;

“(iii) The therapeutically equivalent drug product does not have a higher cost to the purchaser than the originally prescribed drug product; provided, that the pharmacist may dispense a more expensive therapeutically equivalent drug product if consent is provided by the purchaser; and

“(iv) The dispensing pharmacist, or pharmacist’s agent, has notified the prescriber or prescriber’s agent of the specific drug and dose dispensed.

“(B) A pharmacist shall not dispense a therapeutically equivalent drug product for a prescription refill of an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug but shall dispense the drug as prescribed.”.

(d) A new section 303a is added to read as follows:

“Sec. 303a. Dispensing of substitute drug products by pharmacists - notification of substitution.

“(a) An individual shall be notified of a drug substitution and provided the right to refuse the substitution prior to purchase of the substitute drug product.

“(b)(1) The Department of Health shall create and distribute to all pharmacies signs that state in block letters not less than one inch in height: “This pharmacy may substitute a less expensive drug product that is equivalent to the one prescribed by your health care practitioner unless you request otherwise.”

“(2) Each pharmacy shall display the sign in a prominent place that has a clear and unobstructed public view at or near the place where prescriptions are dispensed.”.

(e) Section 304 (D.C. Official Code § 48-803.04) is amended by striking the phrase “section 302” and inserting the phrase “this title” in its place.

(f) Section 305 (D.C. Official Code § 48-803.05) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) The substitution of drugs by a licensed pharmacist under this title shall not constitute the practice of medicine. Nothing in this title shall be construed as authorizing a pharmacist to prescribe any drug or medication.”.

(2) Subsection (b) is amended by striking the phrase “therapeutically equivalent” and inserting the phrase “generically equivalent drug products” in its place.

(g) Section 2 (D.C. Official Code § 48-804.51) is amended to read as follows:

“Sec. 2. Definitions.

“For the purposes of this act, the term:

## ENROLLED ORIGINAL

(1) "Agent" means an individual who:

"(A) Is under the immediate and personal supervision of a prescriber or pharmacist and has written authorization, which shall be available for review upon request, to act on behalf of or at the direction of the prescriber or pharmacist when seeking or obtaining approval of a therapeutic interchange; or

"(B) If not under the immediate and personal supervision of a prescriber or pharmacist, holds a license to administer drugs, such as a nurse, physician's assistant, or other pharmacist.

"(2) "Endorsing prescriber" means a prescriber who has reviewed the therapeutic interchange list and has notified the Boards of Pharmacy and Medicine in writing that he or she has agreed to allow the therapeutic interchange.

"(3) "Issue date" means the 1st day of the 4<sup>th</sup> full calendar month after April 7, 1977, and the day following the end of each year after the 1<sup>st</sup> such issue date.

"(4) "Most commonly used prescription drugs" means the prescription drug products that were most frequently paid for by the Medicaid program operated by the District of Columbia government under a state plan filed in accordance with section 1902 of the Social Security Act (§ 1396a of Title 42, United States Code), in the 3 consecutive months ending 60 days before an issue date.

"(5) "Person" means any individual, partnership, corporation, organization, or association.

"(6) "Pharmacy" means a pharmacy that provides services to the public on an outpatient basis.

"(7) "Prescriber" means a person who is licensed, registered, or otherwise authorized by the District to prescribe and administer prescription drugs for human use in the course of a professional practice.

"(8) "Substitute drug product" means a drug product different than the one originally prescribed by a prescriber.

"(9) "Therapeutic interchange" means the dispensing of chemically dissimilar but therapeutically equivalent drug products.

"(10) "Therapeutic interchange list" means a list of therapeutically equivalent drug products.

"(11) "Therapeutically equivalent drug product" means a drug product that is chemically dissimilar but produces essentially the same therapeutic outcome."

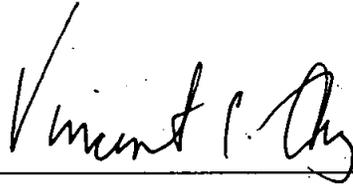
### Sec. 3. Fiscal impact statement.

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)).

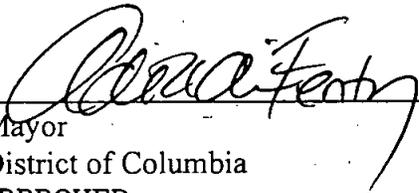
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in 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 publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 14, 2010

Codification  
District of  
Columbia  
Official Code

2001 Edition

2010 Winter  
Supp.

West Group  
Publisher

To amend the Council of the District of Columbia Independence Act of 1982, and the Freedom of Information Act of 1976 to clarify that notwithstanding any statutory or regulatory confidentiality or privacy provision, an agency is required to provide information to the Council, its committees, and Councilmembers acting in an official capacity, and the District of Columbia Auditor or an employee of the Office of the District of Columbia Auditor upon request to ensure that they are able to fulfill their oversight responsibilities, that the disclosure of information to these persons or entities is not to be treated as disclosure to a third party, and that such communications remain subject to the statutory restrictions that would otherwise apply.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disclosure of Information to the Council Amendment Act of 2009".

Sec. 2. The Council of the District of Columbia Independence Act of 1982, effective July 24, 1982 (D.C. Law 4-127; D.C. Official Code § 1-301.44 *et seq.*), is amended by adding a new section 2a to read as follows:

"Sec. 2a. Disclosure of information to the Council; District of Columbia Auditor; conditions on disclosure.

"(a) Notwithstanding any other provision of law, no document or information that the following persons or entities have requested for the purpose of performing their official duties shall be withheld by a subordinate or independent agency, instrumentality, board, or commission, or by an official or employee thereof, based upon a statutory or regulatory provision restricting or prohibiting disclosure to the general public:

- "(1) The Council;
- "(2) A Council committee;
- "(3) A member of the Council acting in an official capacity;
- "(4) The District of Columbia Auditor; or
- "(5) An employee of the Office of the District of Columbia Auditor.

"(b) Documents or information obtained under subsection (a) of this section shall

## ENROLLED ORIGINAL

remain subject to the underlying statutory restrictions and shall not be disclosed to the public or any third party unless permitted by that statute.

"(c) Documents or information shall not be disclosed to the Council under subsection (a) of this section if:

"(1) A District statute expressly prohibits disclosure of the information to the Council; or

"(2) A federal law or regulation requires that the information be withheld from disclosure to the Council in such a manner that it leaves no discretion on the issue.

"(d) Disclosure of documents or information under subsection (a) of this section shall not constitute a waiver of any privilege or exemption that otherwise could lawfully be asserted by the District of Columbia to prevent disclosure to the general public or in a judicial or administrative proceeding."

Sec. 3. Section 204(a-1)(2) of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a-1)(2)), is amended to read as follows:

Amend  
§ 2-534

"(2) Disclosure of any public record, document, or information from a District of Columbia government agency, official, or employee to the following persons or entities shall not constitute a waiver of any privilege or exemption that otherwise could be asserted by the District of Columbia to prevent disclosure to the general public or in a judicial or administrative proceeding:

"(A) The Council;

"(B) A Council committee;

"(C) A member of the Council acting in an official capacity;

"(D) The District of Columbia Auditor; or

"(E) An employee of the Office of the District of Columbia Auditor."

Sec. 4. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 1-301.172) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) New subsections (b) and (c) are added to read as follows:

"(b) If the District of Columbia Auditor prevails, in whole or in part, in an application to the Superior Court of the District of Columbia in a suit to enforce a subpoena issued pursuant to section 2, the District of Columbia Auditor may be awarded reasonable attorney fees and other costs of litigation.

"(c) If the District of Columbia Auditor prevails, in whole or in part, in an application to the Superior Court of the District of Columbia in a suit to enforce a subpoena issued pursuant to section 2 and is not awarded reasonable attorney's fees, the District government agency or instrumentality challenging the enforcement order shall reimburse the District of

Amend  
§ 1-301.172

## ENROLLED ORIGINAL

Columbia Auditor for any litigation-related expenses or costs incurred.”

