



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Resolution 19-698, Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2012
- DC Council passes Resolution 19-721, Local Budget Autonomy Emergency Declaration Resolution of 2012
- Public Service Commission approves Potomac Electric Power Company's application to revise retail transmission rates
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2012 and Fiscal Year 2013 Mathematics and Science Partnerships Grant Program
- Department of Health announces funding availability for the Fiscal Year 2013 Community Transformation Grants
- Department of Human Services announces funding availability for the Fiscal Year 2013 Mini-Subgrants to Small Non-Profit Community-Based Organizations

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 20, 2012

Codification
 District of Columbia
 Official Code
 2001 Edition

Winter 2013

To amend, on an emergency basis, due to Congressional review, the District of Columbia Public Assistance Act of 1982 to delay the scheduled additional 25% reduction of Temporary Assistance for Needy Families payments for 6 months, from October 1, 2012, until April 1, 2013.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Temporary Assistance for Needy Families Time Delay Congressional Review Emergency Amendment Act of 2012".

Sec. 2. Section 552(c-3) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52(c-3)), is amended as follows:

Note,
 § 4-205.52

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

"(1) For the period beginning April 1, 2013, and ending September 30, 2013, a reduction of 25% of the fiscal year 2012 amount;"

(b) Paragraph (2) is amended by striking the phrase "fiscal year 2013 amount;" and inserting the phrase "amount established by paragraph (1) of this subsection;" in its place.

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

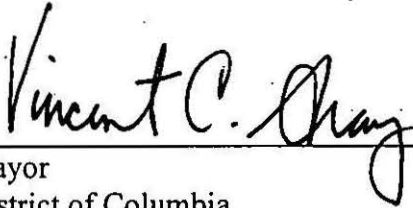
Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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
December 20, 2012

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-571

Codification
 District of Columbia
 Official Code
 2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 20, 2012

To amend, on an emergency basis, the Grandparent Caregivers Pilot Program Establishment Act of 2005 to allow waivers of certain eligibility requirements when a child is at risk of removal from his or her home.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grandparent Caregivers Program Emergency Amendment Act of 2012".

Sec. 2. Section 103 of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.03), is amended by adding a new subsection (a-1) to read as follows:

Note,
 § 4-251.03

"(a-1) The Mayor may waive the eligibility requirements established in subsection (a)(1) and (2) of this section if:

"(1) The Agency determines that the child is at risk of removal from the parent, guardian, or custodian pursuant to section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07);

"(2) The parent, guardian, or custodian permits the grandparent to be the child's primary caregiver; and

"(3) The parent, guardian, or custodian permits the child to reside with the grandparent."

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)).

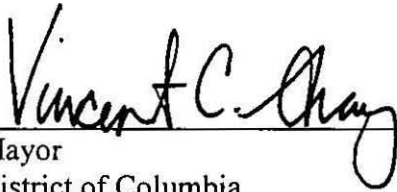
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Sec. 4. Effective date.

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), 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
December 20, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-572

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 20, 2012

To order, on an emergency basis, the closing of a public alley in Square N-515, bounded by New York Avenue, N.W., 2nd Street, N.W., L Street, N.W., and 4th Street, N.W., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square N-515, S.O. 12-02073, Emergency Act of 2012".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council of the District of Columbia finds the portion of the public alley in Square N-515, as shown on the Surveyor's plat in S.O. 12-02073, unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report of the Closing of a Public Alley in Square N-515, S.O. 12-02073, Act of 2012, passed on 2nd reading on November 15, 2012 (Enrolled version of Bill 19-827), 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

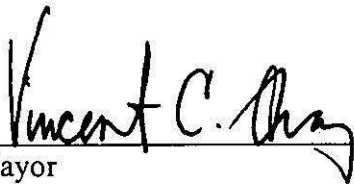
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90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

December 20, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 20, 2012Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend, on a temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to abate the real property taxes on the real property known as the Parkside Parcel E and J Mixed-Income Apartments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Temporary Act of 2012".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation 47-4645 to read as follows:

"47-4645. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056."

(b) A new section 47-4645 is added to read as follows:

"§ 47-4645. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056.

"(a) Subject to subsection (b) of this section, the real property described as Lot 808, Square 5041 and Lot 811, Square 5056, which is owned by Parkside Residential, LLC, and known as the Parkside Parcel E and J Mixed-Income Apartments, shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for both lots of \$600,000 per year for 10 property tax years commencing for Lot 808 and for Lot 811 at the beginning of the first month following the date the lot is issued a final certificate of occupancy ("commencement date") and ending for each lot at the end of the 10th full real property tax year following the lot's commencement date.

"(b) The real property tax abatement authorized by this section shall expire for the lot, or lots, whichever the case may be, that has not been issued a final certificate of occupancy by September 20, 2018, and an abatement pursuant to this section shall not be allowed.

Note,
§ 47-4644

ENROLLED ORIGINAL

“(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2018, upon the issuance of a final certificate for Lot 808 or Lot 811, any fees or deposits charged to and paid by Parkside Residential, LLC, related to that lot for the development of Parkside Parcel E and J Mixed-Income Apartments, including private space or building permit fees or public space permit fees (“related fees”), shall be refunded and any prospective related fees forgiven.

“(d) The tax abatements and fees and deposits exemptions provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Parkside Parcel E and J Mixed-Income Apartments.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

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.

(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

ENROLLED ORIGINAL

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
December 20, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 20, 2012Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To authorize, on a temporary basis, a building owner or tenant of a building owner to reconstruct building projections in the public space after the completion of the 18th Street streetscape project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Streetscape Reconstruction Second Temporary Act of 2012".

Sec. 2. Authority to reconstruct building projections upon completion of 18th Street streetscape project.

Note,
§ 1-325.191

(a) Upon completion of the 18th Street streetscape project (capital project number SR036A), a building owner or any tenant of the building owner shall be permitted to reconstruct any building projection that existed before the commencement of the streetscape project and that was altered because of the streetscape project; provided, that the building projection is identical to the building projection that existed at the commencement of the streetscape project and the building owner, or the tenants of the building owner, obtains the building and construction permits required by law and pays the associated building and construction permit fees; provided further, that reconstruction of any building projections for which no public space permit has been issued must be reconstructed as a temporary structure.

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

- (1) "Building projection" means a bay window, staircase, patio, sidewalk café, or other fixture attached to a building and located on public space.
- (2) "Streetscape project" means a roadway reconstruction on a commercial main street.

Sec. 3. Fiscal impact statement.

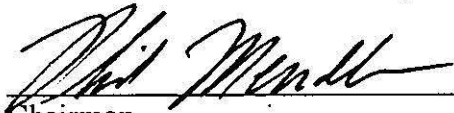
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

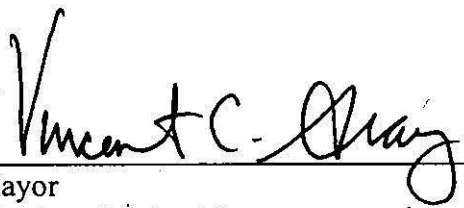
Sec. 4. Effective date.

(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
December 20, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-575

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 20, 2012Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To symbolically designate the 3900 block of Burns Place, S.E., in Ward 7, as Phebbie Scott Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Phebbie Scott Way Designation Act of 2012".

Sec. 2. Pursuant to section 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding sections 405 and 407 of the Act (D.C. Official Code §§ 9-204.05 and 9-204.07), the Council symbolically designates the 3900 block of Burns Place, S.E., in Ward 7, as "Phebbie Scott Way".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District Department of Transportation.

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. 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,

ENROLLED ORIGINAL

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
December 20, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-576

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 20, 2012

To approve, on an emergency basis, Contract No. DCAM-13-NC-0077 between the District government and Washington Gas Energy Services, Inc. in the amount of \$8,712,446 for natural gas to be provided to the District's accounts managed by the Department of General Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Natural Gas Contract No. DCAM-13-NC-0077 Approval Emergency Act of 2012".

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 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Contract No. DCAM-13-NC-0077 between the District government and Washington Gas Energy Services, Inc. ("Contract") in the amount of \$8,712,466, for natural gas to be provided to District accounts managed by the Department of General Services.

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.

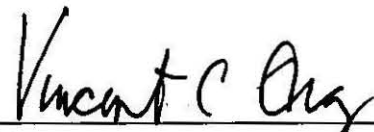
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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
December 20, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-577

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 20, 2012

To approve, on an emergency basis, Contract No. DCAM-12-CS-0068 and Change Order No. 01 with Consys, Inc., for renovation of office space of the Office of Attorney General for the District of Columbia, and to authorize payment in the aggregate amount of \$1,210,967 for 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. DCAM-12-CS-0068 and Change Order No. 01 Approval and Payment Authorization Emergency Act of 2012".

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 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-12-CS-0068 and Change Order No. 01 with Consys, Inc., for renovation of office space of the Office of the Attorney General for the District of Columbia, located on the 6th floor of One Judiciary Square, 441 4th Street, N.W., and authorizes payment in the aggregate amount of \$1,210,967 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal 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.

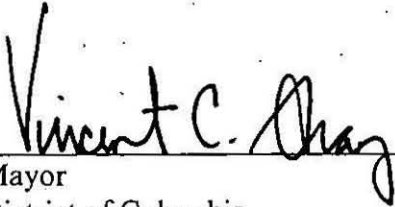
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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
December 20, 2012

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-578

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 25, 2012

To amend the Office of Unified Communications Establishment Act of 2004 to clarify that the 911 number is to be used for emergency calls only, and to require the Mayor to publicize this exclusive use to the public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "911 Purity Amendment Act of 2012".

Sec. 2. The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code §1-327.51 *et seq.*), is amended by adding a new section 3207a to read as follows:

New
§ 1-327.56a

"Sec. 3207a. Authorized use of 911.

"(a) The District's 911 call system shall be reserved exclusively for emergency calls.

"(b) The Mayor shall not use the 911 call system for administrative purposes, for placing outgoing calls, or for receiving non-emergency calls.

"(c) Upon the effective date of the 911 Purity Amendment Act of 2012, passed on 2nd reading on December 4, 2012 (Enrolled version of Bill 19-139), the Mayor shall publicize that the 911 call system shall be used exclusively for emergency calls. Any current or future publication or outreach conducted by the Mayor related to the 911 call system shall comply with the requirements of this section."

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)).

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,

ENROLLED ORIGINAL

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

UNSIGNED
Mayor
District of Columbia
December 21, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2012Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To designate the intersection of Wisconsin Avenue, N.W., K Street, N.W., and Water Street, N.W., in Ward 2, as the Senator Charles H. Percy Plaza.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Senator Charles H. Percy Plaza Act of 2012".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding sections 405 and 407 of the Act (D.C. Official Code §§ 9-204.05 and 9-204.07), the Council designates the intersection of Wisconsin Avenue, N.W., K Street, N.W., and Water Street, N.W., in Ward 2, as the "Senator Charles H. Percy Plaza".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor, the Office of the Recorder of Deeds, the Department of Public Works, and the Director of the National Park Service, National Parks East.

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,

ENROLLED ORIGINAL

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
December 22, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2012

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To symbolically designate the 1800 block of Martin Luther King, Jr. Avenue, S.E., as Albert "Butch" Hopkins Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Albert "Butch" Hopkins Way Designation Act of 2012".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding sections 405 and 407 of the Act (D.C. Official Code §§ 9-204.05 and 9-204.07), the Council symbolically designates the 1800 block of Martin Luther King, Jr. Avenue, S.E., as "Albert "Butch" Hopkins Way".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District Department of Transportation.

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. 4. Effective date.

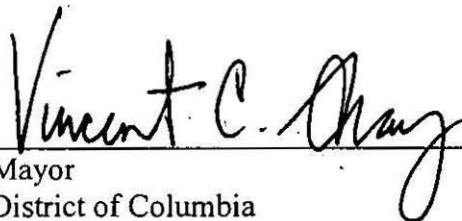
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

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
December 22, 2012

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-581

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2012

To approve, on an emergency basis, 4 task orders to Human Care Agreement No. DCHC-2011-H-0002 to provide supplemental nutrition services to low-income infants and children, women who are low-income and high-risk pregnant, breastfeeding, or postpartum, and other low-income residents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Task Orders to Human Care Agreement No. DCHC-2011-H-0002 Approval and Payment Authorization Emergency Act of 2012".

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 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves 4 task orders to Human Care Agreement No. DCHC-2011-H-0002 with Unity Health Care, Inc., to provide supplemental nutrition services to low-income infants and children less than 5 years of age, women who are low-income and high-risk pregnant, breastfeeding, or postpartum, and other low-income residents for the period of August 26, 2011, through August 25, 2012, in an amount not-to-exceed \$ 1,475,164 and authorizes payment for services received and to be received under Human Care Agreement No. DCHC-2011-H-0002 for the base year.

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)).

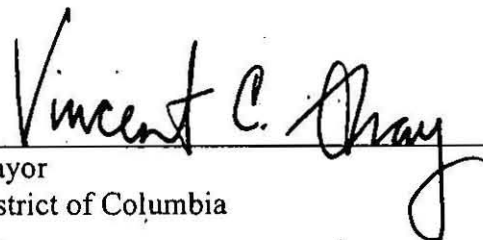
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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
December 22, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2012

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish mandatory controlled substance and alcohol testing and criminal background checks and a background investigation program for applicants, appointees, employees, volunteers, and contractual workers who have a duty station at the Consolidated Forensic Sciences Laboratory.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Emergency Amendment Act of 2012".

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) A new Title XX-E is added to read as follows:

"TITLE XX-E. MANDATORY CONTROLLED SUBSTANCE AND ALCOHOL TESTING FOR PROTECTION-SENSITIVE POSITIONS.

"Sec. 2051. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means a person who has filed a written or electronic employment application or résumé, or a person seeking a volunteer appointment, with the District government for a position covered by the provisions of this title.

"(2) "Appointee" means a person who has been made a contingent job offer to a position subject to the provisions of this title.

"(3) "Covered employee" means a District government employee occupying a protection-sensitive position.

"(4) "Drug" means a substance that may have medicinal, intoxicating, performance-enhancing, or other effects when taken or put into a human body and is not considered a food or exclusively a food.

Note,
§ 1-620.44

ENROLLED ORIGINAL

"(5) "Personnel authority" means an individual or entity authorized by section 406 to implement personnel rules and regulations for employees of an agency or group of agencies of the District government or persons delegated this authority by such an individual or entity.

"(6) "Post-accident employee" means an employee of the District government, who, while on-duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both, in which the cause of the accident could reasonably be believed to have been the result, in whole or in part, of the employee's use of drugs or alcohol.

"(7) "Protection-sensitive position" means a District government employee, volunteer, or contractual worker in a position having a duty station at the Consolidated Forensic Sciences Laboratory.

"(8) "Reasonable suspicion" means a reasonable belief by a supervisor that an employee in a protection-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job may be impaired.

"(9) "Reasonable suspicion referral" means referral of an employee in a protection-sensitive position for testing by the District government for drug or alcohol use.

"(10) "Volunteer" means an individual who works for the District government without monetary or other financial compensation.

"(11) "Vulnerable adult" means an individual 18 years of age or older who has a physical or mental condition that impairs the individual's ability to provide for the individual's care or protection.

"Sec. 2052. Drug and alcohol testing for protection-sensitive positions.

"The following individuals shall be tested by the District government for drug and alcohol use:

- "(1) Employees in protection-sensitive positions, on a random basis;
- "(2) Appointees to protection-sensitive positions;
- "(3) Volunteers serving in protection-sensitive positions;
- "(4) Applicants under consideration for voluntary service in protection-sensitive positions;
- "(5) District employees and volunteers in protection-sensitive positions who have had a reasonable suspicion referral; and
- "(6) Post-accident District employees and volunteers in protection-sensitive positions.

"Sec. 2053. Notification of employees.

"(a) All District government employees in protection-sensitive positions shall be given a minimum of 30 days written notice before implementation of the drug and alcohol testing program set forth by this title. Upon receipt of a written notice of the program, each employee shall be given one opportunity to seek treatment, if the employee has a drug or alcohol problem.

ENROLLED ORIGINAL

“(b) Upon expiration of the notice period, a confirmed positive drug or alcohol test result, refusal to submit to a drug or alcohol test, or failure to sign the required documents or otherwise cooperate with any part of the drug testing requirements shall result in termination of the employee’s employment in accordance with this title.

“Sec. 2054. Notice to appointees and volunteers.

“(a) Each vacancy announcement for a protection-sensitive position shall include a statement that applicants shall be tested for drug use upon initial appointment and shall be subject to periodic drug and alcohol testing while occupying a protection-sensitive position.

“(b) When a non-competitive recruitment procedure is involved, the Mayor or the personnel authority shall inform the appointee, at the time the contingent job offer is made, that the appointee shall be tested for drugs upon initial appointment, and that the appointee shall be subject to periodic drug and alcohol testing while occupying a protection-sensitive position.

“(c) Before an individual signs a volunteer agreement to perform protection-sensitive functions, the Mayor or the personnel authority shall notify the individual that the individual shall be tested for drug use upon initial appointment, and that the volunteer shall be subject to periodic drug and alcohol testing while performing these functions.

“(d) Upon selection, appointees shall receive written notification before testing for drug and alcohol use.

“Sec. 2055. Testing methodology.

“(a) Drug and alcohol analysis shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services (“HHS”) to perform job-related drug and alcohol forensic testing.

“(b) The drug and alcohol testing sample shall be collected at a location designated by the District government.

“(c) The collector shall split each sample and secure it for transport to the laboratory.

“(d) The laboratory shall perform the confirmation testing on one sample, and store the split of that sample.

“(e) An individual found to have a confirmed positive urinalysis shall be notified of the result. The individual may then authorize that the stored sample be sent to another HHS-certified laboratory of the individual's choice, at the individual's expense, for confirmation testing.

“(f) Reasonable suspicion and post-accident employee or volunteer testing shall follow the same procedures set forth in subsections (a), (b), (c), and (d) of this section. In these cases, the employee or volunteer shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyzer

“(g) A blood, breath, or urine test conducted pursuant to this section shall be deemed confirmed positive if the test yields a result that the employee’s or volunteer’s alcohol

ENROLLED ORIGINAL

content was either .04 grams or more per 210 liters of breath, .04 grams or more per 100 milliliters of blood, or .05 grams or more per 100 milliliters of urine.

“Sec. 2056. Positive test results.

“(a) An individual found to have a positive drug or alcohol test shall be notified in writing of the result. The individual may then authorize that the stored sample be sent to another HHS-certified laboratory of the individual's choice, at the individual's expense, for confirmation testing.

“(b) A positive drug or alcohol test, a refusal to submit to a drug or alcohol test, tampering with a drug or alcohol test, or failure to sign required documents or otherwise cooperate with any part of the drug testing requirements shall result in termination of employment, withdrawal of a contingent job offer, termination of a volunteer agreement, or withdrawal of a contingent volunteer service agreement.

“(c) The results of a drug or alcohol test conducted pursuant to this title shall not be provided to a law enforcement agency without the written consent of the employee, appointee, or volunteer or a subpoena or court order.

“Sec. 2057. Coverage of private contractual providers.

“Private entities that contract with the District government to provide contract employees to work in protection-sensitive positions shall establish mandatory drug and alcohol testing policies and procedures that are consistent with the requirements of this title.

“Sec. 2058. Submission of positions subject to mandatory drug and alcohol testing.

“(a) Within 60 days of the effective date of this title, personnel authorities shall submit to the Mayor a list of the positions they have designated as subject to the drug and alcohol testing requirements of this title.

“(b) Within 60 days of the effective date of this title, the Chief Procurement Officer shall submit to the Mayor a list of positions in private entities that contract with the District government and are subject to drug and alcohol testing pursuant to this title.

“(c) Personnel authorities shall submit an updated list of the positions subject to the mandatory drug and alcohol testing of this title no later than December 1 of each year.

“(d) The Chief Procurement Officer shall submit to the Mayor each quarter an updated list of the positions in private entities that contract with the District government that are subject to the drug and alcohol testing of this title.

“Sec. 2059. Applicability.

“(a) If, as of the effective date of this title, a District government agency has its own statutory or regulatory drug and alcohol testing policies and procedures and those policies or procedures are stricter than the provisions of this title, this title shall supplement and not replace the agency's policies and procedures.

“(b) The provisions of this title shall be in addition to, and shall not repeal, the provisions of section 2051 of the Omnibus Personnel Reform Amendment Act of 1998, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-620.11), sections 2021, 2022, 2023, 2024, and 2025 of the Department of Human Services and Commission on

ENROLLED ORIGINAL

Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Amendment Act of 1999, effective April 13, 1999 (D.C. Law 12-227; D.C. Official Code §§ 1-620.21 through 1-620.25), sections 2031, 2032, 2033, 2034, 2035, 2036, and 2037 of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 1-620.31 through 1-620.37), section 18 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-217), sections 2, 3, 4, and 5 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code §§ 24-211.21 through 24-211.24), and Chapter 39 of Title 6B of the District of Columbia Municipal Regulations (6B DCMR § 3900 *et seq.*), entitled "Testing for the Presence of Controlled Substances and Alcohol."

"Sec. 2060. Rules.

"Within 120 days of the effective date of this title, the Mayor pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title."

(b) A new Title XX-F is added to read as follows:

"TITLE XX-F.

"CRIMINAL BACKGROUND CHECKS AND BACKGROUND INVESTIGATIONS FOR PROTECTION-SENSITIVE POSITIONS OF 2012.

"Sec. 2061. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means a person who has filed a written or electronic employment application, or résumé, or a person seeking a volunteer appointment, with the District government for a position covered by the provisions of this title.

"(2) "Appointee" means a person who has been made a contingent job offer to a position covered by the provisions of this title.

"(3) "Background investigation" means a thorough inquiry into the past and present conduct and behavior of an applicant, appointee, employee, or volunteer to determine the person's suitability for employment.

"(4) "Covered employee" means a District government employee occupying a protection-sensitive position.

"(5) "Criminal background check" means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation, the Metropolitan Police Department, or other law enforcement agencies.

"(6) "Employee" means an individual who is employed on a full-time, part-time, or temporary basis by the District government.

"(7) "FBI" means the Federal Bureau of Investigation.

"(8) "MPD" means the Metropolitan Police Department.

ENROLLED ORIGINAL

"(9) "Personnel authority" means an individual or entity authorized by section 406 to implement personnel rules and regulations for employees of an agency or group of agencies of the District government or persons delegated personnel authority by such an individual or entity.

"(10) "Protection-sensitive position" means a District government employee, volunteer, or contractual worker in a position having a duty station at the Consolidated Forensic Sciences Laboratory.

"(11) "Suitability" means the quality or state of being acceptable for District government employment with respect to the character, reputation, qualification, and fitness of the person under consideration.

"(12) "Supervised" means under the direction of an individual who has received a current, satisfactory background clearance.

"(13) "Volunteer" means an individual who performs a protection-sensitive function for the District government without monetary or other financial compensation.

"(14) "Vulnerable adult" means an individual 18 years of age or older who has a physical or mental condition that impairs the individual's ability from providing for the individual's care or protection.

"Sec. 2062. Criminal background checks required for certain individuals.

"(a) Except as set forth in subsection (b) of this section, the following individuals shall be subject to criminal background checks:

"(1) An appointee to, or an applicant for, a protection-sensitive position;

"(2) A volunteer who performs a protection-sensitive function; and

"(3) A District government employee occupying a protection-sensitive position.

"(b) An individual with proof of an active federal security clearance may be subject to a criminal background check under subsection (a) of this section.

"Sec. 2063. Authorization to obtain records and notification requirements.

"(a) For competitive recruitments, each vacancy announcement for a position subject to a criminal background check under this title shall include a statement that applicants shall be subject to a criminal background check and a background investigation upon initial appointment to the position and shall be subject to ongoing criminal background checks while employed in the position.

"(b) When a non-competitive recruitment procedure is involved, the Mayor or the personnel authority shall inform the appointee at the time the contingent job offer is made that the appointee shall be subject to a criminal background check before employment in the covered position and shall be subject to ongoing criminal background checks while employed in the position.

"(c) Before a volunteer signs an agreement to perform protection-sensitive functions, the Mayor or the personnel authority shall notify the volunteer that a criminal

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background check shall be conducted before beginning volunteer activities and shall be subject to ongoing criminal background checks while performing these functions.

"Sec. 2064. Procedures for criminal background checks.

"(a) In order to conduct a criminal background check on an applicant, appointee, volunteer, or covered employee, the Mayor or the personnel authority shall obtain criminal background records maintained by the FBI, MPD, and any jurisdiction in which the applicant, appointee, volunteer, or covered employee has resided or been employed or may otherwise have a criminal history.

"(b) An applicant, appointee, volunteer, or covered employee subject to a criminal background check shall allow himself or herself to be fingerprinted and shall submit any information necessary or useful to conduct the criminal background check as requested by the Mayor or the personnel authority. The fingerprints shall be available for use by the Mayor or the personnel authority to conduct a criminal background check.

"(c) The Mayor or the personnel authority shall conduct criminal background checks, including the fingerprinting of applicants, appointees, volunteers, and covered employees, in accordance with FBI policies and procedures and in an FBI-approved environment.

"(d) The Mayor or the personnel authority shall conduct a criminal background check once the applicant, appointee, covered employee, or volunteer has provided:

"(1) A complete set of qualified, legible fingerprints, in a form approved by the FBI;

"(2) Written confirmation that the applicant, appointee, covered employee, or volunteer has been informed by the Mayor or the personnel authority that the Mayor or personnel authority is authorized to conduct a criminal background check on the applicant, appointee, covered employee, or volunteer;

"(3) Written authorization for the Mayor or the personnel authority to conduct a criminal background check;

"(4) Any additional identification that is required, including the name, social security number, birth date, and gender of the applicant, appointee, covered employee or volunteer;

"(5) A signed affirmation stating whether or not the applicant, appointee, covered employee, or volunteer has been convicted of, entered a guilty plea, including a plea of *nolo contendere* to, or has been found not guilty by reason of insanity of a crime in the District of Columbia or in any other state or territory;

"(6) Written acknowledgment that the Mayor or the personnel authority has notified the applicant, appointee, covered employee, or volunteer of the person's right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

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"(7) Written acknowledgment that the Mayor or the personnel authority may choose to deny the applicant or appointee employment or a volunteer position, or terminate a covered employee or volunteer, based on the outcome of the criminal background check.