(b) A new section 4a is added to read as follows:

“Sec. 4a. District of Columbia Auditor Legal Fund.

“(a) There is established as a nonlapsing fund the District of Columbia Auditor Legal Fund (“Fund”), which shall be administered by the District of Columbia Auditor for the purpose of enforcing the District of Columbia Auditor’s subpoena power.

“(b) There shall be deposited into the Fund all fees awarded and expenses or costs reimbursed pursuant to section 3(b) or (c), and any other funds required by law to be deposited into the Fund.

“(c) Funds deposited to the Fund shall be used for the purpose of subpoena enforcement against a District government agency or instrumentality challenging the District of Columbia Auditor’s subpoena authority. All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the purpose set forth in this section without regard to fiscal year limitation, subject to authorization by Congress.”

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. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in 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 publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia

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UNSIGNED

Mayor  
District of Columbia  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Winter  
Supp.

West Group  
Publisher

To authorize, on a temporary basis, an agency with grant-making authority the ability to issue grants using any funds it receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency that does not have grant-making authority for specific purposes, including for competitive grants for corridor improvement along 14<sup>th</sup> Street, N.W., in Ward 4, clean teams in Ward 1, and green team services to Georgia Avenue and Kennedy Streets in Ward 4; and to provide limited grant-making authority to agencies for the ongoing maintenance of the Lincoln Theatre, for corridor improvements, clean team services, and green team services, and for organizations with a history of promoting voting rights in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2010 Limited Grant-Making Authority Clarification Temporary Act of 2009".

Sec. 2. Fiscal Year 2010 limited grant-making authority clarification.

(a) Notwithstanding any other law, including section 1121 of the Fiscal Year 2010 Budget Support Act of 2009, passed on 4<sup>th</sup> reading on September 22, 2009 (Enrolled version of Bill 18-203), for Fiscal Year 2010, an agency with grant-making authority may issue grants using any funds it receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency that does not have grant-making authority for purposes of implementing the following projects and programs previously authorized in the Second Fiscal Year 2010 Budget Request Act, signed by the Mayor on August 26, 2009 (D.C. Act 18-188; 56 DCR 7769):

- (1) Corridor improvement along 14<sup>th</sup> Street, N.W., in Wards 1 and 4 in an amount not to exceed \$150,000, which is in the budget of the Deputy Mayor for Planning and Economic Development;
- (2) Clean team services in Ward 1 in an amount not to exceed \$1 million, which is in the budget of the Department of Public Works; and
- (3) Green team services to Georgia Avenue and Kennedy Streets in Ward 4 in

## ENROLLED ORIGINAL

an amount not to exceed \$250,000, which is in the budget of the Deputy Mayor for Planning and Economic Development.

(b) Notwithstanding any other law, including section 1121 of the Fiscal Year 2010 Budget Support Act of 2009, passed on 4<sup>th</sup> reading on September 22, 2009 (Enrolled version of Bill 18-203), for Fiscal Year 2010 :

(1) The Deputy Mayor for Planning and Economic Development may issue grants to projects and programs for the ongoing maintenance of the Lincoln Theatre, a District government-owned building, in an amount not to exceed \$250,000;

(2) The Department of Small and Local Business Development may issue grants to projects and programs described in section 2(a);

(3) The Department of Public Works may issue grants to projects and programs for clean team services in Ward 1 in an amount not to exceed \$1 million; and

(4) The Office of the Secretary of the District of Columbia may issue competitive grants to one or more organizations with a history of promoting voting rights and statehood in the District in an amount not to exceed \$150,000.”

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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)).

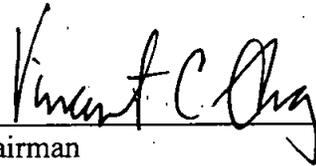
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

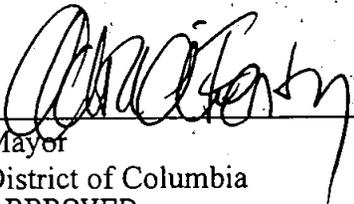
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 18-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on a temporary basis, the proposed plan submitted by the African American Civil War Memorial Freedom Foundation, Inc. for the African-American Civil War Museum in the Grimke School gymnasium.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Temporary Act of 2009".

Sec. 2. Pursuant to section 4081(b) of the Fiscal Year 2010 Budget Support Second Emergency Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8288), the Council approves the proposed plan submitted by the African American Civil War Memorial Freedom Foundation, Inc., for the renovation of the gymnasium space in the Grimke School for the exclusive use of the African-American Civil War Museum.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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)).

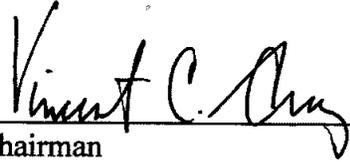
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To amend, on a temporary basis, the Fiscal Year 2010 Budget Support Act of 2009 to reestablish retirement incentives.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retirement Incentive Temporary Amendment Act of 2009".

Sec. 2. Section 1281 of the Fiscal Year 2010 Budget Support Act of 2009, passed on 4th reading on September 22, 2009 (Enrolled version of Bill 18-203), is amended to read as follows:

"Sec. 1281. For fiscal year 2010, no funds shall be used to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138); provided, that funds may be used to provide incentive awards under section 1901 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 § 1-619.01)."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. Effective date.

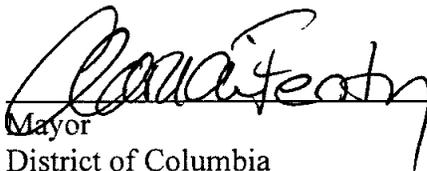
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of Congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on a temporary basis, the borrowing of funds by the Mayor, through the Chief Financial Officer, through the issuance and sale of bonds in an aggregate principal amount not to exceed \$660.865 million as either income tax secured revenue bonds or general obligation bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2009".

Sec. 2. Pursuant to and in accordance with the Income Tax Secured Bond Authorization Act of 2008, effective October 22, 2008 (D.C. Law 17-254; D.C. Official Code § 47-340.26 *et seq.*) ("Income Tax Bond Act"); the Council approves the issuance and sale of income tax secured revenue bonds in an aggregate principal amount not to exceed \$660.865 million to fund the capital projects listed in section 4 and to pay all other costs and expenses authorized by the Income Tax Bond Act, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, plus an amount equal to all costs related to structuring, issuing, securing, marketing, and maintaining the bonds issued pursuant to this act, including capitalized interest, underwriting fees, discounts and expenses, rating agency fees, legal fees, accounting fees, financial advisory fees, trustee and paying agent fees, collection agent fees, bond insurance and other credit enhancement fees, liquidity enhancement fees, printing costs and expenses, and any other fees, discounts, or expenses, and all costs incurred by the District with respect to the financing documents related to the bonds, redemption premiums, and other costs of redemption.

Sec. 3. (a) Pursuant to section 3302 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 47-335.01), the Council approves the issuance and sale of general obligation bonds in an aggregate principal amount not to exceed \$660.865 million to fund the capital projects listed in section 4 and to pay all other costs and expenses of issuing and delivering the bonds, including, but not limited to, any capitalized interest, underwriting, rating fees, legal fees, accounting fees, financial advisory fees,

## ENROLLED ORIGINAL

bond insurance and other credit enhancements, and printing costs and expenses.

(b) The capital projects listed in section 4 have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Pub. L. No. 106-522; 114 Stat. 2457), the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 923), the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), the District of Columbia Appropriations Act, 2004, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat. 3), the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No. 108-335; 118 Stat. 1322), the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2508), the Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5; 121 Stat. 8), the Continuing Appropriations Resolution, 2008, approved September 29, 2007 (Pub. L. No. 110-92; 121 Stat. 989), the District of Columbia Appropriations Act, 2008, approved December 26, 2007 (Pub. L. No. 110-161; 121 Stat. 1990), the Continuing Appropriations Resolution, 2009, approved September 30, 2008 (Pub. L. No. 110-329; 119 Stat. 3574), the Continuing Appropriations Resolution, 2010, approved October 1, 2009 (Pub. L. No. 111-68; 123 Stat. 2023), and the Further Continuing Appropriations Resolution, 2010, approved October 30, 2009 (Pub. L. No. 111-88; 123 Stat. 2904), and are included within the schedule of capital projects for which the District of Columbia is authorized to incur indebtedness under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999 -2004 Authorization Act of 1999, effective July 29, 1999 (D.C. Law 13-22; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002 -2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note); and the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006, effective March 6, 2007 (D.C. Law 16-212; D.C. Official Code § 1.204.61, note) ("Bond Acts").

Sec. 4. (a) The Chief Financial Officer shall determine whether income tax secured bonds or general obligation bonds will be issued to finance the capital projects listed in subsection (b) of this section.

(b) The capital projects to be financed, in the amounts specified, from the proceeds of either income tax secured bonds or general obligation bonds are as follows:

ENROLLED ORIGINAL

Agency	Project	Project Title	Implementing Agency	Amount
<b>Office of Property Management</b>				
AM	BC1	Facilities Condition Assessment Study	AM0	619,390
AM	EA7	Neighborhood Revitalization	AM0	120,788
AM	AA4	Medical Examiners Office	AM0	16,434
AM0	PL9	Preventive and Critical Capital Replacement	AM0	4,500,000
<b>Subtotal</b>				<b>5,256,612</b>
<b>Office of the Chief Financial Officer</b>				
AT	BF2	IT Systems	AT0	1,604,474
AT	BF3	SOAR Modernization	AT0	259,814
AT	CIS	Computer Infrastructure System	AT0	87,188
AT	CSP	General Systems	AT0	1,084,031
<b>Subtotal</b>				<b>3,035,507</b>
<b>Office of Planning</b>				
BD0	PLN	Public Planning-Initial Project Development	BD0	1,695,723
<b>Subtotal</b>				<b>1,695,723</b>
<b>Commission on Arts and Humanities</b>				
BX	AH7	Public Art Fund	BX0	1,000,000
<b>Subtotal</b>				<b>1,000,000</b>
<b>Office on Aging</b>				
BY	A05	Senior Center	AM	1,612,904
BY	IT1	Continuity of Operations	AM	45,327
BY	EA1	Ward 1 Senior Wellness Center	AM	152,147
<b>Subtotal</b>				<b>1,810,378</b>
<b>Office of the Attorney General</b>				
CB0	EN2	CSED Capital Project	CB0	503,388
<b>Subtotal</b>				<b>503,388</b>
<b>D.C. Public Libraries</b>				
CE0	FGR	Francis A. Gregory	CE0	2,000,000
CE0	FS2	Petworth Branch Library Substantial Renovation	CE0	287,124
CE0	FS3	Georgetown Library Renovation	CE0	939,479
CE0	LB2	Library Improvements	CC0/CE0	155,993
CE0	LB3	General Improvements at Various Library Branches	AM0/CE0	2,811,205
CE0	MCL	Central Library	CE0	88,506
CE0	MLK	Martin Luther King Memorial Library	CE0	386,008
CE0	NL6	Community Libraries	CE0	20,375

ENROLLED ORIGINAL

CE0	PTL	Parkland Turner - PTCC	CE0	40,003
CE0	SEL	Southeast Library - Major Renovation	CE0	24,937
CE0	TAK	Takoma Park - Renovation	CE0	1,608,153
CE0	WAH	Washington Highlands - Substantial Renovation	CE0	272,523
<b>Subtotal</b>				<b>8,634,306</b>

**Department of Consumer and Regulatory Affairs**

CR0	CO3	Digitization of the Office of the Survey	TO0	43,316
CR0	EB3	Neighborhood Revitalization	CR0	719,864
CR0	ISM	DCRA Mission Critical IT Systems Modernization	CR0	705,610
<b>Subtotal</b>				<b>1,468,790</b>

**Department of Housing and Community Development**

DB0	033	Ft. Lincoln Utility	DB0	22,334
DB0	040	Affordable Housing	DB0	2,797,052
<b>Subtotal</b>				<b>2,819,386</b>

**Deputy Mayor for Planning and Economic Development**

EB0	EB0	New Communities	EB0	6,100,853
EB0	AW2	Canal Park	EB0	2,300,000
<b>Subtotal</b>				<b>8,400,853</b>

**Metropolitan Police Department**

FA0	FRI	Base Building Renovation	FA0	7,466,885
FA0	PER	Reporting Tool - Synchronized	FA0	24,320
FA0	PSP	Property Streamlining	FA0	117,939
<b>Subtotal</b>				<b>7,609,144</b>

**Fire and Emergency Medical Services**

		Permanent Improvements at Various FEMS		
FB0	F27	Locations	FB0	10,246
FB0	F34	Fire Emergency Communication Facility	FB0	502,181
FB0	LB1	Engine 10	FB0	664,320
FB0	LC1	Engine 19	FB0	19,131
FB0	LC4	Engine 22	FB0	216,892
FB0	LC7	Engine 25	FB0	233,131
FB0	LD8	Training Academy Infrastructure/ EVOC	FB0	289,126
FB0	LF1	Asbestos Abatement	FB0	84,481
FB0	LG3	Fire Training Simulators	FB0	226,989
<b>Subtotal</b>				<b>2,246,497</b>

**Department of Corrections**

FL0	CR1	General Renovation and Upgrades	AM0	43,760
FL0	MA2	Renovation at Central Detention Facility	AM0	395,407
FL0	MA5	Central Detention/Roof Replacement	AM0	10,885

ENROLLED ORIGINAL

FL0	MA7	Floor Repairs at Central Detention Facility	AM0	169,286
<b>Subtotal</b>				<b>619,338</b>

**Office of the Chief Medical Examiner**

FX0	AA5	Renovation of the Mortuary	AM0	151,931
<b>Subtotal</b>				<b>151,931</b>

**District of Columbia Public Schools**

GA0	GI5	General Improvements	GM0	2,917,861
GA0	GM0	Woodrow Wilson Natatorium/Pool	GM0	11,451,026
GA0	GM1	Stabilization Initiative	GM0	38,419,021
GA0	GM3	Stabilization Initiatives	GM0	3,474,214
GA0	MG2	Eastern HS	GM0	646,873
GA0	NA9	Barnard ES - Modernization/Renovation	GA0	11,152
GA0	NB7	Brightwood ES - Modernization/Renovation	GA0	71,730
GA0	NC2	Bruce-Monroe ES Life Safety Code Compliance	GA0	598
GA0	ND1	Cooke ES - Exterior Doors and Frames	GA0	3,237,283
GA0	ND4	Deal JHS - Modernization/Renovation	GA0/GM0	4,864,401
GA0	NF9	Hardy MS - Modernization/Renovation	GA0/GM0	862,868
GA0	NI1	Kramer MS - Exterior Doors and Frames	GA0	163,638
GA0	NL9	Phelps HS	GM0	1,899,486
GA0	NM3	Randle Highlands - Exterior Doors and Frames	GA0	18,767
GA0	NN1	Savoy ES - Exterior Doors and Frames	GA0/GM0	1,826,030
GA0	NO3	Sousa MS	GA0	73,002
GA0	NQ9	Wheatley ES - Exterior Doors and Frames	GA0	5,476,067
GA0	NX2	Modernization and Renovation	GM0	7,048,765
GA0	SG1	General Improvements	GM0	28,302,389
GA0	SG3	Maintenance Improvements	GA0/GM0	5,463,194
GA0	SG4	School Modernizations	GA0	156,052
GA0	SK1	Athletic Facilities Improvements	GM0	1,127,036
GA0	TA1	Tubman ES Modernization	GM0	1,221,967
GA0	TB1	Brent ES Modernization	GM0	1,690,958
GM0	YY1	Modernizations/Renovations	GM0	178,165,360
GM0	YY2	Stabilization	GM0	25,000,000
<b>Subtotal</b>				<b>323,589,738</b>