"(e) Fingerprinting for the purposes of this section may be conducted by a person authorized to do so by the Mayor or the FBI.

"Sec. 2065. Background investigations.

"(a) In addition to criminal background checks, the individuals listed in section 2062 may be subject to background investigations.

"(b) A background investigation pursuant to this title shall consist of:

"(1) A credit check of the applicant, appointee, covered employee, or volunteer that adheres to the notification and consent requirements of the Fair Credit Reporting Act, approved October 26, 1970 (Pub. L. No. 91-508; 15 U.S.C. § 1681), and any other applicable law or regulation, as appropriate;

"(2) A traffic record check, as appropriate; and

"(3) The acquisition and consideration of other information allowed by law that assists in establishing the suitability for employment of an applicant, appointee, covered employee, or volunteer, including employment history checks and reference checks.

"(c) Any other information allowable by law that shall assist in establishing the suitability of an applicant, appointee, volunteer, or covered employee for employment or volunteer work with the District government.

"Sec. 2066. Assessment of information obtained from criminal background checks and background investigations.

"(a) The information obtained from a criminal background check or background investigation shall not create an automatic presumption against employment of an applicant, appointee, covered employee, or volunteer. The Mayor or the personnel authority shall determine whether the applicant, appointee, covered employee, or volunteer is unsuitable for employment because of his or her criminal history and background. In making this determination, the Mayor or the personnel authority shall consider the following factors:

"(1) The specific duties and responsibilities of the covered position;

"(2) The bearing, if any, that the criminal offense or background information will have on the fitness or ability of the applicant, appointee, covered employee, or volunteer to perform one or more of such duties or responsibilities;

"(3) The time that has elapsed since the occurrence of the criminal offense or negative background information;

"(4) The age of the applicant, appointee, covered employee, or volunteer at the time of the occurrence of the criminal offense or negative background information;

"(5) The frequency and seriousness of the criminal offense or negative background information;

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“(6) Any information provided on behalf of the applicant, appointee, covered employee, or volunteer or provided regarding the person's rehabilitation and good conduct since the occurrence of the criminal offense or negative background information; and

“(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

“(b) If the Mayor or the personnel authority determines that an applicant, appointee, volunteer, or covered employee shall not remain in the person's position because the person has been determined unsuitable for employment because of the individual's criminal history and background, the Mayor or the personnel authority shall inform the applicant, appointee, volunteer, or covered employee in writing.

“Sec. 2067. Appeals.

“(a) A covered employee who the Mayor or the personnel authority has determined shall not remain in his or her position because of being determined unsuitable for employment due to the covered employee's criminal history or background investigation shall have the following appeal rights:

“(1) A covered employee in a position under the Career Service (non-probationary status), Excepted, Executive, Legal, Management Supervisory Service, or in a non-excluded Educational Service position who is not on probationary status may appeal the decision.

“(2) A covered employee on probationary status or a volunteer may not appeal the decision.

“(b) The Mayor or the personnel authority shall issue rules setting forth the appeal process for an applicant, appointee, or covered employee who is determined unsuitable for employment because of the person's criminal history and background.

“Sec. 2068. Submission of positions subject to criminal background checks.

“(a) Within 60 days of the effective date of this title, personnel authorities shall submit to the Mayor a list of the positions they have designated as subject to the criminal background check requirements of this title.

“(b) Within 60 days after the effective date of this title, the Chief Procurement Officer shall submit to the Mayor a list of the positions in private entities that contract with the District government that shall be subject to criminal background checks pursuant to this title.

“(c) Personnel authorities shall submit to the Mayor an updated list of the positions subject to the background investigation requirements of this title no later than December 1 of each year.

“(d) The Chief Procurement Officer shall submit to the Mayor quarterly reports listing the positions in private entities that contract with the District government that are subject to the requirements of this title.

“Sec. 2069. Confidentiality of criminal history and background investigation information.

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"All criminal history and background information records received by the Mayor or the personnel authority shall be confidential and are for the exclusive purpose of making employment-related determinations under this title. The criminal history and background information records shall not be released or otherwise disclosed to any person except when:

- "(1) Required as a component of an application for employment for a position under this title;
- "(2) Requested by the Mayor, or the Mayor's designee, during an official inspection or investigation;
- "(3) Ordered by a court of competent jurisdiction;
- "(4) Authorized by the written consent of the person being investigated; or
- "(5) Utilized for a corrective, adverse, or other administrative action in a personnel proceeding related to the position for which the investigation was conducted or a position to which the employee advanced from that position in the District government.

"Sec. 2070. Penalty for providing false information regarding criminal history or background investigations.

"(a) An applicant or appointee under this title who knowingly or through gross negligence provides false information that is material to the conduct of a criminal history check or background investigation shall be denied employment.

"(b) An employee under this title who knowingly or through gross negligence provides false information that is material to the conduct of a criminal history check or background investigation shall be terminated from employment.

"(c) A volunteer under this title who knowingly or through gross negligence provides false information that is material to the conduct of a criminal history check or background investigation shall be prohibited from performing volunteer services for the District government.

"Sec. 2071. Penalties for disclosing confidential criminal history or background investigation information.

"(a) An individual who knowingly discloses criminal history or background investigation information in violation of section 2069 is guilty of a criminal offense and, upon conviction, shall be fined no more than \$1,000, imprisoned for no more than 180 days, or both.

"(b) Prosecutions for violations of this title shall be brought in the Superior Court of the District of Columbia by the Office of the Attorney General for the District of Columbia.

"Sec. 2072. Coverage of private contractual entities.

"Private entities that contract with the District government to provide employees to work in protection-sensitive positions shall establish criminal history check and background investigation policies and procedures that are consistent with the requirements of this title.

"Sec. 2073. Applicability.

"(a) If, as of the effective date of this title, a District government agency has its own criminal history check or background investigation policies and procedures, and those

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existing policies or procedures are stricter than the provisions of this title, this title shall supplement and shall not replace the agency's policies and procedures.

“(b) The provisions of this title shall be in addition to, and shall not repeal, the provisions of section 522 of the District of Columbia Health Occupations Revision Act of 1985, effective March 6, 2007 (D.C. Law 16-222; D.C. Official Code § 3-1205.22), the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551 *et seq.*), section 2 of the Department of Corrections Criminal Background Investigation Authorization Act of 1998, effective June 19, 1998 (D.C. Law 12-126; D.C. Official Code § 24-211.41), and Chapter 4 of Title 6B of the District of Columbia Municipal Regulations (6B DCMR § 4), entitled "Organization for Personnel Management.”

“Sec. 2074. Rules.

“Within 120 days of the effective date of this title, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.”

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.

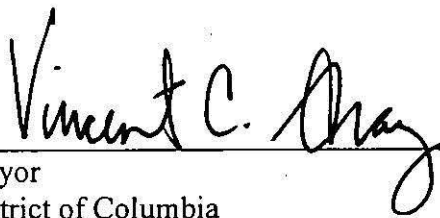
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

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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
December 22, 2012

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AN ACT

D.C. ACT 19-583Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2012

To amend, on an emergency basis, the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998 to comply with applicable tax qualification provisions of the Internal Revenue Code of 1986 for governmental retirement plans.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998 Emergency Amendment Act of 2012".

Sec. 2. The Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-1901.01 *et seq.*), is amended as follows:

(a) Section 123 (D.C. Official Code § 1-905.03) is amended to read as follows:

Note,
§ 1-905.03

"Sec. 123. Tax treatment of replacement plan.

"The replacement plan described in section 121 shall be deemed a "governmental plan" as defined in section 414(d) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 414(d)) ("Internal Revenue Code"), which is intended to qualify under section 401(a) of the Internal Revenue Code, and all benefits provided from the replacement plan shall be deemed governmental plan benefits maintained by the District."

(b) Section 203 (D.C. Official Code § 1-911.03) is amended to read as follows:

Note,
§ 1-911.03

"Sec. 203. Alienation of benefits.

"Benefits of the retirement programs provided for in this act shall not be assigned or alienated, except to the extent expressly permitted by this act or by another applicable law and with respect to a domestic relations order that substantially meets all of the requirements of section 414(p) of the Internal Revenue Code, as determined solely by the Retirement Board."

Sec. 3. Fiscal impact statement.

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

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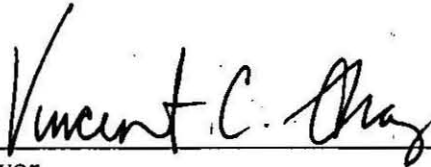
fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 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
December 22, 2012

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 1, 2013

To amend, on an emergency basis, An Act For the retirement of public-school teachers in the District of Columbia to comply with applicable tax qualification provisions of the Internal Revenue Code for governmental retirement plans.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012".

Sec. 2. An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.01 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 38-2021.01) is amended as follows:

(1) The heading of the section is amended by striking the phrase "; purchase of annuity".

(2) Subsection (b) is repealed.

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

"(c) Amounts deducted and withheld from the annual salary of each teacher shall be:

"(1) Picked up by the public schools of the District of Columbia, as described in section 414(h)(2) of the Internal Revenue Code;

"(2) Deducted and withheld from the annual salary of the teachers as salary reduction contributions;

"(3) Paid by the public schools of the District of Columbia to the Custodian of Retirement Funds, as defined in section 102(6) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D. C. Official Code § 1-702(6)); and

"(4) Made a part of the teacher's annuity benefit."

(4) New subsections (d) and (e) are added to read as follows:

"(d) Notwithstanding any provisions of this act to the contrary, the amounts contributed under this section shall be fully (100%) vested.

"(e) Notwithstanding anything contained herein to the contrary, upon the employer's request, a contribution that was made by a mistake of fact shall be returned to the employer by the trustee within one year after the payment of the contribution. A portion of a contribution returned pursuant to this section shall be adjusted to reflect earnings or gains. Notwithstanding

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anything contained herein to the contrary, the right or claim of a participant or beneficiary to an asset of the trust or a benefit under this act shall be subject to and limited by the provisions of this subsection.”

(b) Section 3 (D.C. Official Code § 38-2021.03), is amended by adding a new subsection (c) to read as follows:

“(c) A teacher who completes 5 years of eligible service shall be 100% vested.”

(c) Section 4(d) (D.C. Official Code § 38-2021.04(d)) is amended to read as follows:

“(d) In cases where the annuity is discontinued under the provisions of this section, as much of the annuity payments as would have been provided by an annuity whose actuarial value at the time of retirement was equal to the contributions accumulated with interest shall be charged against the teacher's individual account and, unless the teacher shall become reemployed in a position covered under the Teachers' Retirement Program established pursuant to the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), the teacher shall be considered as having been separated from the service for other than retirement purposes and entitled to the benefits set forth in section 9.”

(d) Section 5 (D.C. Official Code § 38-2021.05) is amended by adding a new subsection (f) to read as follows:

“(f) Each year, the District of Columbia Retirement Board shall set the applicable interest rate, mortality table, and cost of living factor to be used in the determination of actuarial equivalents or for other pertinent benefit calculations under the provisions of this act.”

(e) A new section 7a is added to read as follows:

"Sec. 7a. Required minimum distributions.

"Distributions shall begin no later than the teacher's required beginning date, as defined in section 401(a)(9) of the Internal Revenue Code, and shall be made in accordance with all other requirements of section 401(a)(9) of the Internal Revenue Code. The provisions of this section shall apply for the purposes of determining minimum required distributions under section 401(a)(9) of the Internal Revenue Code and take precedence over any inconsistent provisions of this act; provided, that these provisions are intended solely to reflect the requirements of section 401(a)(9) of the Internal Revenue Code and accompanying Treasury regulations and are not intended to provide or expand, and shall not be construed as providing or expanding, a benefit or distribution option not otherwise expressly provided for under the terms of this act. The provisions of this section shall apply only to the extent required under section 401(a)(9) of the Internal Revenue Code as applied to a governmental plan, and if any special rules for governmental plans are not set forth in this section, these special rules are incorporated by reference and shall for all purposes be deemed a part of this act.

"(a) Time and Manner of Distribution.

"(1) The teacher's entire interest shall be distributed, or begin to be distributed, to the teacher no later than April 1 following the later of the calendar year in which the teacher attains age 70 ½ or the calendar year in which the teacher retires or terminates employment (the "required beginning date").

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"(2) If the teacher dies before distributions begin, the teacher's entire interest shall be distributed, or shall begin to be distributed, no later than as follows:

"(A) If the teacher's surviving spouse is the sole designated beneficiary, distributions to the surviving spouse shall begin by December 31 of the calendar year immediately following the calendar year in which the teacher died, or by December 31 of the calendar year in which the teacher would have attained age 70½, if later;

"(B) If the teacher's surviving spouse is not the sole designated beneficiary, distributions to the designated beneficiary shall begin by December 31 of the calendar year immediately following the calendar year in which the teacher died;

"(C) If there is no designated beneficiary as of September 30 of the year following the year of the teacher's death, the teacher's entire interest shall be distributed by December 31 of the calendar year of the 5th anniversary of the teacher's death;

"(D) If the teacher's surviving spouse is the sole designated beneficiary and the surviving spouse dies after the teacher but before distributions to the surviving spouse begin, subsection (a)(2)(A) of this section shall not apply, and subsections (a)(2)(B) and (C) of this section shall apply as if the surviving spouse were the teacher. For purposes of subsections (a)(2) and (c) of this section, distributions are considered to begin on the teacher's required beginning date or, if subsection (a)(2)(D) of this section applies, the date distributions to the surviving spouse are required to begin under subsection (a)(2)(A) of this section. If annuity payments to the teacher irrevocably commence before the teacher's required beginning date or to the teacher's surviving spouse before the date distributions to the surviving spouse are required to begin under subsection (a)(2)(A) of this section, the date distributions are considered to begin is the date distributions actually commence.

"(3) Unless the teacher's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution, calendar year distributions shall be made in accordance with subsections (b) and (c) of this section. If the teacher's interest is distributed in the form of an annuity purchased from an insurance company, distributions under the annuity shall be made in accordance with the requirements of section 401(a)(9) of the Internal Revenue Code and applicable Treasury regulations. A part of the teacher's interest that is in the form of an individual account described in section 414(k) of the Internal Revenue Code shall be distributed in a manner satisfying the requirements of section 401(a)(9) of the Internal Revenue Code and the Treasury regulations that apply to individual accounts.

"(b) The amount of the annuity is to be determined each year.

"(1) If the teacher's interest is paid in the form of annuity distributions, payments under the annuity shall satisfy the following requirements:

"(A) The annuity distributions shall be paid in periodic payments made at intervals not longer than one year;

"(B) Payments shall either be non-increasing or increase only as follows:

"(i) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index based on prices of all items (the CPI-W) and issued by the Bureau of Labor Statistics;

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"(ii) To provide cash refunds of employee contributions upon the teacher's death;

"(iii) Pay increased benefits that result from an amendment to this act, An Act To increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes, approved September 2, 1958 (72 Stat. 1768; D.C. Official Code § 38-2023.01, *et seq.*), An Act To amend the Act for the retirement of public-school teachers in the District of Columbia, approved March 6, 1952 (66 Stat. 22; D.C. Official Code § 38-2023.11); An Act To amend the District of Columbia Teachers' Salary Act of 1955, as amended, and to provide for the adjustment of annuities paid from the District of Columbia teachers' retirement and annuity fund, approved October 24, 1962 (76 Stat. 1229; D.C. Official Code § 38-2023.12), the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 38-2023.13, 38-2023.14), An Act To amend section 5 of the Act of August 7, 1946, entitled "An Act for the retirement of public school teachers in the District of Columbia", as amended, approved July 2, 1956 (70 Stat. 487; D.C. Official Code § 38-2023.15), and An Act To authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts, approved April 26, 1972 (86 Stat. 131; D.C. Official Code § 38-2023.16) (collectively "the associated acts").

"(2) The amount that must be distributed on or before the teacher's required beginning date or, if the teacher dies before distributions begin, the date distributions are required to begin under subsections (a)(2)(A) or (B) of this section, is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received (e.g., bi-monthly, monthly, semi-annually, or annually). The teacher's benefit accruals as of the last day of the first distribution calendar year shall be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the teacher's required beginning date.

"(3) Additional benefits accruing to the teacher in a calendar year after the first distribution calendar year shall be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which the amount accrues.

"(c) Amounts payable if a teacher dies before distribution begins are subject to the following requirements:

"(1) If the teacher dies before the date of distribution of his or her interest begins and there is a designated beneficiary, the teacher's entire interest shall be distributed, beginning no later than the time described in subsections (a)(2)(A) or (B) of this section, over the life of the designated beneficiary not exceeding either of the following:

"(A) Unless the benefit commenced is before the first distribution calendar year, the life expectancy of the designated beneficiary, determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the teacher's death; or

"(B) If the benefit commenced before the first distribution calendar year,

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the life expectancy of the designated beneficiary, determined using the beneficiary's age as of his or her birthday in the calendar year that begins before benefits commence;

"(2) If the teacher dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the teacher's death, distribution of the teacher's entire interest shall be completed by December 31 of the calendar year containing the 5th anniversary of the teacher's death; or

"(3) If the teacher dies before the date distribution of the teacher's interest begins, The teacher's surviving spouse is the teacher's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, subsection (c) of this section shall apply as if the surviving spouse were the teacher, except that the time by which distributions must begin shall be determined without regard to subsection (a)(2)(A) of this section."

(f) Section 8(a) (D.C. Official Code § 38-2021.08(a)) is amended to read as follows:

"(a) The years of service which form the basis for determining the amount of the annuity provided in section 5(a) shall be computed from the date of original appointment as a teacher in the public schools of the District of Columbia, including so much of any authorized leaves of absence without pay as does not exceed 6 months in the aggregate in a fiscal year, plus service credit that may be allowed under the provisions of this section. A teacher or former teacher who returns to duty after a period of separation is deemed, for the purpose of this section, to have been on a leave of absence without pay for that part of the period in which he or she was receiving benefits under subchapter I of 5 U.S.C. Chapter 81, or any earlier statute on which the subchapter is based. In computing an annuity under section 5(a), the total service of a teacher shall include days of unused sick leave credited to him. No deposit may be required for days of unused sick leave included in a teacher's total service under the preceding sentence. Days of unused sick leave shall not be counted in determining a teacher's average salary or his eligibility for an annuity. In computing the length of service of retiring teachers credit may be given, year for year, for:

"(1) Public school service or its equivalent outside the District of Columbia but not to exceed 10 years;

"(2) Continuous temporary service in the public schools of the District immediately prior to probationary appointment;

"(3) Service in the District government or the government of the United States allowable under subchapter III of 5 U.S.C. § 83;

"(4) Periods of honorable active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States (but not the National Guard except when ordered to active duty in the service of the United States) before the date of the separation upon which title to annuity is based; provided that, if a teacher is awarded retired pay on account of military service, the teacher's military service shall not be included unless the retired pay is awarded on account of a service-connected disability:

"(A) Incurred in combat with an enemy of the United States; or

"(B) Caused by an instrumentality of war and incurred in the line of duty during an enlistment or employment as provided in Veterans Regulation No. 1(a), part 1, paragraph 1, or is awarded under 10 U.S.C. § 12736;

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"(5) Educational leaves of absence with part pay authorized by the Board of Education in accordance with sections 1201 to 1203 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-612.01 to 1-612.03); and

"(6) Continuous temporary service as an employee of a cafeteria or lunchroom operated in the public school buildings of the District of Columbia during a period before the date on which the cafeteria or lunchroom is placed under the Office of Central Management, Department of Food Services, District of Columbia, and immediately before appointment as a teacher in the public schools of the District of Columbia; provided, that portion of the annuity which results from credit for service allowable under paragraphs (1) and (3) of this subsection shall be reduced by the amount of any annuity that the retired teacher is entitled to receive under a federal, state, or municipal retirement or pension system with respect to the service, except that that portion of the annuity after reduction shall not be less than the annuity purchasable with the deposit that the teacher is required to make under the provisions of this section in order to obtain credit for such service; provided further, that no credit for service prescribed in this section, with the exception of periods of honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States and all educational leaves of absence with part pay authorized by the Board of Education in accordance with sections 1201, 1202, and 1203 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-612.01, 1-612.02, 1-612.03), shall be given to a teacher until the teacher shall have deposited to the credit of the District of Columbia Teachers' Retirement Fund a sum equal to:

"(1) The accumulated contributions that the teacher would have had credited to the teacher's individual account if the service had been rendered on active duty in the public schools of the District of Columbia, the contributions to be based on the average annual salary of the class to which the teacher is appointed; and

"(2) Interest thereon computed in accordance with section 253(a)(6)(b) of the District of Columbia Retirement Reform Act, effective November 17, 1979 (93 Stat. 866; D.C. Official Code § 38-2023.14(b)); provided further, that contributions to the retirement fund made by a teacher on education leave with part pay shall be determined in accordance with the provisions of section 1, but otherwise no provision of this act shall be interpreted to deprive a teacher employed by the Board of Education of any rights or benefits allowable under sections 1201, 1202, and 1203 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-612.01, 1-612.02, 1-612.03). If the teacher so elects, the teacher may deposit the required sum in the District of Columbia Teachers' Retirement Fund in monthly installments, upon making a claim with the District of Columbia Retirement Board. Notwithstanding any other provision to the contrary, contributions, benefits, and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the Internal Revenue Code. Except as otherwise provided in this subsection, this section shall not be construed to allow any teacher more than one year's credit for all services rendered in any one fiscal year."

(g) Section 9 (D.C. Official Code § 38-2021.09), is amended as follows:

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

“(a) Should a teacher to whom this act applies, after completing 5 years of eligible service and before becoming eligible for retirement, become separated from the service, the teacher may elect to receive a deferred annuity, computed as provided in section 5, beginning at the age of 62 years and terminating on the date of the teacher's death; provided, that a teacher who becomes separated from the public schools of the District of Columbia for other than retirement purposes and who does not elect to receive a deferred annuity as provided for in this section shall receive as soon as practicable after separation the refund of deductions, deposits, or redeposits; provided further, that no teacher who shall withdraw the amount of the teacher's deductions, deposits, or redeposits under this section shall, after reinstatement, be entitled to credit for previous service unless the teacher shall repay to the Custodian of Retirement Funds as defined in section 102(6) of the District of Columbia Retirement Reform Act, effective November 17, 1979 (93 Stat. 866; D. C. Official Code § 1-702(6)), for deposit in the District of Columbia Teachers' Retirement Fund, established by section 123(a) of the District of Columbia Retirement Reform Act, effective November 17, 1979 (93 Stat. 866; D.C Official Code § 1-713(a)), the amount withdrawn by him (including the interest thereon) plus interest computed in accordance with section 253(a)(6)(c) of the District of Columbia Retirement Reform Act, effective November 17, 1979 (93 Stat. 866; D.C. Official Code § 38-2023.14(c)); and provided further, that the amount required to be so deposited may be paid by the teacher, if he so elects, in any number of monthly installments, not exceeding 100.”

(2) A new subsection (b)(4) is added to read as follows:

“(b)(4) In the event that a teacher to whom this act applies shall die after January 1, 2007, while performing qualified military service, the survivor or survivors of the teacher shall be entitled to receive any additional benefits provided under this act (other than benefit accruals relating to the period of qualified military service) as if the teacher resumed employment and then terminated employment on account of death.”

(3) A new subsection (c)(8) is added to read as follows:

“(c)(8) The term “qualified military service” shall mean any military service in the uniformed services, as defined in 38 U.S.C. § 43, by a teacher, if the teacher is entitled to reemployment rights with respect to such military service, all within the meaning of section 414(u)(5) of the Internal Revenue Code.”

(4) A new subsection (d) is added to read as follows:

“(d) Effective as of January 1, 2007, benefits payable under this act shall not be paid until at least 30 days, or a shorter period as may be permitted by law, but no more than 180 days after a teacher's receipt of required distribution notices and election forms pursuant to section 402(f) of the Internal Revenue Code. The notices must include a description of the teacher's right, if any, to defer receipt of a distribution, the consequences of failing to defer receipt of the distribution, the relative value of optional forms of benefit, and other information as may be required by applicable regulations and guidance.”

(h) Section 14 (D.C. Official Code § 38-2021.14) is repealed.

(i) A new section 15a (D.C. Official Code § 38-2021.15a) is added to read as follows:

“Sec. 15a. Disposition of forfeitures.

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"Forfeitures in the Teacher's Retirement Fund shall not be applied to increase the annuity of a person hereunder, but rather, shall be applied to pay administrative expenses, if and as directed by the District of Columbia Retirement Board, or used to reduce the District's contributions."

(j) Section 17 (D.C. Official Code § 38-2021.17), is amended to read as follows:

"Sec. 17. Except as provided in the District of Columbia Spouse Equity Act of 1988, effective March 16, 1989 (D.C. Law 7-214; D.C. Official Code § 1-529.01 *et seq.*), none of the money mentioned in this act (including any assets of the District of Columbia Teachers' Retirement Fund established by section 123(a) of the District of Columbia Retirement Reform Act, effective November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-713(a)), shall be assignable, either in law or equity, or be subject to execution or levy by attachment, garnishment, or other legal process, except with respect to a domestic relations order that substantially meets all of the requirements of section 414(p) of the Internal Revenue Code, as determined solely by the District of Columbia Retirement Board."

(k) Section 18 (D.C. Official Code § 38-2021.18), is amended to read as follows:

"Sec. 18. Applicability.