**Office of the State Superintendent of Education**

GD0	N28	Data Warehouse	GD0	767
<b>Subtotal</b>				<b>767</b>

**University of the District of Columbia**

GF0	ET9	Higher Education Back Office	TO0	33,057
GF0	PA1	Building #32	AM0	5,401
GF0	PA2	Building #38	AM0	841

## ENROLLED ORIGINAL

GF0	PA3	Building #39	AM0	1,848
GF0	PA4	Building # 41	AM0	3,445
GF0	PA5	Building #42	AM0	17,299
GF0	PA6	Building #44	AM0	249,436
GF0	PA7	Building #46W	AM0	245,905
GF0	PA8	Building # 47	AM0	841
GF0	PA9	Building # 52	AM0	1,128,958
GF0	PB1	Complete Renovation & Modernization Emergency Mechanical, Electrical and Structural	AM0	142,878
GF0	UB6	Deficiencies	AM0	1,221,400
GF0	UD6	Renovation of Plaza Deck and Parking Garage	AM0	331,691
GF0	UG7	Renovation of University Facilities	AM0	24,023,629
GF0	UM0	Renovate Physical Plant Systems	AM0	137,453
<b>Subtotal</b>				<b>27,544,082</b>

**Department of Parks and Recreation**

HA0	QA1	Aquatic Center Ward 3	HA0	955,453
HA0	QE5	ADA Compliance	HA0	96,916
HA0	QG5	North Michigan Park Phase II	HA0	77,897
<b>Subtotal</b>				<b>1,130,266</b>

**Department of Health**

HC0	HC1	DC Animal Shelter	AM0	27,552
HC0	HC5	Community Clinic Construction	HC0	3,611,749
HC0	HY9	Renovate Detoxification Clinic at DC General	HC0/AM0	13,255
HC0	R16	General Improvements	AM0	33,724
HC0	R22	Roof Replacement	AM0	29,024
HC0	R23	Laboratory Re-Engineering IT	HC0	119,692
HC0	R24	Electrical Renovations	AM0	4,288
HC0	R25	Mechanical Renovations	AM0	6,382
HC0	R28	Boiler Plant Renovations	AM0	45,743
HC0	RA2	Medicaid	HC0	71,998
HC0	RA8	APRA Patient Records System	HC0/TO0	10,858
<b>Subtotal</b>				<b>3,974,265</b>

**Department of Human Services**

JA0	JB2	JB Johnson Facility	AM0	103,366
JA0	SB1	Children's Tracking System	TO0	438,565
JA0	SH1	Shelter Facilities	AM0	14,922
<b>Subtotal</b>				<b>556,853</b>

**Department of Youth Rehabilitation Services**

JZ0	H96	General Renovation at Oak Hill Youth Facility	CC0	76,879
JZ0	SH7	Oak Hill Youth Facility	AM0	5,880,000

ENROLLED ORIGINAL

Subtotal 5,956,879

Department of Transportation

KA0	CAL	ADA Ramps	KA0	1,081,741
KA0	CEL	Street Paving	KA0	109,657
KA0	CKL	Roadway Reconstruction	KA0	119,667
KA0	EDL	Streetscape Improvements	KA0	165,895
KA0	GFL	DDOT Facilities	KA0	1,463,848
Subtotal				2,940,808

Mass Transit Subsidies

KE0	SA2	Metrobus	KE0	16,310,299
KE0	SA3	Metrorail Rehabilitation	KE0	35,405,000
Subtotal				51,715,299

Department of Public Works

KT0	FM5	Packer Storage Facility	CC0/KT0	3,742,189
KT0	FM6	Mechanics Shop	KT0	1,460,932
KT0	FS1	DPW Fueling Sites	KT0	449,468
KT0	GD1	Fleet Management Pool, Welding, and Carwash	KT0	18,063
KT0	SW1	Rehabilitation of Ft. Totten Transfer Station	KT0	767,500
KT0	SW2	Solid Waste Reduction Center	KT0	62,456
Subtotal				6,500,608

Department of Motor Vehicles

KV0	WA5	IT Infrastructure System/Software for 301 C Street, NW	KV0	57,780
KV0	WA6	System Infrastructure/Link System with Federal Government	TO0	397,401
Subtotal				455,181

Department of Mental Health

RM0	HX2	St. Elizabeths General Improvements	RM0	84,880
RM0	HY5	D.C. General Campus	RM0	1,009,410
RM0	XA5	St. Elizabeths Hospital General Improvements	RM0	6,739,082
RM0	XA6	St. Elizabeths Hospital Information System	RM0	878,049
Subtotal				8,711,421

Office of the Chief Technology Officer

TO0	EAM	Enterprise Architecture Management	TO0	86,938
TO0	N16	DCWAN	TO0	95,807
TO0	N26	ITCC (Information Tech Control Center)	TO0	45,379
TO0	N27	Applications Maintenance Transition Project	TO0	1,833,775
TO0	N36	SMP Pool	TO0	230,111

**ENROLLED ORIGINAL**

TO0	N48	ODC2 Mainframe Relocation	TO0	234,160
TO0	WDN	Wireless Network	TO0	9,167
TO0	ZA1	IT Management	TO0	1,304,043
TO0	ZB1	ASMP-Citywide Enterprise Resource Planning	TO0	19,600
<b>Subtotal</b>				<b>3,858,980</b>
 <b>Office of Unified Communications</b>				
UC0	UC2	Upgrade Public Safety Radio System	UC0	2,000,000
<b>Subtotal</b>				<b>2,000,000</b>
 <b>Total, Annual Capital Improvements Program</b>				<b>484,187,000</b>
 <b>Additional Financing</b>				
 <b>Office of Property Management</b>				
AM0	AA3	Consolidated Laboratory Facility	AM0	91,478,000
AM0	AA9	Procurement of 225 Virginia Avenue, SE	AM0	85,200,000
 <b>Total, Additional Financing</b>				<b>176,678,000</b>
 <b>Grand Total</b>				<b>660,865,000</b>

Sec. 5. If the funds allocated to any agency pursuant to this act exceed the amount required by that agency to complete any authorized capital project listed in section 4 for that agency, the excess funds shall be made available to finance other capital projects approved by a prior or subsequent Council bond issuance resolution.

Sec. 6. Pursuant to sections 7 and 8 of the Bond Acts, section 2 of the Income Tax Bond Act, and applicable law, the Council approves the execution and delivery by the Mayor, or the Chief Financial Officer, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds or income tax secured revenue bonds pursuant to the Bond Acts or the Income Tax Bond Act.

Sec. 7. Fiscal impact statement.

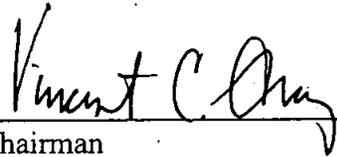
The Council adopts the fiscal impact of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

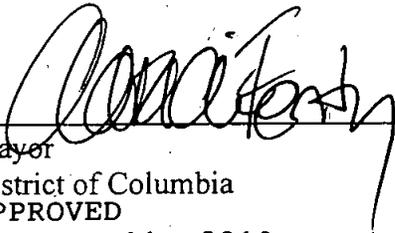
Sec. 8. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in 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 publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on an emergency basis, Contract No. DCPO-2009-C-0008C with Allied Barton Security Services, LLC, to provide security services and qualified personnel to protect persons and property at various District leased or owned facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCPO-2009-C-0008C Approval and Payment Authorization Emergency Act of 2009".

Sec. 2. (a) 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), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. DCPO-2009-C-0008C to provide security services and qualified personnel to protect persons and property at various District leased or owned facilities is approved pursuant to subsections (b) and (c) of this section and payment in the amount of \$4,772,920 is authorized for services received and to be received under that contract.

(b) The contractor shall be required to comply with the provisions of section 353(c) of the Service Contract Act of 1965, effective October 22, 1965 (86 Stat. 789; 41 U.S.C. § 353(c)).

(c) The contract shall not be construed as interfering with the right of employees to elect their bargaining representative at any time, including the first year of the contract.

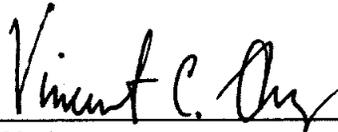
Sec. 3. Fiscal impact statement.

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)).

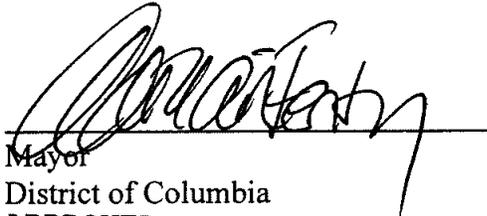
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on an emergency basis, Contract No. DCPO-2009-C-0008E to provide security services to the District of Columbia Public Schools system and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCPO-2009-C-0008E Approval and Payment Authorization Emergency Act of 2009".

Sec. 2. (a) 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), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. DCPO-2009-C-0008E with U. S. Security Associates, Inc., to provide security services to the District of Columbia Public Schools system is approved pursuant to subsections (b) and (c) of this section and payment in the amount of \$8,211,406 is authorized for services received and to be received in the base year of the contract.

(b) The contractor shall be required to comply with the provisions of section 353(c) of the Service Contract Act of 1965, effective October 22, 1965 (86 Stat. 789; 41 U.S.C. § 353(c)).

(c) The contract shall not be construed as interfering with the right of employees to elect their bargaining representative at any time, including the first year of the contract.

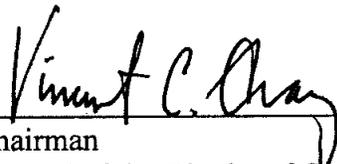
Sec. 3. Fiscal impact statement.

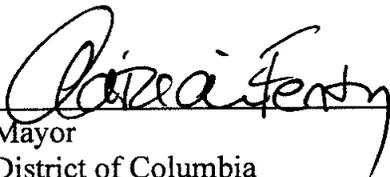
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on an emergency basis, Contract No. DCPO-2009-C-0008D to provide security services to the District of Columbia Public Schools system and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCPO-2009-C-0008D Approval and Payment Authorization Emergency Act of 2009".

Sec. 2. (a) 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), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. DCPO-2009-C-0008D with Securitas Security Services USA, Inc., to provide security services to the District of Columbia Public Schools system is approved pursuant to subsections (b) and (c) of this section and payment in the amount of \$8,035,445 is authorized for services received and to be received in the base year of the contract.

(b) The contractor shall be required to comply with the provisions of section 353(c) of the Service Contract Act of 1965, effective October 22, 1965 (86 Stat. 789; 41 U.S.C. § 353(c)).

(c) The contract shall not be construed as interfering with the right of employees to elect their bargaining representative at any time, including the first year of the contract.

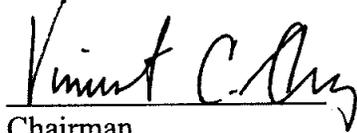
Sec. 3. Fiscal impact statement.

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)).

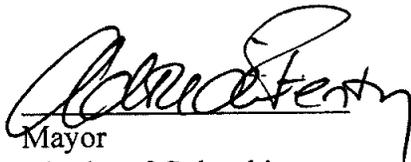
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on an emergency basis, Contract No. DCGD-2009-C-7331 to provide English language proficiency-assessment services for students with significant disabilities, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCGD-2009-C-7331 Approval and Payment Authorization Emergency Act 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), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCGD-2009-C-7331 with the University of Wisconsin-Madison to provide English language proficiency-assessment services for students with significant disabilities and authorizes payment in the amount of \$1,220,427 for services received and to be received under this contract.

Sec. 3. Fiscal impact statement.

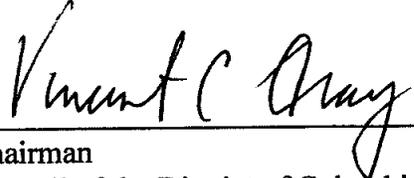
The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

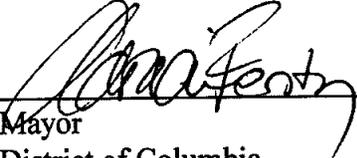
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To amend, on an emergency basis, the Film DC Economic Incentive Act of 2006 to authorize the reimbursement of funds from the Film DC Economic Incentive Fund pertinent to the April 3, 2009 agreement executed by the Office of Motion Picture and Television Development.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Film DC Economic Incentive Fund Payment Authorization Emergency Act of 2009".

Sec. 2. The Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501 *et seq.*), is amended by adding a new section 2f to read as follows:

"Sec. 2f. Authorization of reimbursement pertaining to April 3, 2009 letter agreement with Columbia Pictures Industries.

"Notwithstanding the provisions of this act, the Mayor may reimburse production expenses not to exceed \$1.4 million from the Film DC Economic Incentive Fund to the motion picture project memorialized by the April 3, 2009 letter agreement between the Office of Motion Picture and Television Development ("Office") and Columbia Pictures Industries, Inc.; provided, that the Office makes a finding, transmitted in writing to the Council, that Columbia Pictures Industries, Inc., has met the terms of that letter agreement and specified the appropriate amount of payment."

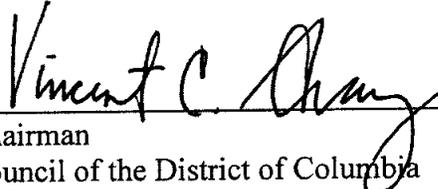
Sec. 3. Fiscal impact statement.

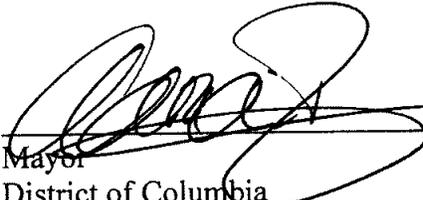
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

Codification  
District of  
Columbia  
Official Code

2001 Edition

2010 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the Hospital and Medical Services Corporation Regulatory Act of 1996 to define a public-private partnership, to authorize hospital and medical services corporations to enter into a public-private partnership, to extend the timeline allowed for the Commissioner to determine the surplus of a hospital and medical services corporation, to authorize the Commissioner to certify an ongoing public-private partnership, to allow a public-private partnership to substitute for the requirements of the open enrollment program; to amend the Healthy DC Act of 2008 to change eligibility requirements and premium limitations for the Healthy DC Program; to amend the Life Insurance Act, the Health Maintenance Organization Act of 1996, and section 47-2608 of the District of Columbia Official Code to make conforming amendments; and to repeal section 3 of the Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Hospital and Medical Services Corporation Regulatory Emergency Amendment Act of 2009".

Sec. 2. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3501) is amended as follows:

(1) Designate paragraph (7A) as paragraph (7B).

(2) A new paragraph (7A) is added to read as follows:

“(7A) Public-private partnership” means a mutually acceptable written agreement between the Mayor and a hospital and medical services corporation that is certified by the Commissioner upon the execution and delivery of the agreement by the parties and which agreement:

“(A) Shall include the following provisions:

“(i) A \$5 million annual payment to the Healthy DC Fund (or

Note,  
§ 31-3501

## ENROLLED ORIGINAL

appropriate successor fund) by the hospital and medical services corporation to be used for subsidies that expand health insurance coverage for low-income District residents;

“(ii) A targeted city-wide health care initiative aimed at improving nutrition and increasing physical fitness among the District’s senior citizens, or another comparable health promotion program;

“(iii) A term not to exceed 5 years, subject to extension upon the mutual written agreement of the parties;

“(iv)(I)(aa) The maintenance and support of the existing District open enrollment program as it operated prior to the enactment of the Medical Insurance Empowerment Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-369; 56 DCR 1346)(“open enrollment program”), which program has an estimated average premium of \$357 per member per month, and the enhancement of the open enrollment program by offering a new health maintenance organization product that includes comprehensive benefits with an average initial premium currently estimated at about \$300 per member per month, which average may vary based upon age and family status, and subject to other reasonable adjustments, but with no adjustments for gender or pre-existing conditions.