The provisions of this act and the associated acts shall constitute a defined benefit plan and a governmental plan, as described in section 414(d) of the Internal Revenue Code, which is intended to qualify under section 401(a) of the Internal Revenue Code. Notwithstanding anything to the contrary contained in this act, An Act To establish an actuarially sound basis for financing retirement benefits for police officers, fire fighters, teachers, and judges of the District of Columbia and to make certain changes in such benefits, approved November 19, 1977 (93 Stat. 866; D.C. Official Code § 1-701 *et seq.*), or the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901 *et seq.*), the provisions of this act shall apply to and control the provision of any annuity payable. The provisions of this act shall apply to all teachers on the rolls of the public schools of the District who accrue service after June 30, 1997, under the Teachers' Retirement Program established pursuant to the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), if otherwise eligible."

(l) Section 24 (D.C. Official Code § 38-2021.24), is amended to read as follows:

"Sec. 24. Rollovers; purchase of service credit.

"(a) An individual withdrawing a distribution under this act that constitutes an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 may elect, at the time and in the manner prescribed by the District of Columbia Retirement Board, and after receipt of proper notice, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan, within the meaning of section 402(c) of the Internal Revenue Code of 1986, in a direct rollover in accordance with section 401(a)(31) of the Internal Revenue Code. Any nontaxable distribution or portion thereof from a qualified plan may be directly rolled over tax-free to another qualified plan or a plan or annuity contract described in section 403(b) of the Internal Revenue Code, if separate accounting and other requirements are met pursuant to section 402(c)(2)(A) of the Internal Revenue Code.

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"(b) For the purposes of this act, the following definitions apply:

"(1) An "eligible rollover distribution" within the meaning of section 402(c) of the Internal Revenue Code is a distribution of all or a portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

"(A) A distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; and

"(B) A distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code. A distribution to a nonspouse beneficiary under section 401(f)(2)(A) of the Internal Revenue Code is an eligible rollover distribution. A portion of the distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, the portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Internal Revenue Code or to a qualified trust or annuity plan described in sections 401(a) or 403(a) of the Internal Revenue Code or an annuity contract described in section 403(b) of the Internal Revenue Code if the trust or annuity plan or contract provides for separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

"(2) An "eligible retirement plan" means:

"(A) An individual retirement account described in section 408(a) of the Internal Revenue Code, including a Roth IRA described in section 408A of the Internal Revenue Code;

"(B) An individual retirement annuity described in section 408(b) of the Internal Revenue Code, including a Roth IRA described in section 408A of the Internal Revenue Code;

"(C) A qualified trust described in section 401(a) of the Internal Revenue Code or an annuity plan described in section 403(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution;

"(D) An annuity contract described in section 403(b) of the Internal Revenue Code that accepts the distributee's eligible rollover distribution; and

"(E) An eligible plan described in section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state, that accepts the distributee's eligible rollover distribution and agrees to account separately for amounts transferred into such plan from the arrangement described under this act. The foregoing definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a domestic relations order.

"(3) A "distributee" means a teacher or former teacher. In addition, the teacher' or former teacher's surviving spouse is a distributee with regard to the interest of the spouse or former spouse.

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"(4) A "direct rollover" means a payment to the eligible retirement plan specified by the distributee described in section 402(e)(6) of the Internal Revenue Code.

"(c) A nonspouse beneficiary of a deceased teacher is also a distributee for purposes of this section; provided, that, in the case of a nonspouse beneficiary, the direct rollover may be made only to an individual retirement account or annuity under section 408 of the Internal Revenue Code that is established on behalf of the nonspouse beneficiary and that will be treated as an inherited IRA pursuant to the provisions of section 402(c)(11) of the Internal Revenue Code. The determination of the extent to which a distribution to a nonspouse beneficiary is required under section 401(a)(9) of the Internal Revenue Code shall be made in accordance with IRS Notice 2007-7, Q&A 17 and 18, 2007-5 I.R.B. 395:

"(d) The Custodian of the Retirement Funds shall be entrusted with a transfer from another retirement plan for the purchase of service credit, including transfers allowed by sections 403(b) and 457 of the Internal Revenue Code of 1986. Before a transfer is received, the District of Columbia Retirement Board shall be presented with documentation sufficient to satisfy the provisions of the Internal Revenue Code of 1986 governing the substantiation of proposed transfers for the purchase of service credit.

"(e)(1) The Custodian of the Retirement Funds shall also be entrusted with any rollover contribution from an eligible retirement plan, including:

"(A) A qualified plan described in sections 401(a) or 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

"(B) An annuity contract described in section 403(b) or the Internal Revenue Code of 1986, excluding after-tax employee contributions;

"(C) An eligible plan under section 457(b) of the Internal Revenue Code of 1986, which is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state; or

"(D) Amounts transferred from an individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code of 1986 that is eligible to be rolled over and would otherwise be includible in gross income.

"(2) The rollover shall be separately accounted for as member contributions that were not previously taxed. Before a rollover is received, the District of Columbia Retirement Board shall be presented with documentation sufficient to satisfy the provisions of the Internal Revenue Code of 1986, governing the substantiation of proposed rollover contributions. The rollover shall be used to purchase service credit in addition to the service credit provided under the provisions of this act.

"(f) The District of Columbia Retirement Board shall administer this act and the associated acts in the manner required to satisfy the applicable qualification requirements for a qualified governmental plan pursuant to the Internal Revenue Code of 1986. If a conflict should arise with a qualification requirement, the provision shall be interpreted in favor of maintaining the federal qualification requirements. The District of Columbia Retirement Board may adopt rules to implement this section."

(m) Section 25 (D.C. Official Code § 38-2021.25), is amended to read as follows:

"Sec. 25. (a) Benefits and contributions under the provisions of this act shall not be

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computed with reference to any compensation that exceeds that maximum dollar amount permitted by section 401(a)(17) of the Internal Revenue Code of 1986, as adjusted for increases in the cost-of-living.

"(b) Notwithstanding the foregoing provisions of this act and the associated acts to the contrary, benefits under this act and the associated acts are subject to the limitations imposed by section 415 of the Internal Revenue Code of 1986, as adjusted from time to time and, to that end, effective for limitation years beginning on or after January 1, 2008:

"(1) To the extent necessary to prevent disqualification under section 415 of the Internal Revenue Code, and subject to the remainder of this subsection, the maximum monthly benefit to which any teacher may be entitled in any limitation year with respect to his or her accrued retirement benefit, as adjusted from time to time pursuant to section 21 (hereafter referred to as the "maximum benefit"), shall not exceed the defined benefit dollar limit (adjusted as provided in this subsection). In addition to the foregoing, to the extent necessary to prevent disqualification under section 415 of the Internal Revenue Code, and subject to this subsection, the maximum annual additions for any limitation year shall be equal to the lesser of:

"(A) The dollar limit on annual additions; or

"(B) 100% of the teacher's remuneration. The defined benefit dollar limit and the dollar limit on annual additions shall be adjusted, effective January 1 of each year, under section 415(d) of the Internal Revenue Code in such manner as the Secretary of the Treasury shall prescribe. The dollar limit as adjusted under section 415(d) of the Internal Revenue Code shall apply to limitation years ending with or within the calendar year for which the adjustment applies, but a teacher's benefits shall not reflect the adjusted limit prior to January 1 of that calendar year. To the extent that the monthly benefit payable to a teacher who has reached his or her termination date is limited by the application of this subsection, the limit shall be adjusted to reflect subsequent adjustments made in accordance with section 415(d) of the Internal Revenue Code, but the adjusted limit shall apply only to benefits payable on or after January 1 of the calendar year for which the adjustment applies.

"(2) Benefits shall be actuarially adjusted based upon the defined benefit dollar limit, as follows:

"(A) There shall be an adjustment for benefits payable in a form other than a straight life annuity as follows:

"(i) If a monthly benefit is payable in a form other than a straight life annuity, before applying the defined benefit dollar limit, the benefit shall be adjusted, in the manner described in sub-subparagraphs (ii) or (iii) of this paragraph, to the actuarially equivalent straight life annuity that begins at the same time. No actuarial adjustment to the benefit shall be made for benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits, and postretirement medical benefits), or in the case of a form of benefit not subject to section 417(e)(3) of the Internal Revenue Code, the inclusion of a feature under which a benefit increases automatically to the extent permitted to reflect cost-of-living adjustments and the increase, if any, in the defined benefit dollar limit

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under section 415(d) of the Internal Revenue Code.

"(ii) If the benefit of a teacher is paid in a form not subject to section 417(e) of the Internal Revenue Code, the actuarially equivalent straight life annuity (without regard to cost-of-living adjustments described in this subsection) is equal to the greater of the annual amount of the straight life annuity (if any) payable to the teacher commencing at the same time, or the annual amount of the straight life annuity commencing at the same time that has the same actuarial present value as the teacher's form of benefit, computed using a 5% interest rate and the applicable mortality designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code.

"(iii) If the benefit of a teacher is paid in a form subject to section 417(e) of the Internal Revenue Code, the actuarially equivalent straight life annuity is equal to the greatest of:

"(I) The annual amount of the straight life annuity having a commencement date that has the same actuarial present value as the teacher's form of benefit, computed using the interest rate and mortality table (or other tabular factor) specified in the definition of actuarial equivalent for adjusting benefits in the same form;

"(II) The annual amount of the straight life annuity commencing at the time that has the same actuarial present value as the teacher's form of benefit, computed using a 5.5% interest rate assumption and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code; or

"(III) The annual amount of the straight life annuity commencing at the same time that has the same actuarial present value as the teacher's form of benefit, computed using the applicable interest rate and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code, divided by 1.05.

"(iv) For the purposes of subparagraph (A) of this paragraph, whether a form of benefit is subject to section 417(e) of the Internal Revenue Code is determined without regard to the status of this act and the associated act as a government plan as described in section 414(d) of the Internal Revenue Code.

"(B) There shall be an adjustment to benefits that commence before age 62 or after age 65 as follows:

"(i) If the benefit of a teacher begins before age 62, the defined benefit dollar limit applicable to the teacher at such earlier age is an annual benefit payable in the form of a straight life annuity beginning at the earlier age that is the actuarial equivalent of the defined benefit dollar limit applicable to the teacher at age 62 (adjusted for participation of fewer than 10 years if applicable) computed using a 5% interest rate and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code. However, if the benefit provided under this act provides an

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immediately commencing straight life annuity payable at both age 62 and the age of benefit commencement, the defined benefit dollar limit is the lesser of:

"(I) The limitation determined under the immediately preceding sentence; or

"(II) The defined benefit dollar limit, adjusted for participation of fewer than 10 years if applicable, multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under this act at the age of benefit commencement to the annual amount of the immediately commencing straight life annuity under this act at age 62, both determined without applying the limitations of this section. The adjustment in sub-subparagraph (i) of this subparagraph shall not apply as a result of benefits paid on account of disability under section 4 or as a result of the death of a teacher under section 9.

"(ii) If the benefit of a teacher begins after age 65, the defined benefit dollar limit applicable to the teacher at the later age is the annual benefit payable in the form of a straight life annuity beginning at the later age that is actuarially equivalent to the defined benefit dollar limit applicable at age 65 (adjusted for participation of fewer than 10 years, if applicable) computed using a 5% interest rate assumption and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code. However, if the benefit provided under this act provides an immediately commencing straight life annuity payable at both age 65 and the age of benefit commencement, the defined benefit dollar limit is the lesser of:

"(I) The limitation determined under the immediately preceding sentence; or

"(II) The defined benefit dollar limit (adjusted for participation of less than 10 years if applicable) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under this act at the age of benefit commencement to the annual amount of the adjusted immediately commencing straight life annuity under this act at age 65, both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under this act at the age the benefit commences is the annual amount of the annuity payable to the teacher, computed disregarding the teacher's accruals after age 65 but including any actuarial adjustments, even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under this act at age 65 is the annual amount of such annuity that would be payable under this act to a hypothetical teacher who is age 65 and has the same annuity as the teacher.

"(iii) For the purposes of subsection (b)(2)(B) of this section, no adjustment shall be made to the defined benefit dollar limit to reflect the probability of a teacher's death between the commencing date and age 62, or between age 65 and the commencing date, as applicable, if benefits are not forfeited upon the death of the teacher prior

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to the annuity having a commencing date. To the extent benefits are forfeited upon death before the date the benefits first commence, such an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the teacher's death if the benefit provided under this act does not charge the teacher for providing a qualified preretirement survivor annuity (as defined for purposes of section 415 of the Internal Revenue Code) upon the teacher's death.

"(3) If the teacher has fewer than 10 years of participation in the defined benefit portion of this act (as determined under section 415 of the Internal Revenue Code and associated regulations), the defined benefit dollar limit shall be multiplied by a fraction, the numerator of which is the number of years (or part thereof) of participation under this act and the denominator of which is 10. The adjustment in subsection (b)(3) of this section shall not apply to benefits paid on account of disability under section 4(d) or as a result of the death of a teacher under section 9. In the case of years of credited service credited to a teacher pursuant to section 8:

"(A) The limitation contained in subsections (c)(1)(A) and (b)(3) of this section shall not apply to the portion of the teacher's accrued retirement benefit (determined as of the annuity commencement date) that is attributable to any additional years of credited service under section 8 that are actuarially funded by:

"(i) A transfer or rollover from the teacher's account under a retirement plan qualified under section 401(a) of the Internal Revenue Code or an eligible deferred compensation plan within the meaning of section 457(b) of the Internal Revenue Code or from an individual retirement account; or

"(ii) A direct payment.

"(B) The limitation contained in subsections (b)(1)(A) and (b)(3) of this section shall apply to the portion of the teacher's accrued retirement benefit (determined as of the annuity commencement date) that is attributable to any additional years of credited service under section 8 that are not actuarially funded by:

"(i) A transfer or rollover from the teacher's account under a retirement plan qualified under section 401(a) of the Internal Revenue Code or an eligible deferred compensation plan (within the meaning of section 457(b) of the Internal Revenue Code) or from an individual retirement account; or

"(ii) A direct payment.

"(C) The determination of the extent to which additional years of credited service under section 8 have been actuarially funded as of the annuity commencement date shall be determined in accordance with section 411(c) of the Internal Revenue Code (using the actuarial assumptions thereunder), applied as if section 411(c) of the Internal Revenue Code applied and treating the amount transferred from a plan qualified under section 401(a) of the Internal Revenue Code, the teacher's account under an eligible deferred compensation plan (within the meaning of section 457(b) of the Internal Revenue Code), or an individual retirement account, or the amount of the direct lump-sum payment to the Custodian of Retirement Funds, as if it were a mandatory employee contribution.

"(4) In addition to the foregoing, the maximum benefit and contributions shall be reduced, and the rate of benefit accrual shall be frozen or reduced accordingly, to the extent necessary to prevent disqualification under section 415 of the Internal Revenue Code, with

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respect to any teacher who is also a participant in:

"(A) Any other tax-qualified retirement plan maintained by the District of Columbia, including a defined benefit plan in which an individual medical benefit account, as described in section 415(l) of the Internal Revenue Code, has been established for the teacher;

"(B) A welfare plan maintained by the District of Columbia in which a separate account, as described in section 419A(d) of the Internal Revenue Code, has been established to provide post-retirement medical benefits for the teacher; or

"(C) A retirement or welfare plan, as aforesaid, maintained by an affiliated or predecessor employer, as described in regulations under section 415 of the Internal Revenue Code, or otherwise required to be taken into account under such regulations.

"(5) If a teacher has distributions commencing at more than one date determined in accordance with section 415 of the Internal Revenue Code and associated regulations, the annuity payable having the commencement date shall satisfy the limitations of subsection (b) of this section as of each date, actuarially adjusting for past and future distributions of benefits commencing at the other dates that benefits commence.

"(6) The application of the provisions of subsection (b) of this section shall not cause the maximum permissible benefit for a teacher to be less than the teacher's annuity under this act as of the end of the last limitation year beginning before July 1, 2007 under provisions of this act that were both adopted and in effect before April 5, 2007 and that satisfied the limitations under section 415 of the Internal Revenue Code as in effect as of the end of the last limitation year beginning before July 1, 2007.

"(7) To the extent that a teacher's benefit is subject to provisions of section 415 of the Internal Revenue Code that have not been set forth in this act, these provisions are hereby incorporated by reference and for all purposes shall be deemed a part of this act.

"(8) As used in this section, the term:

"(A) "Annual additions" means the sum of the following items credited to the teacher under this act and any other tax-qualified retirement plan sponsored by the District of Columbia for a limitation year and treated as a defined contribution plan for purposes of section 415 of the Internal Revenue Code; District of Columbia contributions that are separately allocated to the teacher's credit in any defined contribution plan; forfeitures; teacher contributions (other than contributions that are picked up by the District of Columbia as described in section 414(h)(2) of the Internal Revenue Code); and amounts credited after March 31, 1984 to a teacher's individual medical account (within the meaning of section 415(l) of the Internal Revenue Code).

"(B) "Defined benefit dollar limit" means the dollar limit imposed by section 415(b)(1)(A) of the Internal Revenue Code, as adjusted pursuant to section 415(d) of the Internal Revenue Code. The defined benefit dollar limit as set forth above is the monthly amount payable in the form of a straight life annuity, beginning no earlier than age 62, except as provided in subsection (b)(2)(B)(i) of this section and no later than age 65. In the case of a

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monthly amount payable in a form other than a straight life annuity, or beginning before age 62 or after age 65, the adjustments in subsection (b)(2) of this section shall apply.

"(C) "Dollar limit" means the dollar limit on annual additions imposed by section 415(c)(1)(A) of the Internal Revenue Code, as adjusted pursuant to section 415(d) of the Internal Revenue Code.

"(D) "Remuneration" means a teacher's wages as defined in section 3401(a) of the Internal Revenue Code and all other payments of salary to the teacher from the public schools of the District of Columbia for which the public schools of the District of Columbia is required to furnish the teacher a written statement under sections 6041(d) and 6051(a)(3) of the Internal Revenue Code. For this purpose:

"(i) Remuneration shall be determined without regard to rules that limit the remuneration included in wages based on the nature or location of the employment or the services performed.

"(ii) Remuneration does not include mandatory employee contributions picked up by the public schools of the District of Columbia pursuant to section 1.

"(iii) Remuneration shall include an amount that would otherwise be deemed remuneration under this definition but for the fact that it is subject to a salary reduction agreement under a plan described in section 457(b), 132(f) or 125 of the Internal Revenue Code.

"(iv) Remuneration with respect to any limitation year shall in no event exceed the dollar limit specified in section 401(a)(17) of the Internal Revenue Code, as adjusted from time to time by the Secretary of the Treasury. The cost of living adjustment in effect for a calendar year applies to remuneration for the limitation year that begins with or within such calendar year.

"(c) Notwithstanding any other provision to the contrary, all death benefits paid pursuant to section 25(d) shall be distributed only in accordance with section 401(a)(9) of the Internal Revenue Code and accompanying Treasury regulations, as more fully set forth in section 7."

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.

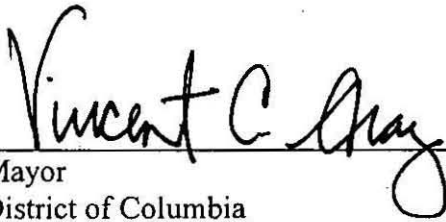
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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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 1, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 1, 2013

To amend, on an emergency basis, the Policemen and Firemen's Retirement and Disability Act to permit nontaxable distributions to be directly rolled over tax-free to another qualified plan or a 403(b) plan, to permit rollovers to Roth IRAs, to allow non spouse beneficiaries to roll over distributions to an IRA, to amend the definition of an "eligible rollover distribution" to include a distribution to a non-spouse beneficiary, to require that a rollover notice be distributed within 30 to 180 days and describe tax consequences of failure to defer, to amend the applicable interest rate and mortality table to be used for determining the present value of lump-sum distributions, to update the mortality table to be used in calculating the minimum value of operational forms of benefit in adjusting benefits and limits for the purposes of applying limits under section 415 of the Internal Revenue Code of 1986, to allow survivors of a participant who died while performing qualified military service to receive death benefits as if the participant had been in active service, to treat differential wage payments to participants for serving in the armed forces as compensation for retirement purposes, to state that pre-tax employee contributions are paid for by the employer, to state that the vesting requirements under pre-ERISA are satisfied, to require that actuarial assumptions used to determine benefits preclude employer discretion, to require that benefit payments satisfy the minimum distribution rules, to permit make-up contributions and benefits as required under the Uniformed Services Employment and Reemployment Rights Act, to require that an alternate payee under a qualified domestic relations order be taxed in the same manner as a participant, to include a failsafe provision regarding the tax qualification of the act, to limit benefits and contributions as required under the tax code, to state that compensation taken into account in determining contributions and benefits is subject to annual limits, and to state that funds cannot revert to the employer except in limited circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Police and Firefighter's Retirement and Disability Omnibus Emergency Amendment Act of 2012".

Sec. 2. The Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-701 *passim*), is amended as follows:

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(a) Section 12(c)(2) (D.C. Official Code § 5-704(b)(2)) is amended by adding a sentence at the end to read as follows:

“Notwithstanding any other provision to the contrary, contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with section 414(u) of the Internal Revenue Code of 1986”.

(b) Section 12(d) (D.C. Official Code § 5-706) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) On and after the first day of the first pay period that begins on or after October 26, 1970, there shall be deducted and withheld from each member's basic salary an amount equal to 7% of such basic salary for all members hired before the first day of the first pay period that begins after October 29, 1996, and 8% of such basic salary for all members hired on or after the first day of the first pay period that begins after October 29, 1996. In the case of a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, these deductions and withholdings shall be paid to the District of Columbia Retirement Board and shall be deposited in the District of Columbia Police Officers and Fire Fighters' Retirement Fund established by section 122(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-712), and in the case of any other member, these deductions and withholdings shall be paid to the Collector of Taxes of the District of Columbia and shall be deposited in the Treasury to the credit of the District of Columbia. Amounts deducted and withheld from the basic salary of each member of the District of Columbia Fire and Emergency Medical Services Department shall be:

“(A) Picked up by the District of Columbia Fire and Emergency Medical Services Department, as described in section 414(h)(2) of the Internal Revenue Code of 1986;

“(B) Deducted and withheld from the annual salary of the members as salary reduction contributions;

“(C) Paid by the District of Columbia Fire and Emergency Medical Services Department to the Custodian of Retirement Funds (as defined in section 102(6) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-702(6))); and

“(D) Made a part of the member's annuity benefit.”.

(2) Paragraph (5) is amended to read as follows:

“(5)(A) An individual withdrawing a distribution under this section, which distribution constitutes an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986, may elect, at the time and in the manner prescribed by the District of Columbia Retirement Board, and after receipt of proper notice, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan, within the meaning of section 402(c) of the Internal Revenue Code of 1986, in a direct rollover in accordance with section 401(a)(31) of the Internal Revenue Code of 1986.

“(B) For the purposes of this paragraph, the following definitions apply:

“(i) An “eligible rollover distribution” within the meaning of section 402(c) of the Internal Revenue Code of 1986 is a distribution of all or a portion of the

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balance to the credit of the distributee; provided, that an eligible rollover distribution does not include:

"(I) A distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; and

"(II) A distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code of 1986. A distribution to a nonspouse beneficiary under section 401(f)(2)(A) of the Internal Revenue Code of 1986 is an eligible rollover distribution. A portion of the distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, the portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Internal Revenue Code of 1986 or to a qualified trust or annuity plan described in section 401(a) or 403(a) of the Internal Revenue Code of 1986 or an annuity contract described in section 403(b) of the Internal Revenue Code of 1986 if the trust or annuity plan or contract provides for separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible.

"(ii) An "eligible retirement plan" means:

"(I) An individual retirement account described in section 408(a) of the Internal Revenue Code of 1986, including a Roth IRA described in section 408A of the Internal Revenue Code of 1986;

"(II) An individual retirement annuity described in section 408(b) of the Internal Revenue Code of 1986, including a Roth IRA described in section 408A of the Internal Revenue Code of 1986;

"(III) A qualified trust described in section 401(a) of the Internal Revenue Code of 1986 or an annuity plan described in section 403(a) of the Internal Revenue Code of 1986 that accepts the distributee's eligible rollover distribution;

"(IV) An annuity contract described in section 403(b) of the Internal Revenue Code of 1986 that accepts the distributee's eligible rollover distribution; and

"(V) An eligible plan described in section 457(b) of the Internal Revenue Code of 1986 that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state that accepts the distributee's eligible rollover distribution and agrees to account separately for amounts transferred into such plan from the arrangement described under this paragraph. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a domestic relations order.

"(iii) A "distributee" means a member or former member. In addition, the member's or former member's surviving spouse is a distributee with regard to the interest of the spouse or former spouse.

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"(iv) A "direct rollover" means a payment to the eligible retirement plan specified by the distributee described in section 402(e)(6) of the Internal Revenue Code of 1986.

"(v) A non-spouse beneficiary of a deceased member is also a distributee for the purposes of this section; provided, that in the case of a non-spouse beneficiary, the direct rollover may be made only to an individual retirement account or annuity under section 408 of the Internal Revenue Code of 1986 that is established on behalf of the non-spouse beneficiary and that will be treated as an inherited IRA pursuant to the provisions of section 402(c)(11) of the Internal Revenue Code of 1986. The determination of the extent to which a distribution to a non-spouse beneficiary is required under section 401(a)(9) of the Internal Revenue Code of 1986 shall be made in accordance with IRS Notice 2007-7, Q&A 17 and 18, 2007-5 I.R.B. 395."

(3) Paragraph (7)(A) is amended to read as follows:

"(7)(A) The District of Columbia Retirement Board shall also be entrusted with a rollover contribution from an eligible retirement plan, including:

"(i) A qualified plan described in sections 401(a) or 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

"(ii) An annuity contract described in section 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

"(iii) An eligible plan under section 457(b) of the Internal Revenue Code of 1986, which is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state; or

"(iv) Amounts transferred from an individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code of 1986 that is eligible to be rolled over and would otherwise be includible in gross income."