“(bb) The annual premium rate of the existing open enrollment program shall not exceed 125% of the comparable medically underwritten product and shall be determined once every 12 months. The benefit package of the health maintenance organization product shall include, at a minimum, primary care services, specialist services, temporomandibular joint problems chiropractic services, mental health and addiction treatment, organ transplantation, treatment for morbid obesity, open heart surgery, and pharmaceutical benefits.

“(cc) The medical loss ratio of the health maintenance organization product to be utilized in rate filings and determinations shall not exceed 150%;

“(II) Under the open enrollment program pursuant to subsub-subparagraph (I) of this sub-subparagraph:

“(aa) Current members shall be permitted to maintain the option to continue their current open enrollment program coverage or opt for the new health maintenance organization product;

“(bb) New open enrollment members shall only be offered the new health maintenance organization product; and

“(cc) Total enrollment under subparagraph A)(iv)(I) of this paragraph shall be capped at 2,500;

“(v) Participation in the open enrollment program (including the health maintenance organization product) may be limited to District residents, which shall be subject to periodic confirmation; and

“(vi)(I) A corporation shall prominently advertise the availability of the new open enrollment health maintenance organization product continuously on the

ENROLLED ORIGINAL

Internet and at least quarterly in a newspaper of general circulation throughout the District.

“(II) The content and format of the advertising shall be filed with the Commissioner no less than 30 days before its appearance in a newspaper or on the Internet;

“(B) May include the following provisions:

“(i) Authority for the Commissioner to grant a hospital and medical services corporation reasonable relief from the requirements of the agreement, such as if federal or state health care reforms make the requirements unnecessary or redundant or if the corporation does not meet a financial performance or similar test as specified in the agreement; provided, that any relief granted shall not affect the certification of the agreement by the Commissioner or the status of the agreement as a public-private partnership for all purposes under this act; and

“(ii) Reasonable expiration and termination provisions; and

“(C) Shall be effective upon the certification of the Commissioner.”

(b) Section 6(e) (D.C. Official Code § 31-3505(e)) is amended to read as follows:

Note, § 31-3505

“(e) The applicant has:

“(1) Made provision for compliance with the open enrollment requirements of section 15, including the providing of other public services in the District; or

“(2) Has entered into a public-private partnership.”

(c) Section 7 (D.C. Official Code § 31-3506) is amended as follows:

Note, § 31-3506

(1) Subsection (e) is amended by striking the first sentence and inserting the phrase “The Commissioner may, on an annual basis, and shall, on a basis no less frequently than every 3 years, review the portion of the surplus of the corporation that is attributable to the District and may issue a determination as to whether the surplus is excessive. Any such review shall be undertaken in coordination with the other jurisdictions in which the corporation conducts business.” in its place.

(2) Subsection (f) is amended by striking the phrase “section 15” and inserting the phrase “section 15 and payments and expenditures pursuant to a public-private partnership” in its place.

(3) A new subsection (j) is added to read as follows:

“(j) The existence of a public-private partnership shall not preclude the Commissioner’s surplus evaluation of the corporation or diminish the Commissioner’s authority to issue directives to the corporation pursuant to the evaluation.”

(d) Section 7a(a) (D.C. Official Code § 31-3506.01(a)) is amended as follows:

Note, § 31-3506.01

(1) Strike the phrase “dedicate excess surplus” and insert the phrase “dedicate excess surplus or to verify that the corporation is participating in a public-private partnership.” in its place.

(2) Strike the phrase “or the corporation’s compliance with its plan,” and insert the phrase “or the corporation’s compliance with its plan, or when verifying the corporation’s participation in a public-private partnership” in its place.

## ENROLLED ORIGINAL

(e) Section 15 (D.C. Official Code § 31-3514) is amended by adding new subsections (p), (q), and (r) to read as follows:

Note,  
§ 31-3514

“(p) In lieu of the requirements of subsection (m) through (o) of this section, the corporation may enter into a public-private partnership.

“(q) The corporation shall submit an annual report to the Mayor regarding the open enrollment program. The Mayor shall determine the format and content of the report; provided, that the report shall include:

- “(1) Membership distribution by:
  - “(A) Age
  - “(B) Gender;
  - “(C) Ward;
  - “(D) Zip code;
  - “(E) Race/ethnicity;
  - “(F) Income; and
  - “(F) The amount of time in the program;
- “(2) The number of members by contract type;
- “(3) Program expenditures for:
  - “(A) Inpatient services;
  - “(B) Outpatient services;
  - “(C) Behavioral health services; and
  - “(D) Prescription drugs;
- “(4) Average premium;
- “(5) Premium levels by age; and
- “(6) The number of members that have reached the:
  - “(A) Out-of-pocket maximum expenditure; and
  - “(B) Annual prescription drug benefit maximum.

“(r) The public-private partnership shall be certified by January 31, 2010.”.

Sec. 3. The Healthy DC Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 4-631 *et seq.*), is amended as follows:

(a) Section 5043(a) (D.C. Official Code § 4-633(a)) is amended as follows:

Note,  
§ 4-633

(1) Paragraph (2) is amended by striking the phrase “between 200% and” and inserting the phrase “not exceeding” in its place.

(2) Paragraph (4)(C) is amended as follows:

- (A) Strike the phrase “employer based”.
- (B) Strike the word “premium”.

(b) Section 5044(b) (D.C. Official Code § 4-634(b)) is amended to read as follows:

“(b) The Program shall limit annual premium costs for program participants as follows:

Note,  
§ 4-634

- “(1) For a program participant with a gross household income of 300% of the

## ENROLLED ORIGINAL

federal poverty guidelines or less, the annual premium shall not exceed 3% of the participant's gross household income; and

“(2) For a program participant with a gross household income that exceeds 300% of the federal poverty guidelines, the annual premium shall not exceed 5% of the participant's gross household income.”

(c) Section 5045(a) (D.C. Official Code § 4-635(a)) is amended by striking the phrase “July 1, 2009” and inserting the phrase “January 1, 2010” in its place.

Note,  
§ 4-635

#### Sec. 4. Conforming amendments

(a) Section 650(c) of the Life Insurance Act, approved March 3, 1901 (31 Stat. 1291; D.C. Official Code § 31-205(c)), is amended by striking the phrase “payment to the rate stabilization fund under section 15 of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3514),” and inserting the phrase “payment to the rate stabilization fund under section 15 of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3514), and payments and expenditures pursuant to a public-private partnership entered into in accordance with the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*),” in its place.

Note,  
§ 31-205

(b) Section 4a of the Health Maintenance Organization Act of 1996, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 31-3403.01), is amended by striking the phrase “District Medicaid program,” and inserting the phrase “District Medicaid program, the Healthy DC Program,” in its place.

Note,  
§ 31-3403.01

(c) Section 47-2608(a-1) of the District of Columbia Official Code is amended by striking the phrase “payment to the rate stabilization fund under § 31-3514” and inserting the phrase “payment to the rate stabilization fund under § 31-3514 and payments and expenditures pursuant to a public-private partnership entered into in accordance with the provisions of Chapter 5 of Title 31” in its place.

Note,  
§ 47-2608

(d) Section 3 of the Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009, signed by the Mayor on October 9, 2009 (D.C. Act 18-204; 56 DCR 8148), is repealed.

#### Sec. 5. Fiscal impact statement.

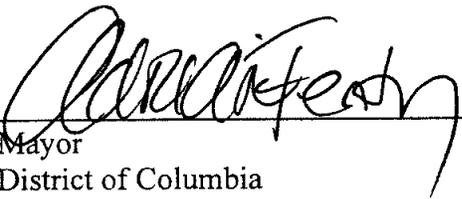
The Council adopts the fiscal impact statement in the committee report for the Hospital and Medical Services Corporation Regulatory Amendment Act of 2009, signed by the Mayor on November 30, 2009 (D.C. Act 18-239; 56 DCR 9182), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To approve, on an emergency basis, Contract No. DCHC-2008-C-9091 with Unity Health Care, Inc., to provide pharmacy staffing and pharmacy management services at 7 public health clinics, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2008-C-9091 Approval and Payment Authorization Emergency Act 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), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCHC-2008-C-9091 with Unity Health Care, Inc., for pharmacy staffing and pharmacy management services at 7 public health clinics and authorizes payment in the amount of \$4,782,176.66 for goods and services received and to be received under that contract.