(4) Paragraph (8) is amended to read as follows:

"(8) The provisions of this act shall constitute a defined benefit plan and a governmental plan as described in section 414(d) of the Internal Revenue Code of 1986, which is intended to qualify under section 401(a) of the Internal Revenue Code. Notwithstanding anything to the contrary contained in this act, the District of Columbia Retirement Reform Act, approved November 19, 1977 (93 Stat. 866; D.C. Official Code § 1-701 *et seq.*), or the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901 *et seq.*), the provisions of this act shall apply to and control the provision of an annuity payable. The District of Columbia Retirement Board shall administer the plan in the manner required to satisfy the applicable qualification requirements for a qualified governmental plan pursuant to the Internal Revenue Code of 1986. If a conflict should arise with a qualification requirement, the provision shall be interpreted in favor of maintaining the federal qualification requirements."

(5) New paragraphs (10) and (11) are added to read as follows:

"(10) Effective January 1, 2007, benefits payable under this act shall not be paid until at least 30 days (or shorter period as may be permitted by law) but no more than 180 days after a member's receipt of all required distribution notices and election forms pursuant to

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section 402(f) of the Internal Revenue Code of 1986. The required notices must include a description of the member's right (if any) to defer receipt of a distribution, the consequences of failing to defer receipt of the distribution, the relative value of optional forms of benefit, and other information as may be required by applicable regulations and guidance.

"(11) Notwithstanding anything contained herein to the contrary, upon the employer's request, a contribution which was made by a mistake of fact shall be returned to the employer by the trustee within one year after the payment of the contribution. A portion of a contribution returned pursuant to this section shall be adjusted to reflect any earnings or gains. Notwithstanding anything contained herein to the contrary, the right or claim of a participant or beneficiary to an asset of the trust or a benefit under this act shall be subject to and limited by the provisions of this provision."

(c) Section 12(h) (D.C. Official Code § 5-712) is amended by adding new paragraphs (8) and (9) to read as follows:

"(8) A member who meets the requirements for receiving an annuity under this section, but for the fact that the member has not yet retired, shall be 100% vested in the member's annuity.

"(9) Each year, the District of Columbia Retirement Board shall set the applicable interest rate, mortality table, and cost of living factor to be used in the determination of actuarial equivalents or for other pertinent benefit calculations under the provisions of this act."

(d) Section 12(k) (D.C. Official Code § 5-716) is amended by adding a new paragraph (7) to read as follows:

"(7) In the event a member to whom this section applies shall die after January 1, 2007, while performing qualified military service, the survivor or survivors of the member shall be entitled to receive any additional benefits provided under this section (other than benefit accruals relating to the period of qualified military service), as if the member resumed employment and then terminated employment on account of death. For the purposes of this paragraph, the term "qualified military service" shall mean military service in the uniformed services (as defined in 38 U.S.C. § 43) by a member, if the member is entitled to reemployment rights with respect to such military service, all within the meaning of section 414(u)(5) of the Internal Revenue Code of 1986."

(e) Section 12(n-1) (D.C. Official Code § 5-723.01) is amended to read as follows:

"(n-1)(1) Benefits and contributions under the provisions of this act shall not be computed with reference to any compensation that exceeds that maximum dollar amount permitted by section 401(a)(17) of the Internal Revenue Code, as adjusted for the cost of living.

"(2) Notwithstanding foregoing provisions of this act to the contrary, benefits under this act are subject to the limitations imposed by section 415 of the Internal Revenue Code, as adjusted from time to time and, to that end, effective for limitation years beginning on or after January 1, 2008:

"(A) To the extent necessary to prevent disqualification under section 415 of the Internal Revenue Code, and subject to the remainder of this subsection, the maximum monthly benefit to which any member may be entitled in any limitation year with respect to his or her accrued retirement benefit, as adjusted from time to time pursuant to section 12(m) (the

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"maximum benefit"), shall not exceed the defined benefit dollar limit (adjusted as provided in this subsection). In addition to the foregoing, to the extent necessary to prevent disqualification under section 415 of the Internal Revenue Code, and subject to the remainder of this subsection, the maximum annual additions for any limitation year shall be equal to the lesser of:

"(i) The dollar limit on annual additions; or

"(ii) 100% of the member's remuneration. The defined benefit dollar limit and the dollar limit on annual additions shall be adjusted, effective January 1 of each year, under section 415(d) of the Internal Revenue Code in such manner as the Secretary of the Treasury shall prescribe. The dollar limit as adjusted under section 415(d) of the Internal Revenue Code shall apply to limitation years ending with or within the calendar year for which the adjustment applies, but a member's benefits shall not reflect the adjusted limit prior to January 1 of that calendar year. To the extent that the monthly benefit payable to a member who has reached the member's termination date is limited by the application of this subsection, the limit shall be adjusted to reflect subsequent adjustments made in accordance with section 415(d) of the Internal Revenue Code, but the adjusted limit shall apply only to benefits payable on or after January 1 of the calendar year for which the adjustment applies.

"(B) Benefits shall be actuarially adjusted based upon the defined benefit dollar limit, as follows:

"(i) There shall be an adjustment for benefits payable in a form other than a straight life annuity as follows:

"(I) If a monthly benefit is payable in a form other than a straight life annuity, before applying the defined benefit dollar limit, the benefit shall be adjusted in the manner described in sub-sub-subparagraphs (II) or (III) of this sub-subparagraph, to the actuarially equivalent straight life annuity that begins at the same time. No actuarial adjustment to the benefit shall be made for:

"(aa) Benefits that are not directly related to retirement benefits (such as a qualified disability benefit, preretirement incidental death benefits, and postretirement medical benefits); or

"(bb) In the case of a form of benefit not subject to section 417(e)(3) of the Internal Revenue Code, the inclusion of a feature under which a benefit increases automatically to the extent permitted to reflect cost-of-living adjustments and the increase, if any, in the defined benefit dollar limit under section 415(d) of the Internal Revenue Code.

"(II) If the benefit of a member is paid in a form not subject to section 417(e) of the Internal Revenue Code, the actuarially equivalent straight life annuity (without regard to cost-of-living adjustments described in this subsection) is equal to the greater of:

"(aa) The annual amount of the straight life annuity (if any) payable to the member commencing at the same time; or

"(bb) The annual amount of the straight life annuity commencing at the same time that has the same actuarial present value as the member's form of benefit, computed using a 5% interest rate and the applicable mortality designated by the

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Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code.

"(III) If the benefit of a member is paid in a form subject to section 417(e) of the Internal Revenue Code, the actuarially equivalent straight life annuity is equal to the greatest of:

"(aa) The annual amount of the straight life annuity having a commencement date that has the same actuarial present value as the member's form of benefit, computed using the interest rate and mortality table (or other tabular factor) specified in the definition of actuarial equivalent for adjusting benefits in the same form;

"(bb) The annual amount of the straight life annuity commencing at the time that has the same actuarial present value as the member's form of benefit, computed using a 5.5% interest rate assumption and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code; or

"(cc) The annual amount of the straight life annuity commencing at the same time that has the same actuarial present value as the member's form of benefit, computed using the applicable interest rate and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code, divided by 1.05.

"(IV) For the purposes of paragraph (2)(B)(i) of this subsection, whether a form of benefit is subject to section 417(e) of the Internal Revenue Code is determined without regard to the status of this act as a governmental plan as described in section 414(d) of the Internal Revenue Code.

"(ii) There shall be an adjustment to benefits that commence before age 62 or after age 65 as follows:

"(I) If the benefit of a member begins before age 62, the defined benefit dollar limit applicable to the member at the earlier age shall be an annual benefit payable in the form a straight life annuity beginning at the earlier age that is the actuarial equivalent of the defined benefit dollar limit applicable to the member at age 62 (adjusted for participation of fewer than 10 years if applicable) computed using a 5% interest rate and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code. However, if the benefit provided under this act provides an immediately commencing straight life annuity payable at both age 62 and the age of benefit commencement, the defined benefit dollar limit is the lesser of:

"(aa) The limitation determined under the immediately preceding sentence; or

"(bb) The defined benefit dollar limit (adjusted for participation of fewer than 10 years if applicable) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under this act at the age of benefit commencement to the annual amount of the immediately commencing straight life annuity under this act at age 62, both determined without applying the limitations of this section. The adjustment in sub-subparagraph (i) of this subparagraph shall not apply as a result of benefits

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paid on account of disability under sections 12(f) or 12(g) or as a result of the death of a member under section 12(k). Notwithstanding the provisions above, a member that qualifies under section 415(b)(2)(G) of the Internal Revenue Code is not subject to the adjustment to benefits that commence before age 62.

"(II) If the benefit of a member begins after age 65, the defined benefit dollar limit applicable to the member at the later age is the annual benefit payable in the form of a straight life annuity beginning at the later age that is actuarially equivalent to the defined benefit dollar limit applicable at age 65 (adjusted for participation of fewer than 10 years, if applicable) computed using a 5% interest rate assumption and the applicable mortality table designated by the Secretary of the Treasury from time to time pursuant to section 417(e)(3) of the Internal Revenue Code. However, if the benefit provided under this act provides an immediately commencing straight life annuity payable at both age 65 and the age of benefit commencement, the defined benefit dollar limit is the lesser of:

"(aa) The limitation determined under the immediately preceding sentence; or

"(bb) The defined benefit dollar limit (adjusted for participation of less than 10 years if applicable) multiplied by the ratio of the annual amount of the adjusted immediately commencing straight life annuity under this act at the age of benefit commencement to the annual amount of the adjusted immediately commencing straight life annuity under this act at age 65, both determined without applying the limitations of this section. For this purpose, the adjusted immediately commencing straight life annuity under this act at the age the benefit commences is the annual amount of such annuity payable to the member, computed disregarding the member's accruals after age 65 but including any actuarial adjustments, even if those actuarial adjustments are used to offset accruals; and the adjusted immediately commencing straight life annuity under this act at age 65 is the annual amount of such annuity that would be payable under this act to a hypothetical member who is age 65 and has the same annuity as the member.

"(III) For the purposes of paragraph (2)(B) of this subsection, no adjustment shall be made to the defined benefit dollar limit to reflect the probability of a member's death between the commencing date and age 62, or between age 65 and the commencing date, as applicable, if benefits are not forfeited upon the death of the member prior to the annuity having a commencing date. To the extent that benefits are forfeited upon death before the date the benefits first commence, an adjustment shall be made. For this purpose, no forfeiture shall be treated as occurring upon the member's death if the benefit provided under this act does not charge the member for providing a qualified preretirement survivor annuity (as defined for purposes of section 415 of the Internal Revenue Code) upon the member's death.

"(C) If the member has fewer than 10 years of participation in the defined benefit portion of this act (as determined under section 415 of the Internal Revenue Code and the regulations thereunder), the defined benefit dollar limit shall be multiplied by a fraction, the numerator of which is the number of years (or part thereof) of participation under this act and the denominator of which is 10. The adjustment in this subsection shall not apply to benefits

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paid on account of disability under sections 12(f) or (g) or as a result of the death of a member under section 12(k). In the case of years of credited service credited to a member pursuant to section 12(c):

"(i) The limitations contained in paragraph (2)(A)(i) and (C) of this subsection shall not apply to the portion of the member's accrued retirement benefit (determined as of the annuity commencement date) that is attributable to any additional years of credited service under section 12(c) that are actuarially funded by:

"(I) A transfer or rollover from the member's account under a retirement plan qualified under section 401(a) of the Internal Revenue Code or an eligible deferred compensation plan (within the meaning of section 457(b) of the Internal Revenue Code) or from an individual retirement account; or

"(II) A direct payment.

"(ii) The limitations contained in paragraph (2)(A)(i) and (C) shall apply to the portion of the member's accrued retirement benefit (determined as of the annuity commencement date) that is attributable to any additional years of credited service under section 12(c) that are not actuarially funded by:

"(I) A transfer or rollover from the member's account under a retirement plan qualified under section 401(a) of the Internal Revenue Code or an eligible deferred compensation plan (within the meaning of section 457(b) of the Internal Revenue Code) or from an individual retirement account; or

"(II) A direct payment.

"(iii) The determination of the extent to which additional years of credited service under section 12(c) have been actuarially funded as of the annuity commencement date shall be determined in accordance with section 411(c) of the Internal Revenue Code (using the actuarial assumptions thereunder), applied as if section 411(c) of the Internal Revenue Code applied and treating the amount transferred from a plan qualified under section 401(a) of the Internal Revenue Code, the member's account under an eligible deferred compensation plan (within the meaning of section 457(b) of the Internal Revenue Code), or an individual retirement account, or the amount of the direct lump-sum payment to the Custodian of Retirement Funds, as if it were a mandatory employee contribution.

"(D) In addition to the above, the maximum benefit and contributions shall be reduced, and the rate of benefit accrual shall be frozen or reduced accordingly, to the extent necessary to prevent disqualification under section 415 of the Internal Revenue Code, with respect to a member who is also a participant in:

"(i) Another tax-qualified retirement plan maintained by the District, including a defined benefit plan in which an individual medical benefit account (as described in section 415(l) of the Internal Revenue Code) has been established for the member;

"(ii) A welfare plan maintained by the District in which a separate account (as described in section 419A(d) of the Internal Revenue Code) has been established to provide post-retirement medical benefits for the member; or

"(iii) A retirement or welfare plan, as previously mentioned, maintained by an affiliated or predecessor employer, as described in regulations under section

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415 of the Internal Revenue Code, or otherwise required to be taken into account under such regulations.

"(E) If a member has distributions commencing at more than one date (determined in accordance with section 415 of the Internal Revenue Code and associated regulations), the annuity payable having such commencement date shall satisfy the limitations of paragraph (2) of this subsection as of each date, actuarially adjusting for past and future distributions of benefits commencing at the other dates that benefits commence.

"(F) The application of the provisions of paragraph (2) of this subsection shall not cause the maximum permissible benefit for a member to be less than the member's annuity under this act as of the end of the last limitation year beginning before July 1, 2007 under provisions of this act that were both adopted and in effect before April 5, 2007 and that satisfied the limitations under section 415 of the Internal Revenue Code as in effect as of the end of the last limitation year beginning before July 1, 2007.

"(G) To the extent that a member's benefit is subject to provisions of section 415 of the Internal Revenue Code that have not been set forth in this act, the provisions are hereby incorporated by reference and for all purposes shall be deemed a part of this act.

"(H) For the purposes of this subsection, the term:

"(i) "Annual additions" means the sum of the following items credited to the member under the Acts and any other tax-qualified retirement plan sponsored by the District for a limitation year and treated as a defined contribution plan for purposes of section 415 of the Internal Revenue Code: District contributions that are separately allocated to the member's credit in an defined contribution plan; forfeitures; member contributions; and amounts credited after March 31, 1984 to a member's individual medical account (within the meaning of section 415(l) of the Internal Revenue Code).

"(ii) "Defined benefit dollar limit" means the dollar limit imposed by section 415(b)(1)(A) of the Internal Revenue Code, as adjusted pursuant to section 415(d) of the Internal Revenue Code. The defined benefit dollar limit as set forth above is the monthly amount payable in the form of a straight life annuity, beginning no earlier than age 62 (except as provided in paragraph (2)(B)(ii)(I) of this subsection) and no later than age 65. In the case of a monthly amount payable in a form other than a straight life annuity, or beginning before age 62 or after age 65, the adjustments in paragraph (2)(B) of this subsection shall apply.

"(iii) "Dollar limit" means the dollar limit on annual additions imposed by section 415(c)(1)(A) of the Internal Revenue Code, as adjusted pursuant to section 415(d) of the Internal Revenue Code.

"(iv) "Internal Revenue Code" means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*).

"(v) "Remuneration" means a member's wages as defined in section 3401(a) of the Internal Revenue Code and other payments of salary to the member from the District, for which the District is required to furnish the member a written statement under section 6041(d) of the Internal Revenue Code and section 6051(a)(3) of the Internal Revenue Code. For this purpose:

"(I) Remuneration shall be determined without regard to

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rules that limit the remuneration included in wages based on the nature or location of the employment or the services performed.

"(II) Remuneration shall include an amount that would otherwise be deemed remuneration under this definition but for the fact that it is subject to a salary reduction agreement under a plan described in section 457(b), 132(f) or 125 of the Internal Revenue Code.

"(III) Remuneration with respect to any limitation year shall in no event exceed the dollar limit specified in section 401(a)(17) of the Internal Revenue Code (as adjusted from time to time by the Secretary of the Treasury). The cost of living adjustment in effect for a calendar year applies to remuneration for the limitation year that begins with or within such calendar year.

"(3) Notwithstanding any other provision to the contrary, all death benefits paid pursuant to this section shall be distributed only in accordance with section 401(a)(9) of the Internal Revenue Code (and accompanying Treasury regulations), as more fully set forth in section 12(n-3)."

(f) New sections 12(n-3), 12(n-4), and 12(n-5) are added to read as follows:

"Sec. 12(n-3). Required minimum distributions.

"Distributions shall begin no later than the member's required beginning date, as defined in section 401(a)(9) of the Internal Revenue Code, and shall be made in accordance with all other requirements of section 401(a)(9) of the Internal Revenue Code. The provisions of this section shall apply for the purposes of determining minimum required distributions under section 401(a)(9) of the Internal Revenue Code and take precedence over any inconsistent provisions of this act; provided, that these provisions are intended solely to reflect the requirements of section 401(a)(9) of the Internal Revenue Code and accompanying Treasury regulations and are not intended to provide or expand (and shall not be construed as providing or expanding) a benefit or distribution option not otherwise expressly provided for under the terms of this act. The provisions of this section shall apply only to the extent required under section 401(a)(9) of the Internal Revenue Code as applied to a governmental plan, and if special rules for governmental plans are not set forth herein, the special rules are incorporated by reference and shall for all purposes be deemed a part of this act.

"(1) Time and manner of distribution.

"(A) The member's entire interest shall be distributed or begin being distributed to the member no later than April 1 following the later of:

"(i) The calendar year in which the member attains age 70 ½; or

"(ii) The calendar year in which the member retires or terminates employment (the "required beginning date").

"(B) If the member dies before distributions begin, the member's entire interest shall be distributed, or will begin to be distributed, no later than as follows:

"(i) If the member's surviving spouse is the sole designated beneficiary, distributions to the surviving spouse shall begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which the member would have attained age 70½, if later;

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"(ii) If the member's surviving spouse is not the sole designated beneficiary, distributions to the designated beneficiary shall begin by December 31 of the calendar year immediately following the calendar year in which the member died;

"(iii) If there is no designated beneficiary as of September 30 of the year following the year of the member's death, the member's entire interest shall be distributed by December 31 of the calendar year of the 5th anniversary of the member's death;

"(iv) If the member's surviving spouse is the sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, paragraph (1)(B)(i) of this subsection shall not apply, and paragraph (1)(B)(ii) and (iii) of this subsection shall apply as if the surviving spouse were the member. For the purposes of paragraphs (1)(B) and (3) of this subsection distributions are considered to begin on the member's required beginning date (or, if paragraph (1)(B)(iv) of this subsection applies, the date distributions to the surviving spouse are required to begin under paragraph (1)(B)(i) of this subsection). If annuity payments to the member irrevocably commence before the member's required beginning date (or to the member's surviving spouse before the date distributions to the surviving spouse are required to begin under paragraph (1)(B)(i) of this subsection), the date distributions are considered to begin is the date distributions actually commence.

"(C) Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution, calendar year distributions will be made in accordance with paragraphs (2) and (3) of this subsection. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions of the annuity will be made in accordance with the requirements of section 401(a)(9) of the Internal Revenue Code and applicable Treasury regulations. Any part of the member's interest that is in the form of an individual account described in section 414(k) of the Internal Revenue Code will be distributed in a manner satisfying the requirements of section 401(a)(9) of the Internal Revenue Code and the Treasury regulations that apply to individual accounts.

"(2) The amount of the annuity is to be determined each year.

"(A) If the member's interest is paid in the form of annuity distributions, payments under the annuity shall satisfy the following requirements:

"(i) The annuity distributions will be paid in periodic payments made at intervals not longer than one year;

"(ii) Payments will either be non-increasing or increase only as follows:

"(I) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index based on prices of all items (the CPI-W) and issued by the Bureau of Labor Statistics;

"(II) To provide cash refunds of employee contributions upon the teacher's death;

"(III) Pay increased benefits that result from an amendment to this act.

"(B) The amount that must be distributed on or before the member's

ENROLLED ORIGINAL

required beginning date (or, if the member dies before distributions begin, the date distributions are required to begin under paragraph (1)(B)(i) or (ii) of this subsection) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the member's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.

"(C) Additional benefits accruing to the member in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

"(3) Amounts payable if a member dies before distribution begins are subject to the following requirements:

"(A) If the member dies before the date of distribution of his or her interest begins and there is a designated beneficiary, the member's entire interest will be distributed, beginning no later than the time described in paragraph (1)(B)(i) or (ii) of this subsection, over the life of the designated beneficiary not exceeding either of the following:

"(i) Unless the benefit commenced is before the first distribution calendar year, the life expectancy of the designated beneficiary, determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the teacher's death; or

"(ii) If the benefit commenced before the first distribution calendar year, the life expectancy of the designated beneficiary, determined using the beneficiary's age as of his or her birthday in the calendar year that begins before benefits commence; or

"(B) If the member dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the member's death, distribution of the member's entire interest will be completed by December 31 of the calendar year of the fifth anniversary of the member's death; or

"(C) If the member dies before the date distribution of his or her interest begins, the member's surviving spouse is the member's sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, paragraph (3) of this subsection will apply as if the surviving spouse were the member, except that the time by which distributions must begin will be determined without regard to paragraph (1)(B)(i) of this subsection.

"Sec. 12(n-4). Disposition of forfeitures.

Forfeitures in the District of Columbia Police Officers and Fire Fighters' Retirement Fund established by section 122(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-714), shall not be applied to increase the annuity of a person, but rather, shall be applied to pay administrative expenses, if and as directed by the District of Columbia Retirement Board, and/or used to reduce the District's contributions.

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“Sec. 12(n-5). Funds not assignable or subject to execution.


Except as provided in the District of Columbia Spouse Equity Act of 1988, approved March 16, 1989 (D.C. Law 7-214; D.C. Official Code § 1-529.01), none of the money mentioned in this part (including any assets of the District of Columbia Police Officers and Fire Fighters' Retirement Fund) shall be assignable, either in law or equity, or be subject to execution of levy by attachment, garnishment, or other legal process except with respect to a domestic relations order that substantially meets all of the requirements of section 414(p) of the Internal Revenue Code as determined solely by the District of Columbia Retirement Board.”

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 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 1, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-586Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 3, 2013

To authorize, on an emergency basis, payment to Alta Bicycle Share, Inc. for services and equipment received for the Capital Bikeshare Program by the District Department of Transportation without a valid written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Capital Bikeshare Program Payment Authorization Emergency Act of 2012".

Sec. 2. Pursuant to section 902 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-359.02), the Council authorizes payment in the amount of \$16,596,598.30 to Alta Bicycle Share, Inc. for services and equipment received by the District Department of Transportation for the Capital Bikeshare program without a valid written contract.

Note,
§ 2-359.02

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.

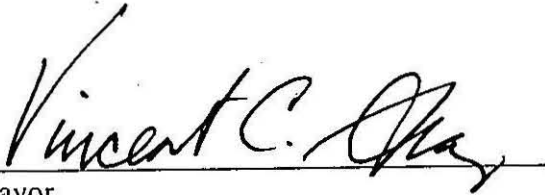
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

ENROLLED ORIGINAL

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 3, 2013

ENROLLED ORIGINAL

A RESOLUTION

19-698

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To approve the updated Future Land Use Map and the updated Generalized Policy Map transmitted by the Mayor pursuant to the Comprehensive Plan Amendment Act of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Comprehensive Plan Future Land Use Map and Generalized Policy Map Approval Resolution of 2012”.

Sec. 2. (a) The Council finds that the updated Future Land Use Map and the updated Generalized Policy Map, each dated January 2012, (“updated maps”) submitted by the Mayor, on March 13, 2012, pursuant to section 7(e) of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Official Code § 1-306.02(e)) (“Act”), conform to the requirements of the Act, except as specified in subsection (b) of this section. The Council approves the updated maps on the condition that the identified required correction, as described in subsection (b) of this section, is made and a new map published as required by section 7(e)(3)(B) of the Act.

(b) The Future Land Use Map shall be updated to correctly depict the eastern edge in the square bounded by 13th Street, N.W., Fairmont Street, N.W., 14th Street, N.W., and Euclid Street, N.W., as moderate density residential.

Sec. 3. The Council further finds that 4 amendments as currently written are incorrect or inconsistent with existing small area plans and recommends corrections in the committee report beginning on page 3.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Office of Planning and the Director of the Office of Zoning.

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

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-699

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Ms. Alejandra Y. Castillo to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Alejandra Y. Castillo Confirmation Resolution of 2012".

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

Ms. Alejandra Y. Castillo
1940 Biltmore Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974, (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing Carmen C. Ramirez, for the remainder of the unexpired term to end May 15, 2013.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-700

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Dr. Gabriela D. Lemus to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Dr. Gabriela D. Lemus Confirmation Resolution of 2012".

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

Dr. Gabriela D. Lemus
6310 16th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974, (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing Katherine Bradley, for the remainder of the unexpired term to end May 15, 2013.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-701

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Mr. Sean A. Warfield to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Appeals Commission Sean A. Warfield Confirmation Resolution of 2012".

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

Mr. Sean A. Warfield
8020 West Beach Drive, N.W.
Washington, D.C. 20012
(Ward 4)

as a part-time member of the Real Property Tax Appeals Commission, established by section 2(b)(3) of the Real Property Tax Appeals Commission Establishment Act of 2010, effective April 8, 2011 (D.C. Law 18-363; D.C. Official Code § 47-825.01a), for a term to end April 30, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-702

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Mr. Frank Sanders, Jr. to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Appeals Commission Frank Sanders, Jr. Confirmation Resolution of 2012".

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

Mr. Frank Sanders, Jr.
1436 Primrose Road, N.W.
Washington, D.C. 20012
(Ward 4)

as a full-time member of the Real Property Tax Appeals Commission, established by section 2(b)(3) of the Real Property Tax Appeals Commission Establishment Act of 2010, effective April 8, 2011 (D.C. Law 18-363; D.C. Official Code § 47-825.01a), for a term to end April 30, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-703

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$125 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Provident Resources Group Inc. and Provident Group – Howard Properties LLC, or either of them, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Howard University Dormitory Revenue Bonds Project Approval Resolution of 2012”.

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

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

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Provident Resources Group Inc., a nonprofit corporation organized and existing under the laws of the State of Georgia and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3), or its wholly-owned subsidiary, Provident Group – Howard Properties LLC, a limited liability company organized and existing under the laws of the District of Columbia.

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds

ENROLLED ORIGINAL

and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing or reimbursing of all or a portion of the Borrower's costs to:

(A) Design, develop, construct, equip and furnish 2 student residence facilities on the campus of Howard University, including a multi-story building consisting of approximately 139,000 square feet of gross floor area, to be located at 2229 4th Street, NW, Washington, DC 20059 (Lot 0030, Square 3068) and a multi-story building consisting of approximately 258,000 square feet of gross floor area, to be located at 2205 4th Street, NW, Washington, DC 20059 (Lot 0066, Square 3069);

(B) Pay Issuance Costs for the Bonds;

(C) Pay capitalized interest on the Bonds;

(D) Fund a debt service reserve fund; and

(E) Pay contingency costs, if any, and working-capital expenditures related to the foregoing.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas

ENROLLED ORIGINAL

designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$125 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of a facility used in connection with educational purposes as set forth within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$125 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

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(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on

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behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

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(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any

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representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

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If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f), and section 490(k) of the Home Rule Act, for the Project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-704

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Ms. Sheree Price to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Employee Appeals Sheree Price Confirmation Resolution of 2012".

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

Ms. Sheree Price
624 Ava Circle, N.E.
Washington, D.C. 20017
(Ward 5)

as a member of the Office of Employee Appeals, established by section 601 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 § 1-606.01), replacing Barbara Morgan, for a term to end April 6, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-705

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Mr. William Persina to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Employee Appeals William Persina Confirmation Resolution of 2012".

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

Mr. William Persina
5631 Utah Avenue, N.W.
Washington, D.C. 20015
(Ward 3)

as a member of the Office of Employee Appeals, established by section 601 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 § 1-606.01), replacing Richard Johns, for a term to end April 6, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-706

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Ms. Vera Abbott to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Employee Appeals Vera Abbott Confirmation Resolution of 2012".

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

Ms. Vera Abbott
102 Brandywine Place, S.W.
Washington, D.C. 20032
(Ward 8)

as a member of the Office of Employee Appeals, established by section 601 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 § 1-606.01), replacing Sherri M. Beatty-Arthur, to fill the remainder of her unexpired term, to end April 6, 2013.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-707

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Max M. Houck, Ph.D. as Director of the Department of Forensic Sciences.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Department of Forensic Sciences Max M. Houck Confirmation Resolution of 2012”.

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

Max M. Houck, Ph.D.
1210 G Street NE
Washington, D.C. 20002
(Ward 6)

as the Director of the Department of Forensic Sciences, established by section 3 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.02), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve a 4-year term.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-708

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To approve proposed regulations of the Alcoholic Beverage Control Board to renew the Glover Park Moratorium Zone with limited modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Glover Park Moratorium Zone Approval Resolution of 2012”.

Sec. 2. Pursuant to D.C. Official Code § 25-211(b)(2), the Council approves the proposed regulations of the Alcoholic Beverage Control Board to renew the Glover Park Moratorium Zone for a 3-year period. Among other things, the regulations impose a cap of 14 on the number of Retailer Class CR licenses and lift entirely the moratorium on Retailer Class B licenses.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19- 709

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the appointment of Mr. Darrin Lewis Glymph as a member of the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities Darrin Lewis Glymph Confirmation Resolution of 2012”.

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

Mr. Darrin Lewis Glymph
1823 Quincy Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Commission on Arts and Humanities, established by section 4 of the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), replacing Tendani Mpulubusi, to fill the remainder of his unexpired term, to end June 30, 2014.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-710

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency, due to Congressional review, with respect to the need to delay the scheduled additional 25% reduction of Temporary Assistance for Needy Families payments for 6 months, from October 1, 2012, until April 1, 2013.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Temporary Assistance for Needy Families Time Delay Congressional Review Emergency Declaration Resolution of 2012".

Sec. 2. (a) In September of this year, the Council passed the Temporary Assistance for Needy Families Time Delay Emergency Act of 2012, effective September 20, 2012 (D.C. Act 19-450). This emergency legislation will expire on December 19, 2012. Prior to the passage of the emergency legislation, the law required, beginning October 1, 2012, a reduction of 25% of the fiscal year 2012 public assistance payment for assistance units receiving Temporary Assistance for Needy Families ("TANF") benefits for more than 60 months.

(b) Through a reprogramming approved by the Council on August 6, 2012, funding was made available to make feasible the delay in the implementation of this reduction in TANF cash benefits until April 1, 2013.

(c) This delay is necessary to provide customers subject to this reduction additional time to access services and prepare for their eventual transition off TANF dependency.

(d) Temporary legislation, the Temporary Assistance for Needy Families Time Delay Temporary Act of 2012 (Bill 19-0902)("Temporary Act"), which was signed by the Mayor on November 2, 2012 (D.C. Act 19-523), has not completed the 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973(87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)). If the Council does not pass additional emergency legislation, a gap in legislative authority will exist.

(e) It is important to enact this Congressional review emergency legislation to ensure the continued delay of the scheduled additional 25% reduction of TANF payments until the Temporary Act is in place.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Temporary Assistance for Needy Families Time Delay Congressional Review Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-711

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to approve option year 2 of Human Care Agreement Contract No. RM-10-HCA-MHRS-118-BY4-SC between the Department of Mental Health and Green Door, Inc., for mental- health services to eligible District residents, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Human Care Agreement Contract No. RM-10-HCA-MHRS-118-BY4-SC Option Year Two Approval and Payment Authorization Emergency Declaration Resolution of 2012”.

Sec. 2. (a) There exists an immediate need to approve option year 2 of Human Care Agreement Contract No. RM-10-HCA-MHRS-118-BY4-SC (“HCA”) between the Department of Mental Health and Green Door, Inc., for mental-health services to eligible District residents.

(b) On February 18, 2012, the Department of Mental Health exercised Option Year 2 of the HCA, which period extends through February 17, 2013.

(c) Due to higher than anticipated utilization and to maintain continuity of care, the cost of the HCA through the 12-month period is projected to be \$1,491,590.72, necessitating Council approval.

(d) Council approval of the HCA is required to allow these mental-health services to continue uninterrupted and to avoid any disruption in care to consumers as a result of transferring consumers to other mental-health providers.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement Contract No. RM-10-HCA-MHRS-118-BY4-SC Option Year Two Approval and Payment Authorization Emergency Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-712

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-12-CS-0068 and Change Order No. 01 with Consys, Inc., for renovation of office space of the Office of Attorney General for the District of Columbia, and to authorize payment in the aggregate amount of \$1,210,967 for goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-12-CS-0068 and Change Order No. 01 Approval and Payment Authorization Emergency Declaration Resolution of 2012".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-12-CS-0068 and Change Order No. 01 with Consys, Inc., for renovation of office space of the Office of Attorney General for the District of Columbia, located on the 6th floor of One Judiciary Square, 441 4th Street, N.W., and to authorize payment in the aggregate amount of \$1,210,967 for goods and services received and to be received under the contract.

(b) Contract No. DCAM-12-CS-0068 in the amount of \$852,786 was awarded to Consys, Inc., by the Department of General Services on June 20, 2012.

(c) Additional scope of work under Change Order No. 01 to the contract will cause the aggregate value of the contract to exceed \$1 million in a 12-month period.

(d) Council approval of Contract No. DCAM-12-CS-0068 and Change Order No. 01 in the aggregate amount of \$1,210,967 is necessary to compensate Consys, Inc., for work performed and to be performed in completing the renovation of the One Judiciary Square office space.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-12-CS-0068 and Change Order No. 01 Approval and Payment Authorization Emergency Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-713

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To confirm the reappointment of Mr. Donald F. Soifer to the Public Charter School Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Board Donald F. Soifer Confirmation Resolution of 2012".

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

Mr. Donald F. Soifer
1429 R Street, N.W., Unit A
Washington, D.C. 20009
(Ward 2)

to the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a 4-year term to end February 24, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to declare the sense of the Council regarding funding the Arts and Humanities Enterprise Fund and the Film DC Economic Incentive Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council on Funding the Arts and Humanities Enterprise Fund and the Film DC Economic Incentive Fund Emergency Declaration Resolution of 2012”.

Sec. 2 (a) This emergency measure is necessary to declare the sense of the Council that the District of Columbia has a golden opportunity to examine how to generate revenue by funding the Arts and Humanities Enterprise Fund, established pursuant to section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01) (“Arts Fund”), and the Film DC Economic Incentive Fund, established pursuant to section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501) (“Film Fund”), to establish a creative and artistic economic development engine.

(b) This emergency measure is necessary because neither the Arts Fund nor the Film Fund has been funded since being established in 1998 and 2007, respectively. The Council recognized the need for a dedicated funding source when the Arts Fund and the Film Fund were created. The funding need continues. It is time to determine how to provide a long-term, dedicated source of funding for both funds.

(c) This emergency measure is necessary to recognize the work of the Committee on Small and Local Business Development (“SLBD”) on the Art in Public Space, Motion Picture and Television Production Funds Act of 2012, as approved by the Committee on Small and Local Business Development on November 29, 2012 (Committee print of Bill 19-992), which sought to provide a dedicated funding source for the Arts Fund and the Film Fund. The committee held a hearing on November 26, 2012. On November 29, 2012, a committee markup and vote was held. Bill 19-992 was voted out of committee; however, there is not enough time to move the bill through the Government Operations Committee, to which this bill was sequentially referred, before the end of Council Period 19.

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(d) Since Council Period 19 ends this month, the Executive Branch of the District government should be made aware of the sense of the Council on funding the Arts Fund and Film Fund and on establishing an Art, Film, and Television Funding Task Force before the Council Period ends.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council on Funding the Arts and Humanities Enterprise Fund and the Film DC Economic Incentive Fund Emergency Resolution of 2012 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-715

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare, on an emergency basis, the sense of the Council regarding funding the Arts and Humanities Enterprise Fund and the Film DC Economic Incentive Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Funding the Arts and Humanities Enterprise Fund and the Film DC Economic Incentive Fund Emergency Resolution of 2012".

Sec. 2. The Council finds that:

(1) The District of Columbia has a golden opportunity to examine how to generate revenue by funding the Arts and Humanities Enterprise Fund, established in section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01) ("Arts Fund"), and the Film DC Economic Incentive Fund, established pursuant to section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501) ("Film Fund"), to establish a creative and artistic economic development engine.

(2) Neither the Arts Fund nor the Film Fund has been funded since being established in 1998 and 2007, respectively. The Council recognized the need for a dedicated funding source when the Arts Fund and the Film Fund were created. The funding need continues. It is time to determine how to provide a long-term, dedicated source of funding for both funds.

(3) Funding public art creates opportunities for artists, supports the creative economy of Washington, D.C., and sends a message that public art is important, particularly in an information-based economy.

(4) There are many positive effects of public art. Public art creates more congenial and social public spaces, contributes to the visual character and texture of the community, commemorates history or cultural heritage, fosters a sense of spirit and pride, clarifies neighborhood identity, reflects diversity, and encourages public interaction with the government.

(5) Washington, D.C. is the nation's capital. Its residents and millions of annual visitors deserve to see great public art throughout the District.

(6) Funding for the film and television industry, as with funding public art, will help Washington to capitalize on being the nation's capital and create opportunities for

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Washington residents and businesses by attracting the movie and TV industry. The landmarks, monuments, and diverse neighborhoods in Washington make it the ideal choice for motion picture and TV development.

(7) Black Entertainment Television (“BET”), which is headquartered in Washington and has a large sound stage, does not film its programs in Washington, primarily due to a lack of incentives. Instead, BET films in Georgia where it receives incentives and spends an estimated \$60 million annually.

(8) Washington, D.C. must compete with Georgia and other states and cities offering huge incentives to attract the movie and TV industry, including the neighboring jurisdictions of Maryland and Virginia, where the District lags behind and may never be able to compete for the business if it does not act now.

(9) The Art in Public Space, Motion Picture and Television Production Funds Act of 2012, as approved by the Committee on Small and Local Business Development (Committee print of Bill 19-992), sought to provide a dedicated funding source for the Arts Fund and the Film Fund. On October 2, 2012, Bill 19-992, was co-introduced by Councilmembers Orange and Barry, and co-sponsored by Councilmember Evans. The bill was sequentially referred to the Committee on Small and Local Business Development (“SLBD”) and the Committee on Government Operations.

(10) The Committee on SLBD did a significant amount of work on B19-992. The committee held a hearing on November 26, 2012, and a markup on November 29, 2012. The bill was approved by the committee; however, there is not enough time to move a permanent act through both committees before the end of Council Period 19.

(11) Thomas Howell, Jr. wrote a November 27, 2012 article in *The Washington Times* about the Committee on SLBD public oversight hearing on November 26, 2012, titled, “Missing Out on ‘Lincoln’ Film Costly to DC”. *The Washington Times* article stated, “[t]he District's neighbors have been successful in attracting new productions and the accompanying financial benefits. Earlier this month, Virginia Governor Bob McDonnell said the television and film industry brought nearly \$400 million to the state last year, a 14.5 % increase over the previous year, because producers took advantage of grant funds and tax credits. In Maryland, lawmakers this year flirted with legislation that would triple the state's tax credit for film production from its current level of \$7.5 million per year.”

(12) *The Washington Times* article also stated: “Officials in 37 states use film tax credits to build up their local arts industry and draw tourism even as they cut their budgets and cope with decelerating revenue, according to a report this year from professional services group Ernst & Young.”

(13) The Ernest & Young report mentioned in the *Washington Times* article is attached to the SLBD Committee Report along with other Ernst & Young reports about Michigan and New Mexico film incentive programs.

(14) The *Washington Times* article demonstrates the need to recognize the work of the Committee on SLBD and to express the desire of the Council that the Executive Branch of District government establish an Art, Film, and Television Funding Task Force (“Task Force”).

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(15) The Task Force shall be charged with determining means of funding public art from a dedicated source and with examining the 4 main obstacles to film and television production in the District of Columbia: (1) lack of a sound stage; (2) lack of an incentive fund; (3) lack of training for film and production crews; and (4) lack of a streamlined permit process. The Task Force should determine how to best address the obstacles in order to start an economic development engine for the film and television industries to make a permanent footprint in Washington, D.C.

Sec. 3. It is the sense of the Council that an Art, Film, and Television Funding Task Force will help the nation's capital determine how to provide dedicated funding for public art and to build the foundation to offer competitive incentives for film and television production in the District. This Task Force will put the world on notice that Washington, D.C. is serious about public art and about attracting the movie and TV industry.

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Commission on Arts and Humanities and the Office of Motion Picture and Television Development.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-716

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with the respect to the need to amend the Grandparent Caregivers Pilot Program Establishment Act of 2005 to allow waivers of certain eligibility requirements when a child is at risk of removal from his or her home.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grandparent Caregivers Program Emergency Declaration Resolution of 2012”.

Sec. 2. (a) There exists an immediate need to allow the Mayor to waive certain eligibility requirements for at-risk children to be placed with grandparents.

(b) Current law prevents the Child and Family Services Agency (“CFSA”) from placing a child, who is in imminent risk of being removed from his or her home due to abuse or neglect, with a willing grandparent and providing that grandparent with a subsidy to care for the child unless the grandparent has been the child’s primary caregiver and the child has resided with the grandparent for the previous 6 months.

(c) Emergency legislation is necessary to enable CFSA to immediately waive this requirement and place children who are at risk of being removed from their homes with grandparents who are willing to care for them.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Grandparent Caregivers Program Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-717

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to amend the Clean and Affordable Energy Act of 2008 to extend the Renewable Energy Incentive Program into fiscal year 2013.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Renewable Energy Incentive Program Emergency Declaration Resolution of 2012”.

Sec. 2. (a) Section 209 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.09), established the Renewable Energy Incentive Program and set a sunset date of October 1, 2012 for the program.

(b) The Renewable Energy Incentive Program has helped hundreds of residents install solar energy on their homes.

(c) The Sustainable DC Act of 2012, passed on 1st reading on December 4, 2012 (Engrossed version of Bill 19-756), extends the funding into fiscal year 2013, but the legislation will not take effect until well into fiscal year 2013. As a result, emergency legislation is necessary to extend the Renewable Energy Incentive Program into fiscal year 2013.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Renewable Energy Incentive Program Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-718

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to amend An Act For the retirement of Public-School Teachers in the District of Columbia to comply with applicable tax qualification provisions of the Internal Revenue Code for governmental retirement plans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Retirement of Public-School Teachers Omnibus Emergency Declaration Resolution of 2012".

Sec. 2. (a) The District of Columbia Retirement Board is the sponsor of retirement plans for District teachers ("Plans"), which are considered tax qualified, governmental retirement plans under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*) ("Internal Revenue Code"). The Plans will not comply with recent non discretionary changes to the requirements unless changes are made to An Act For the retirement of Public-School Teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.01 *et seq.*).

(b) This resolution would deem the replacement plan described in the current law a "governmental plan" as defined by the Internal Revenue Code.

(c) This resolution would also deem that benefits provided from the replacement plan be considered governmental plan benefits maintained by the District.

(d) Further, this resolution would require that any benefits of the retirement program that are assigned or alienated, be expressly permitted by the law, and substantially meet all the requirements of the Internal Revenue Code as determined solely by the District of Columbia Retirement Board.

(e) The resolution would also repeal an outdated provision in the Teachers' Plan from 1946 that allows teachers to make voluntary post-tax contributions to the DC Teachers' Retirement Fund and guarantees a rate of return on the contributions equal to that of the Fund.

(f) If the District is found to have failed to comply with these changes, which took effect December 31, 2011, it is subject to penalties and sanctions by the Internal Revenue Service.

(g) It is therefore vital to enact this law on an emergency basis to ensure that the Plans comply with recent changes to the Internal Revenue Code.

ENROLLED ORIGINAL

(h) This resolution has received the support of the Retired Firefighter's Association, the Washington Teachers' Union, the DC Police Union, and the Association of Retired Police Officers of the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to amend the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998, to comply with applicable tax qualification provisions of the Internal Revenue Code of 1986 for governmental retirement plans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998 Emergency Declaration Resolution of 2012".

Sec. 2. (a) The District of Columbia Retirement Board is the sponsor of retirement plans for District police officers, fire fighters, and teachers ("Plans"), which are considered tax qualified, governmental retirement plans under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1, *et seq.*) ("Internal Revenue Code"). The Plans will not comply with recent non discretionary changes to the requirements unless changes are made to the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-1901.01, *et seq.*), are made.

(b) This resolution would deem the replacement plan described in the current law a "governmental plan" as defined by the Internal Revenue Code.

(c) This resolution would also deem that benefits provided from the replacement plan be considered governmental plan benefits maintained by the District.

(d) Further, this resolution would require that any benefits of the retirement program that are assigned or alienated, be expressly permitted by the law, and substantially meet all the requirements of the Internal Revenue Code as determined solely by the District of Columbia Retirement Board.

(e) If the District is found to have failed to comply with these changes, which took effect December 31, 2011, it is subject to penalties and sanctions by the Internal Revenue Service.

(f) It is therefore vital to enact this law on an emergency basis to ensure that the Plans comply with recent changes to the Internal Revenue Code.

(g) This resolution has received the support of the Retired Firefighter's Association, the Washington Teachers' Union, the DC Police Union, and the Association of Retired Police Officers of the District of Columbia.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Act of 1998 Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-720

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to amend the Policemen and Firemen's Retirement and Disability Act, to comply with applicable tax qualification provisions of the Internal Revenue Code of 1986 for governmental retirement plans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police and Firefighter's Retirement and Disability Emergency Declaration Resolution of 2012".

Sec. 2. (a) The District of Columbia Retirement Board is the sponsor of retirement plans for District police officers, fire fighters, and teachers ("Plans"), which are considered tax qualified, governmental retirement plans under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*) (" Internal Revenue Code"). The Plans will not comply with recent non discretionary changes to the requirements unless changes are made to the Police and Firefighter's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-701 *et seq.*).

(b) This resolution would deem the replacement plan described in the current law a "governmental plan" as defined by the Internal Revenue Code.

(c) This resolution would also deem that benefits provided from the replacement plan be considered governmental plan benefits maintained by the District.

(d) Further, this resolution would require that any benefits of the retirement program that are assigned or alienated, be expressly permitted by the law, and substantially meet all the requirements of the Internal Revenue Code as determined solely by the District of Columbia Retirement Board.

(e) If the District is found to have failed to comply with these changes, which took effect December 31, 2011, it is subject to penalties and sanctions by the Internal Revenue Service.

(f) It is therefore vital to enact this law on an emergency basis to ensure that the Plans comply with recent changes to the Internal Revenue Code.

(g) This resolution has received the support of the Retired Firefighter's Association, the Washington Teachers' Union, the DC Police Union, and the Association of Retired Police Officers of the District of Columbia.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Police and Firefighter's Retirement and Disability Omnibus Emergency Amendment Act 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-721

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to enact the Local Budget Autonomy Emergency Amendment Act of 2012 to have the referendum on the proposed amendment to the District of Columbia Home Rule Act granting local budget autonomy to the District coincide with the April 23, 2012, special election.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Budget Autonomy Emergency Declaration Resolution of 2012".

Sec. 2. (a) On October 2, 2012, every member of the Council co-introduced Bill 19-993, the Local Budget Autonomy Amendment Act of 2012, which amends the District Charter to grant the District budget autonomy over its local funds ("Charter amendment").

(b) At the November 15, 2012, legislative meeting, the Council unanimously approved the Sense of the Council on Scheduling a Special Election and the Ballot Initiative for Local Budget Autonomy Emergency Resolution of 2012 (Res. 19-695), which declared that it was the sense of the Council that "the District of Columbia Board of Elections, in keeping with its mission and within the bounds of its statutory mandates, should place the initiative to amend the District of Columbia Home Rule Act pursuant to the Local Budget Autonomy Act of 2012, as introduced on October 2, 2012 (D.C. Bill 19-993), on the ballot used during the Special Election to fill the vacancy of former at-large Councilmember Phil Mendelson to save resources and time and to take advantage of the occurrence of a District-wide election."

(c) On November 29, 2012, the Board of Elections ("Board") certified a vacancy on the Council for the at-large seat, and scheduled April 23, 2013 for the District-wide special election.

(d) Under the Board's rules regarding the Charter-amendment process, the Board must certify the Charter amendment at least 90 days before the special election.

(e) Under existing rules, the latest that the Board can certify the Charter amendment in time for it to be on ballot for the April special election is January 22, 2013.

(f) Swift passage of the Local Budget Autonomy Emergency Amendment Act of 2012 ensures the proposed Charter amendment can be certified for the special election, and the additional cost and delay of a separate special election for the Charter amendment will be avoided.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Local Budget Autonomy Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-722

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to order the closing of a public alley in Square N-515, bounded by New York Avenue, N.W., 2nd Street, N.W., L Street, N.W., and 4th Street, N.W., in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square N-515, S.O. 12-02073, Emergency Declaration Resolution of 2012".

Sec. 2. (a) The Council considered on first reading on October 30, 2012, and final reading on November 15, 2012, Bill 19-827, the Closing of a Public Alley in Square N-515, S.O. 12-02073, Act of 2012 ("permanent act"), following mark-up by the Committee of the Whole.

(b) The permanent act will facilitate the development of a residential building in Square N-515. This development will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenues and new residential income tax. The development will also create approximately 250 jobs during construction and additional permanent jobs after completion of the project.

(c) The Advisory Neighborhood Commission ("ANC") 6C, the ANC within which the project is located, supports the alley closing.

(d) The alley closing approval for this development is essential for the applicant to move forward in a timely manner with closing on its financing commitment. A delay in the alley closing could result in the expiration of the financing commitment, which could risk the viability of the project.

(e) Council enactment of emergency legislation approving the alley closing will allow the construction of the proposed development to proceed expeditiously, while the permanent act is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Public Alley in Square N-515, S.O. 12-02073, Emergency Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-723

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to approve 4 task orders for Human Care Agreement No. DCHC-2011-H-0002 to provide supplemental nutrition services to low-income infants and children, women who are low-income and high-risk, pregnant, breastfeeding, or postpartum, and other low-income residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Task Orders to Human Care Agreement No. DCHC-2011-H-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2012”.

Sec. 2. (a) There exists an immediate need to approve 4 task orders to Human Care Agreement No. DCHC-2011-H-0002 with Unity Health Care, Inc., to provide supplemental nutrition services to low-income, infants, and children less than 5 years of age, women who are low-income and high-risk pregnant, breastfeeding, or postpartum, and other low-income residents, and to authorize payment for the services received and to be received under the human care agreement.

(b) On August 26, 2011, the Office of Contracting and Procurement (“OCP”) awarded Human Care Agreement No. DCHC-2011-H-0002 to Unity Health Care, Inc., for the period of August 26, 2011, through August 25, 2012.

(c) On August 26, 2011, OCP issued Task Order No. T001 in the amount of \$250,000 for the period August 26, 2011 through September 30, 2011.

(d) On December 15, 2012, OCP issued Task Order No. T002 in the amount of \$600,000 for the period of October 1, 2011, through August 26, 2012.

(e) On April 23, 2012, OCP issued Task Order No. T003 in the amount of \$145,010.69.

(f) Proposed Task Order No. T004, in the amount of \$480,153.31 for the period from the date of award to August 25, 2012, would bring the total amount of task orders for the base year to an amount not-to-exceed \$1,475,164.