Sec. 3. 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. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To designate, on an emergency basis, the District's annual city title high school boys and girls championship basketball games and title trophy the Abe Pollin City Title Championship and Abe Pollin City Title Trophy, in honor of the late Abe Pollin.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abe Pollin City Title Championship and Title Trophy Designation Emergency Act of 2009".

Sec. 2. The Council designates the District's city title high school boys and girls championship basketball games, organized by the District of Columbia Public Schools, as the "Abe Pollin City Title Championship" and the title trophy as the "Abe Pollin City Title Trophy".

Sec. 3. Fiscal impact statement.

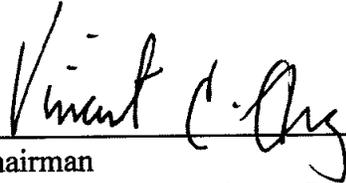
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

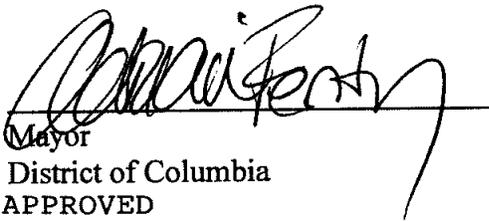
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2010

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Winter  
Supp.

West Group  
Publisher

To prohibit, on an emergency basis, the Mayor from making grants of more than \$1 million from the General Fund of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Executive Grant-Making Authority Limitation Emergency Act of 2009".

Sec. 2. Notwithstanding any other provision of law, all Executive agencies, excluding independent Executive branch agencies, are prohibited from issuing any grants from the General Fund of the District of Columbia, including local funds, special purpose revenue funds, and dedicated taxes, and intra-District funds derived from sources of the General Fund of the District of Columbia in excess of \$1 million, except as expressly authorized for a specific project in a statute or in section 4.

Sec. 3. Notwithstanding any other provision of law, all independent Executive branch agencies are prohibited from issuing any grants in excess of \$1 million from funds derived from an intra-District transfer or Memorandum of Understanding.

Sec. 4. Nothing in this act shall be construed to prohibit the issuing of grants from federal funds, private funds, and any funds from the General Fund of the District of Columbia that are part of the maintenance of effort for a federal grant.

Sec. 5. Fiscal impact statement.

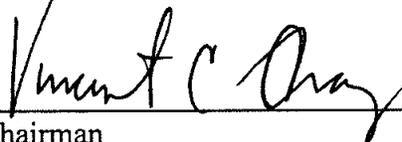
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2010

To require, on an emergency basis, the Chief Financial Officer to stop payment at midnight on January 20, 2010, on all retroactive contracts that have not been ratified by the Council by act, and to require written confirmation from the Mayor, the City Administrator, or the Chief Procurement Officer that all known retroactive contracts have been submitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unauthorized Contract Stop Payment Emergency Act of 2009".

Sec. 2. The Council finds that:

(1) For option-year contracts:

(A) All option-year contracts over \$1 million are required by law to be sent to the Council for review.

(B) Section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) ("HRA"), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a) ("PPA"), unambiguously provide that option-year contracts over \$1 million shall be submitted to the Council.

(C) Notwithstanding the clear requirements of the HRA and of the PPA, the Council restated and further clarified that option-year contracts over \$1 million must be submitted to the Council in the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), and the Criteria for Council Review of Contract Options Clarification Amendment Act of 2009, passed on 4<sup>th</sup> reading on September 22, 2009 (Enrolled version of B18-203).

(D) A contract is either a multiyear contract that requires active Council approval, or it is a one-year contract and its option years must be resubmitted to the Council for review and approval.

(E) The January 7, 2009, opinion e-mailed from the Attorney General to all agency contracting officers stating that option-year contracts do not have to be submitted to the Council is contrary to the clear letter of the law and of no effect.

## ENROLLED ORIGINAL

(F) Any option-year contract that is over \$1 million and has not been submitted to the Council in accordance with the HRA is in violation of section 451 of the HRA.

(2) For contracts with independent agencies:

(A) All independent agency contracts over \$1 million shall be sent to the Council through the same review process for contracts of subordinate executive agencies.

(B) All multiyear independent agency contracts shall be sent to the Council for active approval.

(C) Any independent agency contract not submitted to the Council in accordance with the HRA is in violation of section 451 of the HRA.

(3) For retroactive contract payment authorization:

(A) All contracts that have not properly been submitted to the Council are in violation of section 451 of the HRA, unless ratified by an act of the Council.

(B) The memorandum of opinion of the Attorney General, dated October 26, 2009, which states that contracts entered into unlawfully are nonetheless legally binding, is contrary to the clear letter of the law and of no effect.

Sec. 3. (a) Based upon the findings in section 2, the Council directs the Chief Financial Officer to stop payment on all retroactive contracts with authority of over \$1 million (including option-year and independent Executive branch agency contracts), issued from January 1, 2009, to December 31, 2009, at midnight on January 20, 2010, unless these contracts have been ratified by the Council by act.

(b) Written correspondence shall be provided by January 20, 2010 to the Council of the District of Columbia and the Office of the Chief Financial Officer that has been signed by the Mayor, the City Administrator, or the Chief Procurement Officer affirming that all known retroactive contracts with authority of over \$1 million (including option-year and independent Executive branch agency contracts), issued from January 1, 2009, to December 31, 2009, have been submitted to the Council for ratification.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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 act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia

UNSIGNED

Mayor  
District of Columbia  
January 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To amend, on an emergency basis, the Anacostia River Cleanup and Protection Act of 2009 to allow retail establishments a grace period to deplete existing stock of nonconforming plastic and paper disposable carryout bags.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anacostia River Clean Up and Protection Clarification Emergency Amendment Act of 2009".

Sec. 2. Section 10 of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; 56 DCR 5703), is amended to read as follows:

"Sec. 10. Applicability.

"Sections 2 and 4 through 6 shall apply as of January 1, 2010. Section 3 shall apply as of April 1, 2010."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. Effective date.

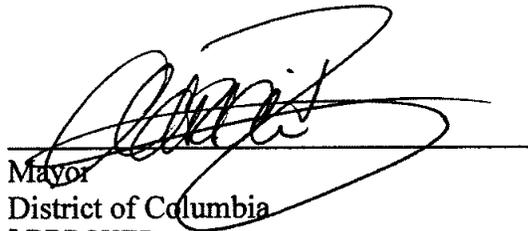
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council for the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2010

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AN ACT

D.C. ACT 18-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 11, 2010

To amend the PILOT Authorization Increase and Arthur Capper/ Carrollsburg Public Improvements Revenue Approval Act of 2006 to allocate additional funds to the payment of debt services for the bonds, and to approve the revised Capper/Carrollsburg PILOT Agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Emergency Amendment Act of 2009".

Sec. 2. The PILOT Authorization Increase and Arthur Capper/ Carrollsburg Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16- 244; 54 DCR 609), is amended as follows:

(a) Section 201 is amended to read as follows:

"(1) "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, as defined in the Reserve Agreement; provided, that the Available Increment shall not include the Available Real Property Tax Increment or Available Sales Tax Increment derived from the Gallery Place Project or the Mandarin Project (as defined in 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), 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 these projects; provided, that following any allocation of the Footprint Increment with respect to a Future Downtown Project, such Footprint Increment shall be excluded from Available Increment; provided further, that to the extent all or part of the Available Real Property Tax Increment and Available Sales Tax Increment has been committed exclusively for another purpose, the amount committed shall be excluded from Available Increment.

"(2) "Available Real Property Tax Increment" means, for any fiscal year of the District, 100% of the real property tax increment in respect to 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 Official Code and payments in lieu of real property taxes, exclusive of the special real property tax

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authorized by section 481 of the Home Rule Act, 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.