(g) Council approval is necessary as these task orders increase the agreement by more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without Council approval, Unity Health Care, Inc., cannot be paid for services provided in excess of \$ 1 million.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Task Orders to Human Care Agreement No. DCHC-2011-H-0002 Approval and Payment Authorization Emergency Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-724

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to approve Modification Nos. M006 and M008 to Contract No. DHCT-HCOA-2010-C-0001 with Public Consulting Group, Inc., to operate and improve a claim- and payment-management system and to perform other administrative functions for federally reimbursable healthcare projects, and to authorize payment for the services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DHCT-HCOA-2010-C-0001 Modification Nos. M006 and M008 Approval and Payment Authorization Emergency Declaration Resolution of 2012".

Sec. 2. (a) There exists an immediate need to approve a contract modification to provide healthcare administration and payment services to the Department of Health Care Finance and partner agencies that receive Medicaid reimbursements or which are responsible for operational functions of the Medicaid Program, which serves eligible District residents.

(b) The Office of Contracting and Procurement ("OCP"), on behalf of the Department of Health Care Finance, awarded a contract to Public Consulting Group, Inc., on September 13, 2010, to provide these services. The term of the contract is for a base year and 4 option years. OCP exercised option year one for the period September 13, 2011, through September 12, 2012.

(c) On September 13, 2012, OCP issued Modification No. M006, which partially exercised option year 2, for the period September 13, 2012, through September 30, 2012, in the not-to-exceed amount of \$65,135.37.

(d) On October 1, 2012, OCP issued Modification No. M008, which exercised the remainder of option year 2, for the period October 1, 2012, through September 12, 2013, in the not-to-exceed amount of \$2,936,580.63.

(e) OCP seeks Council approval for Modification Nos. M006 and M008, thereby approving the exercise of option year 2 for the period September 13, 2012, through September 12, 2013, in the not-to-exceed amount of \$3,001,716.00.

(f) Council approval is necessary to allow the District to continue to receive the benefit of these critical services from Public Consulting Group, Inc.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DHCT-HCOA-2010-C-0001 Modification Nos. M006 and M008 Approval and Payment Authorization Emergency Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-725

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-13-NC-0077 between the District government and Washington Gas Energy Services, Inc. in the amount of \$8,712,446 for natural gas to be provided to the District's accounts managed by the Department of General Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Natural Gas Contract No. DCAM-13-NC-0077 Approval Emergency Declaration Resolution of 2012".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-13-NC-0077 between the District government and Washington Gas Energy Services, Inc. ("Contract") in the amount of \$8,712,466 in order to maintain the supply of natural gas to District accounts managed by the Department of General Services.

(b) If Contract No. DCAM-13-NC-0077 is not approved expeditiously, the proposed contractor's natural gas unit rate quote will expire, and the District would lose the opportunity to accept the natural gas unit rate most advantageous to the District.

(c) Contract No. DCAM-13-NC-0077 has a value that exceeds the \$1 million threshold pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.51).

(d) Approval of the Contract is necessary to maintain the supply of natural gas to District accounts managed by the Department of General Services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Natural Gas Contract No. DCAM-13-NC-0077 Approval Emergency Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

19-726

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2012

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish mandatory controlled substance and alcohol testing and criminal background checks and a background investigation program for applicants, appointees, employees, volunteers, and contractual workers of the Consolidated Forensic Sciences Laboratory.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Emergency Declaration Resolution of 2012".

Sec. 2. (a) There exists an immediate need to amend 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.*), to establish a mandatory controlled substance and alcohol testing program, criminal background check, and background investigation program for applicants, appointees, employees, volunteers, and contractual workers who have a duty station at the Consolidated Forensic Sciences Laboratory ("CFL").

(b) The CFL officially opened on October 1, 2012 and will serve as the central location for several of the District's public health and safety lab operations, such as the Office of the Chief Medical Examiner, the Department of Forensic Sciences ("DFS"), and divisions under the Metropolitan Police Department that include the Firearms and Fingerprint Examination Division, DNA Laboratory, and the Forensic Sciences Services Division. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et. seq.*)("Act"), requires that DFS provide security and protection for evidence and samples in its custody. To ensure compliance with the Act, a mandatory controlled substance and alcohol testing program, criminal background check, and background investigation program for applicants, appointees, employees, volunteers, and contractual workers who have a duty station at the CFL is necessary.

(c) The Mayor firmly believes that the implementation of the mandatory controlled substance and alcohol testing program, criminal background check, and background investigation program will safeguard evidence and samples in DFS' custody and significantly reduce or eliminate fraud, waste, and abuse by individuals who have a duty station at the CFL. Implementation of the programs will not only improve the screening requirements in the hiring

ENROLLED ORIGINAL

practices at District government agencies but will also assist in providing a safe, productive, and secure work environment for District government employees.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Emergency Amendment Act of 2012 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s)

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, Room 5, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10. Telephone: 724-8050

Reprog. 20-1: Request to reprogram \$808,000 of Fiscal Year 2013 Local funds budget authority from the Office of the Chief Financial Officer (OCFO) to the Tax Revision Commission was filed in the Office of the Secretary on January 2, 2013. This reprogramming supports the cost of the establishment of the Tax Revision Commission, which was re-established in the Fiscal Year 2012 Budget Support Act of 2011 (D.C. Law 19-21) with the funds required to implement the law placed within the budget of the OCFO.

RECEIVED: 14 day review began January 3, 2013

Reprog. 20-2: Request to reprogram \$1,000,000 of Capital Funds budget authority and allotment within the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on January 2, 2013. This reprogramming is needed to support the cost of capital improvements at Langdon Park, including renovation of the amphitheater and the installation of a memorial at the amphitheater to commemorate the life of musician Chuck Brown.

RECEIVED: 14 day review began January 3, 2013

Reprog. 20-3: Request to reprogram \$1,050,000 of Fiscal Year 2013 Local funds budget authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on January 2, 2013. This reprogramming ensures that OSSE will be able to support Infant and Toddler related activities by aligning the budget to the appropriate program within the agency.

RECEIVED: 14 day review began January 3, 2013

Reprog. 20-4: Request to reprogram \$3,200,000 of Capital Funds budget authority and allotment within the District Department of Transportation (DDOT) and from DDOT to the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on January 2, 2013. This reprogramming is needed to complete the design phase and match federal earmarked funds for completion of the River Walk Kenilworth Trail, COMPLETE Dunbar Senior High School Modernization project, and also provide additional budget to repair sidewalks and alleys.

RECEIVED: 14 day review began January 3, 2013

Reprog. 20-5: Request to reprogram \$1,059,000 of Fiscal Year 2013 Local funds budget authority from various agencies to the Office of the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on January 7, 2013. This reprogramming ensures that DMPED will be able to implement the Mayor's economic development strategic initiatives in Fiscal Year 2013.

RECEIVED: 14 day review began January 8, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 16, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00155, #12-CMP-00155(a), # 12-CMP-00155(b)
1900 M Street Restaurant Associates, LLC, t/a Rumors Restaurant, 1900 M
Street NW, License #71717, Retailer CR,ANC 2B
Substantial Change Without Board Approval

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00331; Ahmed Ouhman Enterprises, t/a Taan (Formerly-
Marrakech Lounge), 1817 Columbia Road NW, License #87585, Retailer CR
ANC 1C, **Violation of Voluntary Agreement**

Show Cause Hearing (Status) 9:30 AM
Case # 12-251-00137; Arm, LLC, t/a Lux, 649 New York Ave NW, License
#71743, Retailer CN, ANC 6E; **Failed to Follow Security Plan, Allowed the**
Establishment to be Used for an Unlawful or Disorderly Purpose

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00233; Justin's Café, LLC, t/a Justin's Café
1025 1st Street SE, License #83690, Retailer CR, ANC 6D
Violation of Voluntary Agreement, Substantial Change Without Board
Approval, Sold Go-Cups

Show Cause Hearing (Status) 9:30 AM
Case # 12-CC-00057; Twin T's, LLC, t/a DC Shenanigans
2450 18th Street NW, License #88119, Retailer CT, ANC 1C
Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking
Age

Board's Calendar

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Show Cause Hearing

10:00 AM

Case # 12-CMP-00056; TBM Holdings, LLC, t/a TruOrleans

400 H Street NE, License #86210, Retailer CR, ANC 6C

**Violation of Voluntary Agreement, Failed to Obtain an Entertainment
Endorsement**

Show Cause Hearing

11:00 AM

Case # 12-CMP-00161; Atsede Corporation, t/a Nile Market & Kitchen

7815 Georgia Ave NW, License #60432, Retailer CR, ANC 4B

**Failed to Maintain Books and Records, Failed to Obtain Importation
Permits, Failed to File Quarterly Statements (4th Quarter 2011)**

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing

1:30 PM

Case # 12-251-00107; R & J, 24 Liquors, Inc., t/a Town Square Gourmet

4418 MacArthur Blvd NW, License #78664, Retailer CR, ANC 3D

**Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking
Age**

Show Cause Hearing

3:30 PM

Case # 11-CMP-00308; Esteban Ramirez & Francisco Nunez, t/a Carolina

Palace, 3700 14th Street NW, License #21055, Retailer CR, ANC 4C

Failed to File Quarterly Statements (1st Quarter 2011, 2nd Quarter 2011)

Fact Finding Hearing

4:30 PM

B-2, LLC, t/a It's Called Inception; 645 Florida Ave NW, License #87890

Retailer CT, ANC 1B

Transfer Application

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF CHANGE OF DATE AND TIME OF PUBLIC HEARING ON
EXPERIENCED CHARTER OPERATOR APPLICANTS**

The District of Columbia Public Charter School Board hereby gives notice of a change in date and time of its public hearing on experienced charter operators request to be granted a charter to operate a school in the District of Columbia. The proposed schools are Rocketship Education D.C., which hopes to open a school in Ward 7 or 8, and DC Flex, which hopes to open a school in either the Northeast or Northwest quadrants. The PCSB will host this public hearing at 6:30 PM on January 28, 2013. The location of this public hearing has yet to be determined. For further information, please call 202-328-2660.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, February 28, 2013, 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 11-03B (Hoffman-Struever Waterfront, LLC – Second-Stage PUD @ Southwest Waterfront, Square 473, Lots 84, 831 and pt. 839; and Square 391, Pt. Lot 809) ("Parcel 5"))

THIS CASE IS OF INTEREST TO ANC 6D

On September 24, 2012, the Office of Zoning received an application from Hoffman-Struever Waterfront, LLC, on behalf of the District of Columbia through the Deputy Mayor for Planning and Economic Development, the owner of the property, for the review and approval of a second-stage planned unit development ("PUD") for the Southwest Waterfront for the portion of the approved first-stage PUD known as Parcel 5. The Office of Planning provided its report on October 19, 2012, and the case was set down for hearing on November 14, 2012. The Applicant provided its prehearing statement on December 14, 2012.

The Parcel 5 property that is the subject of this application consists of Lots 84, 831, and part of 839 in Square 473, and part of Lot 809 in Square 391. The first-stage Order (Z.C. Order No. 11-03) granted a related map amendment to the C-3-C. Zone District, which will become effective should this second-stage application be granted and the prerequisites of §§ § 2409.3 and 3028.9 are satisfied. This stage two PUD application has approximately 60,025 square feet of land area. Parcel 5 is located in the center of the overall Southwest Waterfront development, between Parcel 4 and 7th Street Park, with street frontage on Maine Avenue. The Applicant proposes to improve the site with an extended-stay hotel and a limited-service hotel housed in a single building. If approved, the ten-story building will provide approximately 258,479 square feet of space devoted to hotel uses and 42,000 square feet of gross floor area dedicated to retail and services uses. The central portion of the development will include a public courtyard and plaza area, which will be accessible via the hotel lobbies or an exterior staircase from 7th Street. A below grade parking garage would serve the hotel uses. Loading facilities are proposed to be located at the ground floor level at the interior of the site.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 11-03B
Page 2

testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the specific date set for each segment the hearing, a Form 140 – Party Status Application.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. The deadline for filing a request for party status in this case is February 14, 2013. **Any documents or materials to be filed in this case must be submitted online using the Interactive Zoning Information System ("IZIS").**

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).

Time limits.

For each segment of the hearing conducted on the dates listed above, the following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | |
|-------------------------------------|-------------------------|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition | 60 minutes collectively |
| 3. Organizations | 5 minutes each |
| 4. Individuals | 3 minutes each |

**Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 11-03B
Page 3**

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, MARCIE COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice of its final rulemaking action, taken in Order No. 17028, to approve, pursuant to Section 34-802 of the District of Columbia Official Code,¹ and in accordance with Section 2-505 of the District of Columbia Official Code,² the tariff of the Potomac Electric Power Company (“Pepco”).

2. In its filing, Pepco asserts that its proposed tariff amendment updates the retail transmission rates included in the Rider Standard Offer Service “to reflect the current Federal Energy Regulatory Commission (‘FERC’) approved wholesale transmission rates, which went into effect [on] June 1, 2012.”³ Specifically, Pepco proposes to amend the following thirteen (13) tariff pages:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Sixty-Fifth Revised Page No. R-1
Sixty- Fifth Revised Page No. R-2
Fifty-Eighth Revised Page No. R-2.1
Thirty-Fourth Revised Page No. R-2.2
Sixteenth Revised Page No. R-41
Sixteenth Revised Page No. R-41.1
Sixteenth Revised Page No. R-41.2
Sixteenth Revised Page No. R-41.3
Sixteenth Revised Page No. R-41.4
Sixteenth Revised Page No. R-41.5
Sixteenth Revised Page No. R-41.6
Sixteenth Revised Page No. R-41.7
Sixteenth Revised Page No. R-41.8

3. The Commission issued a Notice of Proposed Rulemaking (“NOPR”) which was published in the *D.C. Register* on November 9, 2012.⁴ No comments were filed in response to the NOPR. By Order No. 17028, the Commission approved PEPCO’s proposed tariff. The application of the revised retail transmission rates shall commence with the billing cycle beginning on February 1, 2013.

¹ D.C. Official Code § 34-802 (2010 Repl.).

² D.C. Official Code § 34-505 (2011 Repl.).

³ *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia*, Letter from Peter E. Meier, Vice President, Legal Services, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia (Sept. 14, 2012) (“Pepco Letter”).

⁴ 59 *D.C. Reg.* 12896-12897 (Nov. 9, 2012).

**OFFICE OF THE CHIEF FINANCIAL OFFICER
NOTICE OF PROPOSED RULEMAKING**

The Office of the Chief Financial Officer (OCFO), through its Central Collection Unit (CCU) established within the OCFO's Office of Finance and Treasury, pursuant to the authority set forth in Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019; P.L. 109-356, D.C. Official Code § 1-204.24d(10) (2011 Supp.) of the Home Rule Act, and Section 1053 of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012, (D.C. Law 19-0168; 59 DCR 8025), hereby gives notice of its intent to amend title 9 of the District of Columbia Municipal Regulations (DCMR), by adding a new chapter 38, entitled "Central Collection Unit" ..

The Delinquent Debt Recovery Act of 2012 (the "Act") authorizes the CCU to prescribe, impose, and collect fees from debtors to cover actual costs or expenses associated with the collection of delinquent debt.

In addition to the authority to impose and collect fees to cover actual costs or expenses associated with the collection of delinquent debt, the Act authorizes the CCU to prescribe and impose a fee to be paid by each person who tenders in payment a financial obligation owed to the District, including a tax, assessment, fee, citation, charge, a check that is subsequently dishonored or not duly paid, or any delinquent debt transferred and referred to the CCU for action.

The CCU hereby gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 9 DCMR is amended by adding a new chapter 38 to read as follows:

Chapter 38 CENTRAL COLLECTION UNIT

3800 IMPOSITION OF COSTS AND FEES:

3800.1. Definitions. The terms "central collection unit", "delinquent debt", and "person" shall have the same meaning in this chapter as those terms are defined in the Delinquent Debt Recovery Act of 2012, effective September 20, 2012, (D.C. Law 19-0168; 59 DCR 8025).

3800.2 The amount of actual costs incurred that a person shall pay the central collection unit (CCU), associated with the collection of a delinquent debt, shall be determined as follows: A collection fee of twenty-six (26%) percent shall be imposed after a debt is referred to the CCU.

3800.3 Any person who tenders payment by check for a financial obligation owed to the District of Columbia government, including a tax assessment, fee, citation, or harge, that is subsequently dishonored or not duly paid, shall, in addition to the amount of the financial obligation owed or the amount of the delinquent debt transferred and referred to the CCU for collection, pay a fee to the CCU of \$65 dollars for the dishonored or not duly paid check.

Comments on this proposed rulemaking should be submitted in writing to, Charles F. Barbera, Assistant General Counsel, Office of the Chief Financial Officer, 350 Pennsylvania Avenue, NW, Suite 200, Washington, D.C. 20004, or via email to Charles.Barbera@dc.gov no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rule and related information may be obtained by writing to the person at the address stated herein.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 12-10

(Text Amendment – 11 DCMR)

(New Chapter 34, Green Area Ratio; §§ 412 Pervious Surface Minimum Requirements for R-1 through R-4 Zones, and 2115.19 Landscape Standards for Parking Lots)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its intent to amend the Zoning Regulations (Title 11 DCMR) by adding a new § 412, Pervious Surface Minimum Requirements for R-1 through R-4 zones, a new § 2111, Surface Parking Lots Landscaping Standards, and a new Chapter 34, Green Area Ratio. A conforming amendment is also proposed to be made to § 3104.1.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Chapter 4, **RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS**, is amended by adding a new § 412 PERVIOUS SURFACE to read as follows:

412 PERVIOUS SURFACE

412.1 The minimum pervious surface percentage requirement stated below—shall be applicable only in conjunction with the following:

- (a) The construction of a new principal structure;
- (b) An addition to a principal or accessory structure, other than a historic resource, that increases the existing lot occupancy at the time of building permit application by ten percent (10%) or more;
- (c) The construction of a new accessory structure that increases the existing lot occupancy at the time of building permit application by ten percent (10%) or more; or
- (d) An addition to a historic resource that increases the existing lot occupancy at the time of building permit application by twenty-five percent (25%) or more.

412.2 For the purposes of § 412.1 a historic resource is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

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412.3 Except as provided in §§ 412.1 and 412.4 or as otherwise required by this title, the minimum percentage of pervious surface of a lot in a Residence District listed in the table below shall be as set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM PERCENTAGE OF PERVIOUS SURFACE
R-1 through R-4 Public recreation and community centers	30%
R-1-A, R-1-B All other structures	50%
R-2 All other structures	30%
R-3 All other structures	20%

412.4 Except as required in § 412.3 for public recreations and community centers or as otherwise required by this title, in the R-4 zone a minimum pervious surface requirement for structures other than those listed in § 412.2 shall be based on lot size as set forth in the following table:

MINIMUM LOT SIZE	MINIMUM PERCENTAGE OF PERVIOUS SURFACE
Less than 1,800 square feet	0%
1,801 to 2,000 square feet	10%
Larger than 2000 square feet	20%

412.5 The percent of pervious surface area shall be calculated by dividing the total area of pervious surfaces on the lot by the total area of the lot

412.6 Only the following shall be considered pervious surfaces for the purposes of calculating the pervious surface area:

- (a) Grass, mulched groundcover, all areas of a vegetated roof planted with a growing medium, and other planted areas;
- (b) Permeable pavers or paving that facilitate the infiltration of water into the soil; and
- (c) Decks or porches constructed above the surface of the lot that are erected on pier foundations, and that maintain a permeable surface underneath that can facilitate the infiltration of water into the soil.

412.7 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the minimum pervious surface requirement required by this section

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if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that complying with the minimum pervious surface requirement is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, or as a result of equivalent measures being implemented on the property that provide the same minimum pervious surface amount.

Chapter 21 is amended by adding a new § 2111, **SURFACE PARKING LOTS LANDSCAPING STANDARDS**, to read as follows:

2111 SURFACE PARKING LOTS LANDSCAPING STANDARDS

2111.1 Surface parking areas with ten (10) or more parking spaces shall conform to the landscaping, tree canopy cover, screening, and lighting requirements as set forth in this section:

- (a) A minimum of ten percent (10%) of the total area devoted to parking, including aisles and driveways shall be covered by landscaped areas planted with trees and shrubs;
- (b) The landscaping shall be maintained in a healthy, growing condition; Dead or dying landscaping shall be replaced;
- (c) All end islands of parking rows longer than nine (9) parking spaces, and all areas otherwise not used for ingress and egress, aisles, and parking spaces shall be landscaped;
- (d) Landscaping around the perimeter of the parking area may count toward the area requirement of this subsection up to a distance of six feet (6 ft.) from the pavement;
- (e) All newly planted trees shall have a minimum diameter of two and one-half inches (2.5 in.); all trees shall be planted or retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree; and
- (f) Trees shall be planted a minimum of four feet (4 ft.) from any protective barrier, such as curbs or wheel stops with no horizontal dimension less than four feet (4 ft.) and a minimum depth of three feet (3 ft.).

2111.2 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the landscape standards for parking lots required by this section if, in addition to meeting the general requirements of § 3104, the applicant

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demonstrates that complying with the landscape standards is impractical because of size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

Chapter 31, **BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE**, § 3104, **SPECIAL EXCEPTIONS**, is amended by inserting alphabetically the following new special exception into the chart appended to § 3104.1:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Green Area Ratio	All Districts where applicable	§ 3405
Minimum Pervious Surface	All Districts where applicable	§ 412
Surface Parking Lots Landscaping Standards	All Districts where applicable	§ 2111

A new Chapter 34, **GREEN AREA RATIO**, is added to read as follows:

- 3400 INTRODUCTION TO GREEN AREA RATIO
- 3401 APPLICABILITY OF GREEN AREA RATIO STANDARDS
- 3402 CALCULATION OF GREEN AREA RATIO
- 3403 LANDSCAPE ELEMENT CONDITIONS FOR GREEN AREA RATIO
- 3404 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO
- 3405 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO
- 3406 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO

CHAPTER 34 GREEN AREA RATIO

3400 INTRODUCTION TO GREEN AREA RATIO

- 3400.1 Green Area Ratio (GAR) is the ratio of the weighted value of landscape elements to land area. The GAR score relates to an increase in the quantity and quality of environmental performance of the urban landscape.
- 3400.2 Green Area Ratio sets integrated environmental requirements for landscape elements and site design that contribute to the reduction of stormwater runoff, the improvement of air quality, and the mitigation of the urban heat island effect.
- 3400.3 The purposes of the GAR regulations are to:

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- (a) Implement a value-based system of requirements for environmental site design that provides flexibility in meeting environmental performance standards; and
- (b) Promote attractive and environmentally functional landscapes.

3400.4 The purpose of this chapter is to:

- (a) Provide general guidance about the regulation of GAR requirements;
- (b) Define the applicability of GAR;
- (c) Set forth the formula for calculating the GAR and define its component parts;
- (d) Identify those landscape elements that are included in the GAR, explain how their area is measured, and set forth eligibility conditions;
- (e) Establish multipliers for each eligible landscape element;
- (f) Indicate what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance; and
- (g) Establish maintenance requirements for the landscape elements that are provided as part of a property's GAR requirement.

3401 APPLICABILITY OF GREEN AREA RATIO STANDARDS

3401.1 Pursuant to the conditions and requirements of this chapter, properties, other than one-family detached and semi-detached dwellings, in zones listed in the following table shall provide a GAR as specified in the following table:

ZONE DISTRICT	GREEN AREA RATIO
R-5-A and R-5-B	0.40
R-5-C, R-5-D and R-5-E C-1, C-2-A, C-2-B and C-2-C W-1, W-2, W-3 SP-1, SP-2	0.30
C-3-A, C-3-B	0.25
C-3-C, C-4, C-5, CR and any property within the DDD overlay	0.20

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CM-1, CM-2, CM-3 and M,	0.30
<ul style="list-style-type: none"> • all structures except one story warehouses • one story warehouses 	0.10

3401.2 The GAR standards set forth in § 3401.1 shall apply to all new buildings requiring a certificate of occupancy and to all existing buildings requiring a certificate of occupancy where any additions, alterations, or repairs within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application.

3401.3 A historic resource and any additions thereto are exempt from the requirement of this chapter as a result of a change of use or an increase of intensity of use, except that this chapter shall be applicable when any addition results in an increase in the gross floor area of the historic resource by fifty percent (50%) or more. For the purposes of this chapter, a “historical resource” is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

3401.4 The cost basis for additions, alterations or repairs to an existing building shall be the amount indicated by the applicant on the application for a building permit.

3402 CALCULATION OF GREEN AREA RATIO

3402.1 The GAR shall be calculated using the following formula:

$$GAR = \frac{(\text{area of landscape element 1} \times \text{multiplier}) + (\text{area of landscape element 2} \times \text{multiplier}) + \dots}{\text{Lot Area}}$$

3402.2 For the purposes of the above formula and the remainder of this chapter:

- (a) The term “landscape element” refers to one of the elements listed in the table in § 3402.9, and will be hereafter referred to as “landscape element” or “element;”
- (b) The term “multiplier” refers the number listed the Table in § 3402.9 that corresponds to a “landscape element”; and
- (c) The “area of landscape element” shall be the square feet of a landscape element, unless the element is a tree or large shrub, in which case “area of

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landscape element” refers to the element’s equivalent square footage as indicated in § 3402.7.

- 3402.3 The process for calculating a property’s GAR under the formula is as follows:
 - (a) The area of each landscape element is multiplied by its corresponding multiplier;
 - (b) The resulting numbers for all landscape elements are added together;
 - (c) The resulting point total is then divided by the total land area of the lot; and
 - (d) The product of the equation equals the property’s GAR.
- 3402.4 The total points for all permeable paving and enhanced tree growth credits may not count for more than one-third (1/3) of the GAR score for a lot.
- 3402.5 If multiple landscape elements occupy the same area, for example groundcover under a tree, the full square footage or equivalent square footage of each element may be counted.
- 3402.6 A landscape element must meet the eligibility conditions of § 3403.
- 3402.7 Equivalent square feet of tree canopy and large shrubs are identified in the table below.

GREEN AREA RATIO LANDSCAPE ELEMENTS	EQUIVALENT SQUARE FOOTAGE
Plants, not including grasses, at least 2 feet tall at maturity	9 s.f. per plant
Tree canopy for trees 2.5 inches to 6 inches in diameter	50 s.f. per tree
Tree canopy for trees 6 inches to 12 inches in diameter	250 s.f. per tree
Tree canopy for trees 12 inches to 18 inches in diameter	600 s.f. per tree
Tree canopy for trees 18 inches to 24 inches in diameter	1300 s.f. per tree
Tree canopy for trees larger than 24 inches in diameter	2000 s.f. per tree

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3402.8 Landscape elements of the GAR shall be measured in the following ways:

- (a) All trees shall be measured for diameter at a height four feet, six inches (4 ft. 6 in.) above grade when planted and the square footage equivalent based on diameter shall be as established in the table in § 3402.7;
- (b) For vegetated walls, use the vertical square footage of the portion of the wall covered by vegetation; and
- (c) For all other elements other than trees, large shrubs, perennials, and vegetated walls, square footage is determined by the area of a horizontal plane that is over the element.

3402.9 Eligible landscape elements are identified in the table below:

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
Landscape area (select one of the following for each area)	
Landscape areas with a soil depth of less than 24 inches	0.3
Landscape areas with a soil depth of 24 inches or more	0.6
Bioretention facilities	0.4
Plantings	
Ground covers, or other plants less than 2 feet tall at maturity	0.2
Plants , not including grasses, at least 2 feet tall at maturity	0.3
Tree canopy for all trees 2.5 inches to 6 inches in diameter	0.5
Tree canopy for new trees 6 inches in diameter or larger	0.6
Tree canopy for preservation of existing trees 6 inches to 24 inches in diameter	0.7
Tree canopy for preservation of existing trees 24 inches diameter or larger	0.8
Vegetated wall, plantings on a vertical surface	0.6
Vegetated roofs	
Extensive vegetated roof over at least 2 inches but less than 8 inches of growth medium	0.6
Intensive vegetated roof over at least 8 inches of growth medium	0.8
Permeable paving	
Permeable paving over at least 6 inches and less than 2 feet of soil or gravel	0.4

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GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
Permeable paving over at least 2 feet of soil or gravel	0.5
Other	
Enhanced tree growth systems	0.4
Renewable energy generation (area of)	0.5
Water features (using at least 50% recycled water)	0.2
Bonuses	
Native plant species listed in §3403.9	0.1
Landscaping in food cultivation	0.1
Harvested stormwater irrigation	0.1

3403 LANDSCAPE ELEMENT CONDITIONS FOR GREEN AREA RATIO

- 3403.1 No landscape element may be counted towards a property’s GAR unless it meets the applicable conditions stated in this section.
- 3403.2 Plantings over the specified soil depths shall meet the required conditions listed in the Table of Landscape Elements and Multipliers in § 3402.9.
- 3403.3 Bioretention facilities shall be landscaped areas that receive rainwater from surrounding areas and use plants and soils to slow, filter, and infiltrate stormwater runoff. *Bioretention facilities* include but are not limited to rain or rainwater gardens, bioretention planters, Baysavers, or linear cells or swales. These do not include structures made of cement or concrete alone.
- 3403.4 Trees shall meet the following conditions:
 - (a) All trees shall be at least two and one-half inches (2.5 in.) in diameter measured at a height four feet, six inches (4 ft. 6 in.) above grade when planted and shall be replaced if damaged or killed by any cause; and
 - (b) All trees shall meet the American Standard for Nursery stock, as set forth by the American Nursery and Landscape Association.
- 3403.5 Vegetated walls shall meet the following conditions:
 - (a) The maximum calculated vertical dimension shall not exceed thirty feet (30 ft.) unless the vegetated wall features a built-in growth medium;

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- (b) The area calculated for the vegetated wall features shall be fully covered within a period of two (2) to five (5) years from planting;
- (c) The area calculated is the ground coverage area, not the total plant growth area;
- (d) The walls shall be at least five feet (5 ft.) from a side or rear lot line; and
- (e) Where stormwater harvesting for irrigation is proposed, vegetated walls shall contain a connection to the proposed irrigation system.

3403.6 Vegetated roofs shall meet the following conditions:

- (a) Designs for vegetated roofs must include plans to provide supplemental water;
- (b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system; and
- (c) The vegetation on a vegetated roof is not additionally eligible for groundcover value towards GAR requirements.

3403.7 Water features shall meet the following conditions:

- (a) Water features must use harvested rainwater for at least fifty percent (50%) of the annual flow; and
- (b) The water features must be under water for at least six (6) months out of twelve (12).

3403.8 Enhanced tree growth systems shall meet the following conditions:

- (a) Be at least twenty-four inches (24 in.) deep, under pavement, and adjacent to planting areas; and
- (b) Be composed of soils that are not considered contaminated or compacted according to federal SUPERFUND [add citation] legislation.

3403.9 Native plant species shall meet the following conditions:

- (a) The plants are listed in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Conservation Landscaping: Chesapeake Bay Watershed guide; or

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- (b) The applicant provides two (2) references in current publications showing that the plant is native to the region; and
- (c) The plant is not listed on the U.S. Fish and Wildlife Service’s list of Plant Invaders of Mid-Atlantic Natural Areas.

3403.10 Food cultivation shall meet the following conditions:

- (a) All food cultivation areas must be easily accessible to at least one occupant of the building;
- (b) All food cultivation areas must have a source of water that can reach all portions of the food cultivation area; and
- (c) The cultivation of animals for food is not eligible for GAR credits.

3403.11 Harvesting stormwater for irrigation shall meet the following conditions:

- (a) If the irrigation type is spray, applicants shall follow treatment standards set forth in the current District Department of Environment’s Stormwater Management Guidebook; and
- (b) If the irrigation type is drip, no additional treatment of stormwater is required.

3404 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO

3404.1 This section lists the submittal requirements for demonstrating compliance with a GAR requirement.

3404.2 For the purposes of this section, the term Certified Landscape Expert means a person who is a:

- (a) State of Virginia certified landscape architect;
- (b) State of Maryland certified landscape architect;
- (c) International Society of Arboriculture Certified Arborist;
- (d) Maryland’s certified Professional Horticulturist; or
- (e) Landscape Contractors Association MD-DC-VA Certified Landscape Technician;

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- 3404.3 Applicants shall submit a GAR score sheet with the GAR calculated for the given lot at the time of building permit application.
- 3404.4 Applicants shall provide a landscape plan prepared by a Certified Landscape Expert that includes the following information:
- (a) GAR elements called out by category and area, which may be provided as a part of the landscape plan or as a separate document;
 - (b) Lot dimension and size;
 - (c) Location and areas of all landscape elements with dimensions;
 - (d) Location, size, and species of all plants used to meet requirements;
 - (e) Both common and botanical names of all plant material;
 - (f) Identification of all existing trees that are to be preserved, with their location, trunk diameter at four feet, six inches (4 ft. 6 in.) above grade, canopy radius, and species;
 - (g) Plans indicating how preserved trees and other plants will be protected during demolition and construction;
 - (h) Location and dimensions of wheel stops, curbs, or other devices to protect landscaping for landscaped areas adjacent to driveways;
 - (i) A schematic irrigation and drainage plan and the size and depth of all plant containers for rooftop or container landscaping or areas to be irrigated with rainwater;
 - (j) Location and size of any trees to be removed;
 - (k) Specifications for soil improvement; and
 - (l) Signature of the Certified Landscape Expert who prepared the plans together as verification that plantings and other landscape elements meet the requirements of the this chapter.
- 3404.5 Applicants shall provide a landscape maintenance plan prepared and signed by a Certified Landscape Expert that describes how the plantings, water features and hardscape features will be cared for and maintained including:
- (a) Soil preparation;

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- (b) Use of compost;
- (c) Plant replacement;
- (d) Irrigation;
- (e) Weed and pest control; and
- (f) Control of noxious or invasive species.

3404.6 The following modifications or substitutions to the landscape elements of an approved landscape plan require a plan revision and approval:

- (a) Number of trees, shrubs, or groundcovers;
- (b) Location of required plantings or landscape features;
- (c) Substitution of species; or
- (d) Revisions of any feature that could decrease the planting area or lower the GAR score.

3404.7 Except as provided below, approved landscape elements shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.

3404.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by DCRA.

3404.9 The Zoning Administrator may grant a temporary certificate of occupancy when installation of the required landscaping is not currently possible due to weather, season or site construction subject to the condition that the required landscaping must be installed within four (4) months after the date the temporary certificate is issued.

3404.10 The Zoning Administrator may grant up to two (2) extensions of a temporary certificate of occupancy, each for a four (4) month period by based on the same conditions of § 3004.9.

3405 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO

3405.1 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the GAR required under this chapter if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that providing the

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GAR is impractical as a result of equivalent sustainability measures already being implemented on the property that achieve the intent of the GAR through methods not available through the GAR requirement.

3406 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO

3406.1 All plantings and landscape elements used to calculate a property's GAR must be maintained for the life of the project. If, for any reason, the installed landscape elements fall below the minimum required GAR score, new eligible landscape elements shall be added to compensate and result in the required ratio. These elements are not required to be the same as the submitted plans, so long as the GAR achieved is equivalent.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon S. Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2012-233
December 28, 2012

SUBJECT: Delegation of Authority to the Director of the Department of Parks and Recreation to make grants to organizations consistent with the Mayor's planning authority.

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §1-204.22(6) (2012 Supp.), and pursuant to section 2212 of the Planning Grant-making Authority Act of 2010, effective Sept. 24, 2010, D.C. Law 18-223, D.C. Official Code § 1-328.02 (2012 Supp.), it is hereby **ORDERED** that:

1. The Director of the Department of Parks and Recreation is delegated the authority to make one or more grants to organizations that enter into grant agreements with the Department of Parks and Recreation using capital budget consistent with the Mayor's planning authority under section 423 of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.23 (2006 Repl.), subject to available appropriations, and subject to the provisions of D.C. Official Code § 47-368.06 (2012 Supp.).
2. The Director may not further delegate this authority to subordinates under his jurisdiction.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency.
4. **EFFECTIVE DATE:** This Order shall be effective immediately.

5. EXPIRATION DATE: This Order shall expire on September 30, 2015.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2012-234
December 28, 2012

SUBJECT: Designation of the Chief of the Metropolitan Police Department to enter into, request, or provide assistance under mutual aid agreements with localities within the National Capital Region

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Supp.), and pursuant to section 7302(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended, 118 Stat. 3538, 42 U.S.C. § 5196, note, it is hereby **ORDERED** that:

1. The Chief of the Metropolitan Police Department, and such subordinates as she or he may designate, are hereby designated to enter into, request, or provide assistance under mutual aid agreements with localities within the National Capital Region.
2. This Order shall supersede all Mayor's Orders to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



CYNTHIA BROCK-SMITH

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2012-235

December 31, 2012


SUBJECT: Appointment – Director, Department of Forensic Sciences**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to section 4 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011, D.C. Law 19-18, D.C. Official Code § 5-1501.03 (2012 Supp.), and the Director of the Department of Forensic Sciences Max M. Houck Confirmation Resolution of 2012, effective December 4, 2012 (R19-0707), it is hereby **ORDERED** that:

1. **DR. MAX M. HOUCK** is appointed Director of the Department of Forensic Sciences and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-001
January 3, 2013

SUBJECT: Appointment – Director, Serve DC


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), it is hereby **ORDERED** that:

1. **Jeffrey Richardson** is appointed Director, Serve DC and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 3, 2012.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-002
January 3, 2013

SUBJECT: Appointment – Commission on Aging

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with section 402 of the District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code § 7-504.02 (2008 Repl.)), it is hereby **ORDERED** that:

1. **BRENDA WILLOUGHBY** is appointed as a member of the Commission on Aging, for a three year term to end October 28, 2015.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-003
January 3, 2013**SUBJECT:** Appointments -- Board of Trustees of the University of the District of Columbia**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), it is hereby **ORDERED** that:

1. **GABRIELA LEMUS**, having been nominated by the Mayor on October 3, 2012, and approved by the Council of the District of Columbia, pursuant to Council Resolution 19-1048, on December 4, 2012, for appointment, is appointed as a member of the Board of Trustees of the University of the District of Columbia (Board), replacing Katherine Bradley for the remainder of the unexpired term to end on May 15, 2013.
2. **ALEJANDRA CASTILLO**, having been nominated by the Mayor on October 3, 2012, and approved by the Council of the District of Columbia, pursuant to Council Resolution 19- 1047, on December 4, 2012, for appointment, is appointed as a member of the Board, replacing Carmen Ramirez for the remainder of the unexpired term to end on May 15, 2013.
3. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST:



CYNTHIA BROCK-SMITH

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-004
January 4, 2013

SUBJECT: Appointment – District of Columbia Health Information Exchange Policy Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with Mayor's Order 2012-24, effective January 16, 2012, it is hereby **ORDERED** that the following individual is appointed to the District of Columbia Health Information Exchange Policy Board:

1. **DR. SONIA R. NAGDA** is appointed as the designee representative of the Executive Office of the Mayor, replacing Ariana Quinones, to serve while employed in her official position and at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2013-005
January 4, 2013**SUBJECT:** Appointments - District of Columbia Public Charter Schools Credit
Enhancement Fund Committee**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with section 153 of the District of Columbia Appropriations Act of 1999, approved November 29, 1999 (113 Stat. 1501, 1526; Pub. L. No. 116-113; 20 U.S.C. § 1155(e)(2)(B) (2006)), it is hereby **ORDERED** that:

1. **RUSS WILLIAMS** is appointed as a member of the District of Columbia Public Charter Schools Credit Enhancement Fund Committee, replacing Lautaro Diaz, and shall serve at the pleasure of the Mayor.
2. **DERRICK PERKINS** is appointed as a member of the District of Columbia Public Charter Schools Credit Enhancement Fund Committee, replacing Joseph LeMense, and shall serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-006
January 4, 2013

SUBJECT: Appointments - District of Columbia Homeland Security Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Pub. L. 93-198; D.C. Official Code § 1-204.22(2) (2012 Supp.)), and in accordance with section 202 of the District of Columbia Homeland Security, Risk Reduction and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2271.02 (2008 Repl.)), it is hereby **ORDERED** that:


1. **DARRELL DARNELL**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1097, on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end three (3) years from the effective date of this order.
2. **BARBARA CHILDS-PAIR**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1098, on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end two (2) years from the effective date of this order.
3. **DANIEL KANIEWSKI**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1099 on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end two (2) years from the effective date of this order.
4. **JOSEPH CONTESTABILE**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1100 on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end three (3) years from the effective date of this order.
5. **J. MICHAEL BARRETT**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to

Proposed Resolution 19-1102 on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end three (3) years from the effective date of this order.

- 6. **GLENN GERSTELL**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1103 on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end three (3) years from the effective date of this order.
- 7. **ANDREW CUTTS**, who was nominated by the Mayor on November 9, 2012, and approved by the Council of the District of Columbia, pursuant to Proposed Resolution 19-1104 on December 18, 2012 is appointed as a member of the District of Columbia Homeland Security Commission, for a term to end two (2) years from the effective date of this order.
- 8. **EFFECTIVE DATE**: This Order shall be effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-007
January 4, 2013

SUBJECT: Appointment – District of Columbia Healthy Youth and Schools Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.)), and pursuant to section 701 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Official Code §38-827.01; D.C. Law 18-209) (“Act”), which establishes the Healthy Youth and Schools Commission, and section 702(a) and (b) of the Act, it is hereby **ORDERED** that:

1. **SHAWANDA DAVIS** is appointed to the Healthy Youth and Schools Commission, as a student member, replacing Dexter Williams, to complete the remainder of an unexpired one year term to end May 1, 2013.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-008
January 8, 2013

SUBJECT: Appointment – Not-for-Profit Hospital Corporation Board of Directors

ORIGINATING AGENCY: Office of the Mayor


- I. By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with section 5115 of the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011, D.C. Law 19-21, D.C. Official Code § 44-951.04 (2012 Supp.), it is hereby **ORDERED** that:

MARGO L. BAILEY, who was nominated by the Mayor on November 9, 2012 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 19-1096 on December 31, 2012, is appointed as a member of the Not-for-Profit Hospital Corporation Board of Directors, replacing Andrew T. “Chip” Richardson, III, to complete the remainder of an unexpired term to end July 9, 2013.

- II. **EFFECTIVE DATE:** This Order shall become immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CHANGE OF HOURS AGENDA

WEDNESDAY, JANUARY 16, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 8am-7pm, Monday through Saturday 8am-9pm. No pending investigative matters. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 1D. *International Progresso Market*, 3158 Mount Pleasant Street, NW, Retailer's Class B, Lic#:083128.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service*: Monday through Saturday 8am-12am. No pending investigative matters. No pending investigative matters. No outstanding fines/citations. No conflict with voluntary agreement. ANC 4D. *Colony Liquors*, 2448 18th Street, NW, Retailer's Class A, Lic#:086823.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. *Proposed Hours of Operation*: Sunday 9am-7pm, Monday 9 through Friday 9am-9pm, and Saturday 9am-8pm *Proposed Hours of Alcoholic Beverage Sales/Service*: Monday through Friday 9am-9pm and Saturday 9am-8pm. No pending investigative matters. No pending investigative matters. No outstanding fines/citations. No voluntary agreement. ANC 5B. *Costco Wholesaler #1120*, 2448 18th Street, NW, Retailer's Class A, Lic#:086823.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 16, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On January 16, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#12-251-00357 Combination Restaurant, 1772 COLUMBIA RD NW Retailer C Restaurant, License#: ABRA-075479

2. Case#12-251-00356 Marvin, 2007 14TH ST NW Retailer C Tavern, License#: ABRA-076166

3. Case#12-251-00336 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

4. Case#12-CC-00117 My Brother's Place, 237 2ND ST NW Retailer C Restaurant, License#: ABRA-071593

5. Case#12-251-00371 Muse Nightclub and Lounge, 717 6TH ST NW Retailer C Nightclub, License#: ABRA-079224

6. Case#12-CMP-00704 Madam's Organ, 2461 18TH ST NW Retailer C Tavern, License#: ABRA-025273

7. Case#12-251-00251 Tabaq, 1336 U ST NW Retailer C Tavern, License#: ABRA-070707

8. Case#12-CMP-00571 Bourbon, 2321 18TH ST NW Retailer C Tavern, License#: ABRA-070823

9. Case#12-CMP-00698 Lee's Liquor, 2339 PENNSYLVANIA AVE SE Retailer A Retail - Liquor Store, License#: ABRA-026650

10. Case#12-CMP-00623 Cathedral Pharmacy, 3000 CONNECTICUT AVE NW C Retailer B Retail - Grocery, License#: ABRA-013994

11. Case#12-CMP-00560 Woodridge Vet's Liquors, 1358 BRENTWOOD RD NE Retailer A Retail - Liquor Store, License#: ABRA-080559

12. Case#12-251-00316 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-082005

13. Case#12-CMP-00686 Music & Arts Club, 2001 14TH ST NW Retailer C Nightclub, License#: ABRA-083264

14. Case#12-CC-00113 Sara's Market, 3008 Q ST NW Retailer B Retail - Class B, License#: ABRA-086230

15. Case#12-CMP-00692 Sahra Hooka Lounge, 1200 H ST NE Retailer C Tavern, License#: ABRA-087558

16. Case#12-CMP-00557 Cookie's Corner, 1970 2ND ST NW Retailer B Retail - Class B, License#: ABRA-003439

17. Case#12-CMP-00517 Wise Eats Cafe/Wiseats, 2132 WISCONSIN AVE NW Retailer D Restaurant, License#: ABRA-088282

18. Case#12-251-00289(a) LIV Nightclub, 2001 11TH ST NW B Retailer C Nightclub, License#: ABRA-074894

19. Case#12-CMP-00636 King's Deli & Grocery, 3651 GEORGIA AVE NW Retailer A Retail - Liquor Store, License#: ABRA-087806

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, JANUARY 16, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Entertainment Endorsement Application for Karaoke, DJ, live entertainment and occasional fashion shows and swimsuits events. ***Proposed Hours of Entertainment:*** Sunday 6pm-11pm, Monday through Thursday 6pm-12am, Friday and Saturday 6pm-1am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2C. ***Hooters of Washington, DC***, 827 7th Street NW Retailer CR03, Lic.#: 86298.

2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service for inside premise and Sidewalk Cafe. ***Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service for inside premise:*** Sunday 10am-2am, Monday through Thursday 5pm-1:30am, Friday 5pm-3am & Saturday 10am-3am. ***Current Hours of Operation and Hours of Alcoholic Beverage Sales/Service for Sidewalk Cafe:*** Sunday 12pm-2am, Monday through Thursday 5pm-1:30am, Friday 5pm-3am & Saturday 10am-3am. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service inside premise and Sidewalk Cafe:*** Sunday through Thursday 8am-2am, Friday & Saturday 8am-3am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 1C. ***Libertine***, 2435 18th Street NW Retailer CR01, Lic.#: 86298.

3. Review of Sidewalk Café Application for 6 seats. ***Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service:*** Sunday Closed, Monday through Thursday 5pm-2am, Friday 5pm-3am and Saturday 6pm-3am. No pending investigative matters. No outstanding fines/citations. No conflict with settlement agreement. ANC 1B. ***Ozio Martini & Cigar Lounge***, 1813 M Street NW Retailer CN03, Lic.#: 23167.

4. Review of Safekeeping Application filed by G Spot. The Licensee lost his lease and is currently in search of a new location. ANC 4D. ***G Spot***, 5413 Georgia Avenue NW Retailer CT01, Lic.#: 82054.

Board's Agenda – January 16, 2013 - Page 2

5. Review of letter, dated January 7, 2013, from Emanuel Mpras requesting a one time exception for Board Order No. 2011-352 for Inauguration week. *Muse Nightclub & Lounge*, 717 6th Street NW Retailer CN03, Lic.#: 79224.
-

1. Review of letter, dated January 7, 2013, from Bobby Pittman requesting a waiver of hour limitations for licensed establishments on H Street, NE that have settlement agreements with his group of protestants.
-

2. Review of correspondence, dated January 4, 2013, from Commissioner Ron Lewis of ANC 2E requesting a waiver of Café Milano's settlement agreement hour restrictions during Inauguration week. *Café Milano*, 3251 Prospect Street NW Retailer CR03, Lic.#: 17247.
-

3. Review of correspondence, dated January 4, 2013, from Commissioner Ron Lewis of ANC 2E requesting a waiver of Leopold's/Kafe Konditorei's Settlement Agreement hour restrictions during Inauguration week. *Leopold's/Kafe Konditorei*, 3315 Cady's Alley NW Retailer CR02, Lic.#: 25268.
-

4. Review of letter, dated December 31, 2012, from Denis James requesting relaxed hour restrictions for licensed establishments that have a settlement agreement with the Kalorama Citizens Association during Inauguration week.
-

5. Review of letter, dated December 31, 2012, and received on January 2, 2013, from MaryEva Condon providing an update for the status of the license for Margarita's Mexican Café, which is currently in Safekeeping. *Margarita's Mexican Café*, 2317 Wisconsin Avenue NW Retailer CR01, Lic.#: 16488.
-

6. Review of Technical Amendment Rulemaking 2013.
-

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE OF STATE SUPERINTENDENT OF EDUCATION**Notice of Funding Availability
Fiscal Year 2012
Mathematics and Science Partnerships Grant Program****Request for Application Release Date: Friday, January 18, 2013****Application Submission Deadline for Round 1: Monday, February 18, 2013****Application Submission Deadline for Round 2: Friday, March 15, 2013**

The District of Columbia Office of the State Superintendent of Education (OSSE) announces funding availability through the Mathematics and Science Partnerships Grant Program authorized through provisions of Title II, Part B of the No Child Left Behind Act of 2001. The purpose of this funding is to increase the academic achievement of students in mathematics and science by enhancing the content knowledge and teaching skills of classroom teachers. Partnerships between high-need Local Educational Agencies (LEAs) and the science, technology, engineering, and mathematics (STEM) faculty in institutions of higher education are at the core of these improvement efforts. Other partners may include public schools, private schools, business, and non-profit or for-profit organizations involved in mathematics and science education.

Eligibility: Funds will be awarded to partnerships between a District of Columbia high-need Local Educational Agency (LEA) or consortium of LEAs and science, technology, engineering and mathematics (STEM) departments within institutions of higher education (IHE). The institution of higher education must: (1) be certified by the Department of Education and (2) provide services in the District of Columbia at the applicant's university or college, DC public, charter, or private school or other suitable facility approved by OSSE. The LEA will ideally be the fiduciary agent.

To receive more information or for a copy of the Request for Applications (RFA), please contact:

Sheryl Hamilton
Office of the State Superintendent of Education
810 First Street, NE, 5th Floor
Washington, D.C. 20002
Telephone: (202) 741-6404
Email: Sheryl.hamilton@dc.gov

The RFA and applications will also be available on the OSSE website at www.osse.dc.gov.

OFFICE OF STATE SUPERINTENDENT OF EDUCATION**Notice of Funding Availability
Fiscal Year 2013
Mathematics and Science Partnerships Grant Program****Request for Application Release Date: Friday, January 18, 2013****Application Submission Deadline for Round 1: Monday, February 18, 2013****Application Submission Deadline for Round 2: Friday, March 15, 2013**

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Eligibility: Funds will be awarded to partnerships between a District of Columbia high-need Local Educational Agency (LEA) or consortium of LEAs and science, technology, engineering and mathematics (STEM) departments within institutions of higher education (IHE). The institution of higher education must: (1) be certified by the Department of Education and (2) provide services in the District of Columbia at the applicant's university or college, DC public, charter, or private school or other suitable facility approved by OSSE. The LEA will ideally be the fiduciary agent.