“(3) “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 resulting from the imposition of tax on sales imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including 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 § 10-1202.08), 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.

“(4) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) authorized to be issued from time to time pursuant to this act.

“(5) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

“(6) “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) payable on all of the outstanding Gallery Place Bonds and Mandarin Bonds in such fiscal year.

“(7) “Capper/Carrollsborg HOPE VI Project” means the redevelopment of a 23-acre public housing complex in the southeast quadrant of the District by DCHA pursuant to a grant and other financing agreements with the United States Department of Housing and Urban Development.

“(8) “Capper/Carrollsborg PILOT” or “PILOT” means the payment in lieu of taxes from the Capper/Carrollsborg PILOT Area pursuant to the Capper/Carrollsborg PILOT Agreement.

“(9) “Capper/Carrollsborg PILOT Agreement” means the PILOT agreement described in section 202(b) and approved under section 203.

“(10) “Capper/Carrollsborg PILOT Area” means land in the southeast quadrant of the District located in Lots 0045, 0046, 0047, and 0048, Square 799; Lots 0020, 0025, 0026, 0027, 0028, 0816, 0818, 0819, and 0820, Square 800; Lots 0037, 0038, and 0039, Square 824; all lots in Squares 737, 739, 767, 768, 769, 797, 798, 825, S825, and 882; any portion of the land known as Reservation 17A which becomes part of Square 737 or 739; and land consisting of streets or alleys located within the Capper/Carrollsborg PILOT Area upon abandonment thereof and reversion to a square or lot included in the Capper/Carrollsborg PILOT Area.

“(11) “Capper/Carrollsborg PILOT Fund” means the nonlapsing fund established under section 204.

“(12) “Capper/Carrollsborg Public Improvements” means the infrastructure,

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including streets, sidewalks, walkways, streetscapes, curbs and gutters, gas, electric and water utility lines, and other publicly-owned infrastructure, and the relocation, construction, and redevelopment of certain public facilities located within or serving the Capper/Carrollsbury PILOT Area.

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

"(14) "DCHA" means the District of Columbia Housing Authority.

"(15) "DCHA bonds" means the revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) issued by or on behalf of DCHA secured by bonds authorized by this act.

"(16) "Development costs" means all costs and expenses incurred by or on behalf of the District of Columbia or DCHA relating to the development, redevelopment, purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, renovation, repair, furnishing, equipping, and operating of the Capper/Carrollsbury Public Improvements, including:

"(A) The costs of demolishing or removing buildings or structures on, and site preparation of, land acquired or used for, or in connection with, the Capper/Carrollsbury Public Improvements;

"(B) Costs of relocation, construction, and redevelopment of the Capper/Carrollsbury Public Improvements;

"(C) Expenses incurred for utility lines, structures, or equipment charges;

"(D) Interest prior to, and during, construction and for a period as may be necessary for the operation of the Capper/Carrollsbury Public Improvements;

"(E) Provisions for reserves for principal and interest, capitalized interest, and extraordinary repairs and replacements;

"(F) Expenses incurred for architectural, engineering, energy efficiency technology, design and consulting, financial, and legal services;

"(G) Fees for letters of credit, bond insurance, debt service reserve insurance, surety bonds, or similar credit or liquidity enhancement instruments;

"(H) Costs and expenses associated with the conduct and preparation of specification and feasibility studies, plans, surveys, historic structure reports, and estimates of expenses and revenues;

"(I) Expenses necessary or incident to issuing the bonds and DCHA bonds and determining the feasibility and the fiscal impact of financing the acquisition, construction, or redevelopment of the Capper/Carrollsbury Public Improvements; and

"(J) The provision of a proper allowance for contingencies and initial working capital.

"(17) "Financing Costs" means issuance costs as defined in D.C. Official Code § 47-340.01(14), including such costs incurred by or on behalf of DCHA with respect to the Capper/Carrollsbury Public Improvements and DCHA bonds.

"(18) "Financing Documents" means closing documents as the term is defined in D.C. Official Code § 47-340.01(6), and financing documents as the term is defined in D.C. Official Code § 47-340.01(11), including any offering document, and any required supplements to any such documents, that relate to the financing, refinancing, or reimbursement of the costs of the Capper/Carrollsburg Public Improvements.

"(19) "Footprint Increment" means, for any fiscal year of the District, the sum of:  
 "(A) An amount not to exceed 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 Official Code and payments in lieu of real 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; plus  
 "(B) An amount not to exceed 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 § 10-1202.08), 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.

"(20) "Future Downtown Project" means an eligible project located in the Downtown TTF Area, other than the Gallery Place Project and the Mandarin Project, and certified and approved in accordance with 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.*)

"(21) "Gallery Place Bonds" means the \$73,650,000 District of Columbia (Washington, DC) Tax Increment Revenue Bonds (Gallery Place Project Issue) Series 2002.  
 "(22) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*)  
 "(23) "Mandarin Bonds" means the \$45,995,387.40 District of Columbia (Washington, DC) Mandarin Oriental Hotel Project Tax Increment Revenue Bonds Series 2002.  
 "(24) "PILOT improvements" means the improvements located on the real property located at Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes part of Square 737, and land consisting of streets or alleys located within the Capper/Carrollsburg PILOT Area upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769.

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"(25) "PILOT improvement payments" means the excess of the payments in lieu of real property taxes payable pursuant to D.C. Official Code § 47-4611 and allocable to the PILOT improvements, over an amount equal to the special tax provided for in section 481 of the Home Rule Act.

"(26) "Pledged PILOT payments" means the sum of:

"(A) Payments in lieu of real property taxes (including any penalties and interest charges) from the Capper/Carrollsborg PILOT Area (other than the PILOT improvements) payable pursuant to D.C. Official Code § 47-4611; and

"(B) The PILOT improvement payments.

"(27) "Reserve Agreement" means the Reserve Agreement, dated April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc."

(b) Section 202 is amended as follows:

(1) Subsection (c)(1) is amended to read as follows:

"(c)(1) The bonds may be issued directly by the District or may be issued in the form of a PILOT note to DCHA, or its designee, in which case the PILOT note may secure DCHA bonds or otherwise be applied to finance, refinance or reimburse development costs of the Capper/Carrollsborg Public Improvements."

(2) Subsection (h) is amended as follows:

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase "and income realized" and inserting the phrase "other moneys, that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, other sources of payment (other than the District), and income realized" in its place.

(C) A new paragraph (2) is added at the end to read as follows:

"(2) There is further allocated to the payment of debt service on a principal amount of bonds not to exceed \$32 million (and the funding of reserves for such purposes) the Available Increment, subordinate to the allocation of the Available Increment to the Budgeted Reserve, to be used for the payment of debt service on the bonds (and the funding of reserves for such purpose) to the extent that the revenues allocated in paragraph (1) of this subsection are inadequate to pay debt service on (and the funding of reserves for) the bonds."

Sec. 3. Approval of revised Capper/Carrollsborg PILOT Agreement.

The Council approves the revised Capper/Carrollsborg PILOT Agreement in substantially the form that has been transmitted to the Council.

Sec. 4. Fiscal impact statement.

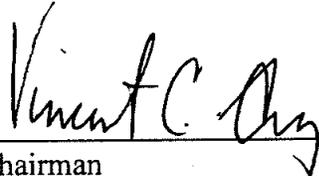
The Council adopts the fiscal impact statement in the committee report for the Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Amendment Act of 2009, passed

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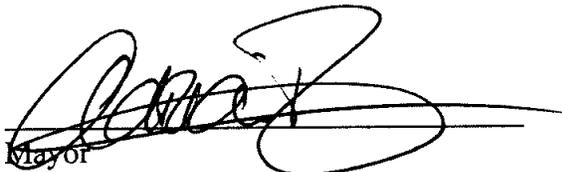
on 1<sup>st</sup> reading on December 15, 2009 (Engrossed version of Bill 18-475), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2010