To receive more information or for a copy of the Request for Applications (RFA), please contact:

Sheryl Hamilton
Office of the State Superintendent of Education
810 First Street, NE, 5th Floor
Washington, D.C. 20002
Telephone: (202) 741-6404
Email: Sheryl.hamilton@dc.gov

The RFA and applications will also be available on the OSSE website at www.osse.dc.gov.

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

**NOTICE OF FORMULATION:
PROPOSED CHARTER AMENDMENT SHORT TITLE
AND SUMMARY STATEMENT**

At its regular meeting on Monday, January 7, 2013, the Board of Elections formulated the short title and summary statement for the Local Budget Autonomy Emergency Amendment Act of 2012” (the Act) that would amend the Charter. Pursuant to 3 DCMR § 1802.4, the Board hereby publishes the ballot formulation and the legislative text of the Act as follows:

PROPOSED CHARTER AMENDMENT VIII

SHORT TITLE

“Charter Amendment: Local Budget Autonomy”

SUMMARY STATEMENT

Currently, the Home Rule Act requires affirmative Congressional action with respect to the entire District budget (both federal and local funds).

This Charter Amendment, if ratified, enacted and upheld, would permit the Council to adopt the annual local budget for the District of Columbia government; would permit the District to spend local funds in accordance with each Council approved budget act; and would permit the Council to establish the District’s fiscal year.

LEGISLATIVE TEXT

AN ACT
D.C. ACT 19-566
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 18, 2012

To amend, on an emergency basis, the District of Columbia Home Rule Act to provide for local budget autonomy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Budget Autonomy Emergency Amendment Act of 2012”.

Sec. 2. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 et seq.), is amended as follows:

(a) The table of contents is amended by striking the phrase "Sec. 446. Enactment of appropriations by Congress" and inserting the phrase "Sec. 446. Enactment of local budget by Council" in its place.

(b) Section 404(f) (D.C. Official Code § 1-204.04(f)) is amended by striking the phrase "transmitted by the Chairman to the President of the United States" both times it appears and inserting the phrase "incorporated in the budget act and become law subject to the provisions of section 602(c)" in its place.

(c) Section 412 (D.C. Official Code § 1-204.12) is amended by striking the phrase "(other than an act to which section 446 applies)".

(d) Section 441(a) (D.C. Official Code § 1-204.41(a)) is amended by striking the phrase "budget and accounting year" and inserting the phrase "budget and accounting year. The District may change the fiscal year of the District by an act of the Council. If a change occurs, such fiscal year shall also constitute the budget and accounting year" in its place.

(e) Section 446 (D.C. Official Code § 1-204.46) is amended to read as follows:

“ENACTMENT OF LOCAL BUDGET BY COUNCIL.

“Sec. 446. (a) Adoption of Budgets and Supplements - The Council, within 70 calendar days, or as otherwise provided by law, after receipt of the budget proposal from the Mayor, and after public hearing, and by a vote of a majority of the members present and voting, shall by act adopt the annual budget for the District of Columbia government. The federal portion of the annual budget shall be submitted by the Mayor to the President for transmission to Congress. The local portion of the annual budget shall be submitted by the Chairman of the Council to the Speaker of the House of Representatives pursuant to the procedure set forth in section 602(c). Any supplements to the annual budget shall also be adopted by act of the Council, after public hearing, and by a vote of a majority of the members present and voting.

“(b) Transmission to President During Control Years - In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by the President to the Congress; except, that the Mayor shall not transmit any such budget, or amendments or supplements to the budget, to the President until the completion of the budget procedures contained in this Act and the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(c) Prohibiting Obligations and Expenditures Not Authorized Under Budget- Except as provided in section 445A(b), section 446B, section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and subsections (f), (g), (h)(3), and (i)(3) of section 490, no amount may be obligated or expended by any officer or employee of the District of Columbia government unless--

“(1) such amount has been approved by an act of the Council (and then only in accordance with such authorization) and such act has been transmitted by the Chairman to the Congress and has completed the review process under section 602(c)(3); or

“(2) in the case of an amount obligated or expended during a control year, such amount has been approved by an Act of Congress (and then only in accordance with such authorization).

“(d) Restrictions on Reprogramming of Amounts - After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but and only if any

additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

“(e) Definition - In this part, the term “control year” has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”

(f) Section 446B(a) (D.C. Official Code § 1-204.46b(a)) is amended as follows:

(1) Strike the phrase "the fourth sentence of section 446" and insert the phrase “section 446(c)” in its place.

(2) Strike the phrase “approved by Act of Congress”.

(g) Section 447 (D.C. Official Code § 1-204.47) is amended as follows:

(1) Strike the phrase “Act of Congress” each time it appears and insert the phrase “act of the Council (or Act of Congress, in the case of a year that is a control year)” in its place.

(2) Strike the phrase “Acts of Congress” each time it appears and insert the phrase “acts of the Council (or Acts of Congress, in the case of a year that is a control year)” in its place.

(h) Sections 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and 490(f), (g)(3), (h)(3), and (i)(3) are amended by striking the phrase “The fourth sentence of section 446” and inserting the phrase “Section 446(c)” in its place.

Sec. 3. Applicability.

Section 2 shall apply as of January 1, 2014.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03).

Within ten (10) days of publication of this notice in the *D.C. Register*, any registered qualified elector who objects to the proposed formulations may request a hearing before the Board to raise any objections and/or correct any alleged inaccuracies or indicators of prejudice for or against the proposed Charter amendment. A hearing may be requested by contacting the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6679 to 14th & S Residential, L.L.C. to operate one (1) 350 kW diesel-fired emergency generator set at, 1401 S Street NW, Washington, DC 20009. The contact person for the facility is James Nizar, Development Manager, JBG/Company Manager IV, L.L.C., at (240) 333-3774.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total) ¹	0.03
Sulfur Oxides (SO _x)	0.28
Nitrogen Oxides (NO _x)	0.97
Volatile Organic Compounds (VOC)	0.06
Carbon Monoxide (CO)	0.22

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4205(b), 40 CFR 60.4202(b)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or public hearing requests postmarked after February 11, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue permit #6667 to 1301 K Street Limited Partnership to operate one (1) 930 kW diesel-fired emergency generator at 1301 K Street NW, Washington, DC 20005. The contact person for the facility is Timothy Lowery, General Manager, at (202) 371-1330.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the unit are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
PM (Total)	0.31	0.0775
SO _x	0.01	0.0040
NO _x	37.4	9.35
VOC	0.69	0.1725
CO	2.03	0.5075

The application to operate the generator set and the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air

quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after February 11, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue permit renewal #6254-R1 to the Cellco Partnership (DBA Verizon Wireless) to operate one (1) existing 75 kW diesel-fired emergency generator set at 4651 Nannie Helen Burroughs Avenue NE, Washington, DC 20019. The contact person for the facility is Matthew Melito, Director of Operations, at (301) 512-2000.

The renewal application to operate the generator set and the draft renewal permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after February 11, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6678 to JBG/33 New York Hotel, L.L.C. to operate one (1) 300 kW natural gas fired emergency generator set at, 33 New York Avenue NE, Washington, DC 20002. The contact person for the facility is Brian Coulter, Managing Member, JBG/Company Manager IV, L.L.C., at (202)489-7844.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total) ¹	0.02
Sulfur Oxides (SOx)	0.0006
Nitrogen Oxides (NOx)	0.02
Volatile Organic Compounds (VOC)	0.02
Carbon Monoxide (CO)	0.26

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/hp-hr)		
NOx	CO	VOC
2.0	4.0	1.0

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or public hearing requests postmarked after February 11, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6662 to General Services Administration to operate one (1) 400 kW diesel-fired emergency generator set at 200 C Street SW, Washington, DC 20009. The contact person for the facility is Ian Willard, Facility Manager at (202)507-0914.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total) ¹	0.016
Sulfur Oxides (SO _x)	0.024
Nitrogen Oxides (NO _x)	1.58
Volatile Organic Compounds (VOC)	0.02
Carbon Monoxide (CO)	0.14

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4205(b), 40 CFR 60.4202(b)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or public hearing requests postmarked after February 11, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

District of Columbia Health Information Exchange Policy Board

The District of Columbia Health Information Exchange Policy Board, pursuant to the requirements of Mayor's Order 2012-24, dated February 15, 2012, hereby announces a public meeting of the Board. The meeting will be held **Wednesday, January 16, 2013** at 2:00 pm in the **6th Floor Conference Room 6130** at 899 North Capitol Street, NE, Washington, DC 20002.

The District of Columbia Health Information Exchange Policy Board meeting is open to the public. The topics to be discussed on the agenda include a Welcome and Introduction, Approval of the Minutes from the December 19, 2012 Meeting, DC HIE Next Phase: Procurement Processes and Potential Collaborators, HIE Voice of the Customer Survey, New Business, and Reports.

If you have any questions, please contact Cleveland Woodson at (202) 724-7342.

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION
NOTICE OF FUNDING AVAILABILITY
Request for Applications # CHA_CTG_1.25.13

FY 2013 Community Transformation Grants

The Government of the District of Columbia, Department of Health Community Health Administration is soliciting applications from qualified applicants to implement systems, environmental, and programmatic changes aimed at increasing physical activity and proper nutrition, reducing weight, reducing tobacco use, and improving chronic disease outcomes. Program areas for this grant support the following Community Transformation Grant for Small Communities (CTG) Strategic Directions: Tobacco-Free Living, Healthy Eating and Active Living, and Healthy and Safe Physical Environments leading to reduced chronic disease morbidity and mortality in the District of Columbia. Program areas include: 1) Baby Friendly Hospital Initiative, 2) Smokefree Public Housing, 3) Active Transportation, and 4) Chronic Disease Management and Prevention.

In FY 2013, approximately \$875,000 in CTG funds, ranging from \$100,000 to \$450,000, are expected to be available from the year 2012 grant received by DOH from the Centers for Disease Control and Prevention, grant number: 1 H75DP004358-01. The CTG grant award is pursuant to the authority under section 4201 of the Affordable Care Act and the Fiscal Year 2012 Consolidated Appropriations Act, Section 4002. FY 2013 CTG grant awards are projected to begin April 2013.

The following entities are eligible to apply for grant funds under this RFA: Private non-profit organizations. Private entities include hospitals, community health centers, community-based and faith-based organizations. All organizations must be located within and provide services in the District of Columbia.

The release date for RFA # CHA_CTG_1.25.13 is Friday, January 25, 2013. The District of Columbia, Department of Health, Community Health Administration will have the complete RFA available on the DC Grants Clearinghouse website at www.opgs.dc.gov on **Friday, January 25, 2013**. The RFA will also be made available on-site at the Community Health Administration, 899 North Capitol Street NE, 3rd floor.

The Request for Application (RFA) submission deadline is 4:00 pm Thursday, February 28, 2013. The Pre-Application conference will be held in the District of Columbia at 899 North Capitol Street, NE, 3rd Floor Conference Room 306, Washington, DC 20002, **on Thursday, January 31, 2013, from 1:00pm – 2:30pm.**

If you have any questions please contact Bonita R. McGee via e-mail bonita.mcgee@dc.gov or by phone at (202) 442.9178.

DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

NOTICE OF PUBLIC MEETING

Mayor Vincent C. Gray's Youth Bullying Prevention Task Force: January Meeting

January 31, 2012

2:00 – 5:00 pm

John A. Wilson Building, Room G-9

The January meeting of the OHR-led Bullying Prevention Task Force -- comprised of DC government agencies, nonprofit organizations, community partners, and educators -- is going to examine the final draft of a model citywide anti-bullying policy.

If you are a member of the public and would like to attend the event, please email Policy & Public Affairs Officer Elliot Imse at elliot.imse@dc.gov with your name, organizational affiliation (if any) and phone number, or call (202) 481-3773. If you would like to make a comment during the Task Force meeting, please include that in the email. All members of the public wishing to make a comment during the meeting must inform us by January 24, 2013 at 5pm ET. Members of the public who have requested time will be provided two minutes.

DEPARTMENT OF HUMAN SERVICES
ECONOMIC SECURITY ADMINISTRATION

NOTICE OF FUNDING AVAILABILITY

FY 2013 Mini-Subgrants to Small Non-Profit Community-Based Organizations

(RFA): MG-0222-13

The Department of Human Services (DHS), Economic Security Administration (ESA) is the lead agency in the District of Columbia for implementation of the Temporary Assistance for Needy Families (TANF) program under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, as amended (42 U.S.C. §601 *et seq.*). To facilitate achievement of TANF purposes, ESA intends to award grant funds to small community-based and faith-based organizations that directly assist TANF customers and other low-income families and children in the District of Columbia.

ESA intends to make multiple grant awards of up to twenty thousand dollars and zero cents (\$20,000.00) each to fund one or more services or activities offered by the eligible organizations for a ninety (90) day period. Eligible organizations include small community-based, faith-based, non-profit organizations located in the District of Columbia with an annual budget not more than one hundred fifty thousand dollars (\$150,000). The service and activity to be funded through the mini-grant should have an immediate and direct impact on TANF customers or other low-income families with children with household incomes of less than or equal to 200 percent of the federal poverty line.

Faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations are encouraged to apply.

The Request for Application (RFA) will be released on Friday, January 18, 2013. A copy of the RFA may be obtained from the ESA office located at 64 New York Avenue, NE, Washington, DC 20002. In addition, the RFA will also be available on the City Administrator's website, located at <http://www.oca.dc.gov> under the link to the District Grants Clearinghouse. For additional information, please contact Ms. Marchelle White, Program Analyst ESA at (202) 698-3942.

The deadline for submission is Friday, February 22, 2013 at 4:00 p.m.

Applicants are encouraged to attend the Pre-Application conference scheduled for Friday, February 1, 2013 from 10:00 a.m. – 12:00 p.m. at the ESA office located at 645 H Street, NE, 5th Floor Conference Room, Washington, DC 20002. Applicants interested in attending the Conference should RSVP to Marchelle White, Program Analyst ESA at (202) 698-3942 on or before, Monday, January 28, 2013.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC MEETING AND DECISION ON RENEWAL OF CARLOS ROSARIO INTERNATIONAL PUBLIC CHARTER SCHOOL'S CHARTER**

The District of Columbia Public Charter School Board hereby gives notice of a public meeting. As part of this public meeting the Board will render a decision on whether to renew the charter of Carlos Rosario International Public Charter School for another 15-year term. The PCSB will hold this public meeting at 7:30 PM on January 28, 2013. The location of this public hearing has yet to be determined, and more will be added to the final agenda. For further information, please call 202-328-2660.

DISTRICT OF COLUMBIA RETIREMENT BOARD

INVESTMENT COMMITTEE

NOTICE OF CLOSED MEETING

Thursday, January 17, 2013
10:00 a.m.
DCRB Board Room (2nd floor)
900 7th Street, N.W.
Washington, D.C 20001

On January 17, 2013, at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed Investment Committee meeting regarding Investment matters. In accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e), the Investment Committee meeting will be closed to deliberate and make decisions on Investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement Investment decisions or to achieve Investment objectives.

The meeting will be held in the DCRB Board Room (2nd floor) at 900 7th Street, N.W., Washington, D.C 20001.

For additional information, please contact Deborah Reaves, Executive Assistant at (202) 343-3200 or Deborah.Reaves@dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

Thursday, January 17, 2013
1:00 p.m.

DCRB Board Room (2nd floor)
900 7th Street, N.W.
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on January 17, 2013, at 1:00 p.m. The meeting will be held in the DCRB Board Room (2nd floor) at 900 7th Street, N.W., Washington, D.C 20001. The agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|-------|------------------------------|-------------------|
| I. | Roll Call | Chairman Warren |
| II. | Chairman’s Comments | Chairman Warren |
| III. | Executive Director’s Report | Mr. Stanchfield |
| IV. | General Counsel Report | Ms. Sampson |
| V. | Investment Committee Report | Trustee Blum |
| VI. | Benefits Committee Report | Trustee Suter |
| VII. | Legislative Committee Report | Trustee Blanchard |
| VIII. | Other Business | Chairman Warren |
| IX. | Adjournment | Chairman Warren |

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after February 1, 2013.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 11, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
 Recommended for appointment as a DC Notaries Public

Effective: February 1, 2013

Page 2

Acharya	Pranil	FMC & Associates, LLC 515 M Street, SE, Suite 106	20003
Amorose	Karen M.	Department of Interior Federal Credit Union 1849 C Street, NW, Room B038	20240
Arias	Jordana	University of the District of Columbia, David A. Clarke School of Law 4200 Connecticut Avenue, NW, Building 52, 4th Floor	20008
Ashton-Bankhead	Felicia	Leonard, Street and Deinard 1350 Eye Street, NW, Suite 800	20005
Badillo, Jr.	Wilson	PNC Bank 3300 14th Street, NW	20010
Beal	Philip	Department of Interior Federal Credit Union 1849 C Street, NW, Room B038	20240
Beato	Matthew Walker	Wiley Rein LLP 1776 K Street, NW	20006
Black	Trudy M.	United States Court of Federal Claims 717 Madison Place, NW, Suite 612	20005
Blue	Jeanne M.	The Estate Planning & Elder Law Firm 1111 19th Street, NW, Suite 760	20036
Brooks	Kobie	District of Columbia Public Schools 1200 1st Street, NE	20002
Brown	Javon L.	Wells Fargo Bank 5701 Connecticut Avenue, NW	20015
Brown	Gwendolyne C.	Self 1800 Varnum Street, NE	20018
Bulter	Antonia R.	Self (Dual) 1371 Rittenhouse Street, NW	20011

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Bulter	Dollrinia	Self 1951 - 3rd Street, NW	20001
Callahan	John J.	The Law Office of John J. Callahan, P.L.L.C. 471 H Street, NW	20001
Caporaletti	Mary Anne	Jorden Burt, LLP 1025 Thomas Jefferson Street, NW, Suite 400 East	20007
Carson	Krystal A.	Anchor Construction Company 2254 25th Place, NE	20003
Cooper	Adreanne P.	The Erisa Industry Committee 1400 L Street, NW, Suite 350	20010
Crosser	Stacie L.	Ashcraft & Gerel, LLP 2000 L Street, Suite 400	20036
Curry	Samantha Boyce	Department of Commerce Federal Credit Union 1401 Constitution Avenue, NW	20230
Delboy	Jennifer	Buckley Sandler, LLP 1250 24th Street, NW, Suite 700	20037
Dorr	Rebecca	Global Consulting, Inc. 1818 New York Avenue, NE, Suite 111	20002
Douglas	Natacha G.	Bank Fund Staff Federal Credit Union 1818 H Street, NW	20433
Dyer	S. Violet	Action on Smoking and Health 701 4th Street, NW	20001
Escobar	Ana E.	State Farm Insurance 2639 Connecticut Avenue, NW, C118	20008
Fry	Lindsay E.	Monument Realty, LLC 1700 K Street, NW, Suite 600	20006

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Gianfrate	Bianca A.	The Lex Group 1825 K Street, NW, Suite 103	20006
Goff	Elizabeth	District of Columbia Public Schools 1200 First Street, NE, 10th Floor	20001
Guevara	Lesther D.	Fred A. Smith Company 730 24th Street, NW, Suite 19	20037
Hicks	Brenda L.	PSI Services, Inc. 770 M Street, SE	20003
Hollis	Hillyn R.	Gray Plant Mooty 600 New Hampshire Avenue, NW, Suite 700	20037
Hubschmann	Kirsten	The District of Columbia Public Defender Service 633 Indiana Avenue, NW	20004
Hudson	Erin Queally	Morality in Media 1100 G Street, NW, Suite 1030	20005
Johnson	Suprina M.	Stradley Ronon Stevens & Young, LLP 1250 Connecticut Avenue, NW, Suite 500	20036
Kesterson	Leslie A.	United States House of Representatives 1718 Longworth House Office Building	20515
Kuczarski	Robert	Counselors Title, LLC 4400 Jenifer Street, NW, Suite 2	20015
Lakawicz	Teresa G.	Haynes and Boone, LLP 1615 L Street, NW, Suite 800	20036

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LaMaison-Bell	Elsa D.	CH2M Hill, Inc. 901 New York Avenue, NW, Suite 4000 East	20001
Lepillez	Karine E.	International Executive Service Corps 1900 M Street, NW, Suite 500	20036
Lyken	Nyketha	Tobin, O'Connor & Ewing 5335 Wisconsin Avenue, NW, Suite 700	20015
McConnell	Karen N.	United States House of Representatives 1718 Longworth House Office Building	20515
McLemore	Vanessa	Citibank, N.A. 5700 Connecticut Avenue, NW	20015
McNamara	Kathleen	Legal Services Corporation 3333 K Street, NW	20007
Mitchell	Nancy N.	Arnold & Porter, LLP 555 12th Street, NW	20004
Muhammad	James E.	BVG Consultants 345 36th Street, NE	20019
Mukiri	Mary	Wells Fargo Bank, NA 20 M Street, SE	20003
Myers	Robin L.	Cleary Gottlieb Steen & Hamilton, LLP 2000 Pennsylvania Avenue, NW	20006
Pizarro	Gonzalo	Wells Fargo Bank 5701 Connecticut Avenue, NW	20015
Pritchard	Melany	Enlightened, Inc. 1100 15th Street, NW, Suite 300	20005

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Ramdhan	Patricia	EagleBank 1044 Wisconsin Avenue, NW	20007
Reece	Ronique R.	Wright Patman Congressional Federal Credit Union 441 2nd Street, SW	20515
Rodriguez	Anthony	Omni Land Settlement Corporation 2233 Wisconsin Avenue, NW, Suite 232	20007
Satterfield	Jeneen C.	U.S. Coast Guard 2100 2nd Street, SW	20593
Saunders	Linda F.	The Wilderness Society 1615 M Street, NW	20036
Saunders	Jessica	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Sawyers	Toni R.	Self 3115 11th Street, NW	20010
Saxton	Doris J.	Self 1530 Howard Road, SE	20020
Schifrien	Wayne C.	Express Title Company C/O M Square Realty 1010 Wisconsin Avenue, NW	20007
Scriber	Stephon M.	State Farm Insurance 2639 Connecticut Avenue, NW, C118	20008
Sharkova	Viktoriya	Department of Health and Human Services 330 Independence Avenue, SW, Room 5409	20201
Slain	Patrick	Well Fargo Bank, N.A. 4841 Massachusetts Avenue, NW	20016

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Smith	Antoinette	Americans for the Arts 1000 Vermont Avenue, NW, 6th Floor	20005
Sorto	Grodby	Bank of America 901 K Street, NW	20001
Strother	Darryl	Federal Trade Commission 600 Pennsylvania Avenue, NW	20580
Sugarman	Richard L.	City Title & Escrow Company, Inc. 4400 Jenifer Street, NW, Suite 240	20015
Sullivan	Kaelan	Chemonics International 1717 H Street, NW	20006
Tesfay	Ashenafi	Bank of America 1801 K Street, NW	20006
Thomas	Glenda C.	Winston & Strawn, LLP 1700 K Street, NW	20006
Vaughn	Brenda	Department of Commerce Federal Credit Union 1401 Constitution Avenue, NW, Room B-841A	20230
Vides	Alam	Wells Fargo Bank 215 Pennsylvania Avenue, SE	20003
Walker	Sidney	Bank of America 722 H Street, NE	20002
Williams	Lawrence T.	Bank of America 2001 Pennsylvania Avenue, NW	20006
Williams	Angelique	Bank of America 722 H Street, NE	20002
Williams	Eva L.	Self 4336 Varnum Place, NE	20017

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Woods	Tasheeba	Performance Management Services, LLC 6406 Georgia Avenue, NW, Suite 4	20012
Wrennall-Montes	Sarah A.	US Department of the Treasury 1500 Pennsylvania Avenue, NW	20220
Yoon	Catherine C.	Smithsonian Institution 425 3rd Street, SW	20024
Zazzara	Semmes Evans	Champion Title & Settlements 1050 Connecticut Avenue, NW, 10th Floor	20036

WASHINGTON CONVENTION CENTER (WCC)
ADVISORY COMMITTEE

NOTICE OF PUBLIC MEETINGS

The 2013 regular meetings of the Washington Convention Center (WCC) Advisory Committee are scheduled at **5:00 p.m. on the third Thursday of alternating months** as listed below:

Thursday, January 17th

Thursday, March 21st

Thursday, May 16th

Thursday, July 18th

Thursday, September 19th

Thursday, November 21st

Unless notified otherwise, all regular Committee meetings will be held at the following location:

**Walter E. Washington Convention Center
801 Mount Vernon Place, NW**

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**Dr. Charlene Drew Jarvis Board Room  
(*East Mezzanine Level*)**

For additional information, please contact:

Theresa DuBois  
External Affairs Manager and  
Liaison to the WCC Advisory Committee  
Washington Convention and Sports Authority  
(T/A) Events DC

202.249.3042  
theresa.dubois@eventsdc.com



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Sewerage Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, January 17, 2013 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

DRAFT AGENDA

- I. **Call to Order** Committee Chairperson
- II. **AWTP Status Updates** Assistant General Manager,  
Wastewater Treatment
  - 1. BPAWTP Performance
- III. **Status Updates** Chief Engineer
- IV. **Project Status Updates** Director, Engineering & Technical  
Services
- V. **Action Items** Chief Engineer
  - Joint Use
  - Non-Joint Use
- VI. **Emerging Items/Other Business**
- VII. **Adjournment** Committee Chairperson

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Water Quality and Water Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, January 17, 2013 at 11:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

- |                                          |                                          |
|------------------------------------------|------------------------------------------|
| <b>I. Call to Order</b>                  | Committee Chairperson                    |
| <b>II. Water Quality Monitoring</b>      | Assistant General Manager, Consumer Ser. |
| <b>III. Fire Hydrant Upgrade Program</b> | Assistant General Manager, Consumer Ser. |
| <b>IV. Action Items</b>                  | Assistant General Manager, Consumer Ser. |
| <b>V. Emerging Issues/Other Business</b> | Assistant General Manager, Consumer Ser  |
| <b>VI. Adjournment</b>                   | Committee Chairperson                    |

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