



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-370, Fiscal Year 2015 Budget Request Act of 2014
- DC Council schedules a public roundtables on Bill 20-805, District of Columbia Soccer Stadium Development Act of 2014
- District Department of the Environment schedules a public hearing on the WAP State Plan for FY 2015 Draft State Plan for Weatherization Assistance Program
- Department of Human Resources seeks public comment on the establishment of a new classification system for District personnel employees
- Department of Behavioral Health updates rules for the proof of residency requirements for participation in the Choice in Drug Treatment Program
- Board of Elections releases a monthly report of Voter Registration Statistics

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

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Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.
POSTMASTER: Send address changes to D.C. Register, 441 - 4th Street, N.W., Suite 520 South, Washington, D.C. 20001

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AN ACT

D.C. ACT 20-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 10, 2014

To amend, on a temporary basis, the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit the electric company from disconnecting residential electric service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heat Wave Safety Temporary Amendment Act of 2014".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast that the heat index for the District of Columbia will be 95 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend."

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

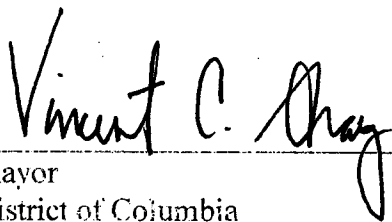
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(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
July 10, 2014

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AN ACT

D.C. ACT 20-370

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 11, 2014

To adopt the request of the District of Columbia government for appropriation and authorization for the fiscal year ending September 30, 2015.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2015 Budget Request Act of 2014".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 2015.

DIVISION A

**DISTRICT OF COLUMBIA APPROPRIATION REQUEST
TITLE I--FEDERAL FUNDS**

DISTRICT OF COLUMBIA COURTS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$255,819,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$13,844,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$117,885,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$72,310,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$51,780,000, to remain available until September 30, 2016, for capital improvements for District of Columbia courthouse facilities; provided, that funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment; provided further, that notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies; provided further, that 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$6,000,000 of the funds provided under this heading among the items and entities funded under this heading; provided further, that the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a

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program substantially similar to the program set forth in Subchapter II of Chapter 35 of Title 5 of the United States Code, for individuals serving the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605 of the District of Columbia Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under Chapter 23 of Title 16 of the District of Columbia Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under Chapter 3 of Title 16 of the District of Columbia Official Code, and payments authorized under section 21-2060 of the District of Columbia Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$49,890,000, to remain available until expended; provided, that funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia; provided further, that notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended; provided, that such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education; provided further, that the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized; provided further, that the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year; provided further, that the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program; provided further, that the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

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FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment to a school improvement program in the District of Columbia, \$43,000,000, to remain available until expended, as authorized under the Scholarship for Opportunity and Results Act, approved April 15, 2011 (division C of Pub. L. No. 112-10; 125 Stat. 38), to be allocated as follows: for the District of Columbia Public Schools, \$20,000,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia; and for the activities specified in sections 3007(b) through 3007(d) and 3009 of the Act, \$3,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$16,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan; provided, that the District of Columbia Water and Sewer Authority provides a 100 % match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,900,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2016, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$270,000.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$435,000, to remain available until expended.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$5,000,000.

FEDERAL PAYMENT FOR D.C. COMMISSION ON THE ARTS AND HUMANITIES GRANTS

For a Federal payment to the District of Columbia Commission on the Arts and Humanities, \$1,000,000, to fund competitively awarded grants for non-profit fine and performing arts organizations based in and primarily serving the District of Columbia.

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**FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN
THE DISTRICT OF COLUMBIA**

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

TITLE II--DISTRICT OF COLUMBIA FUNDS--SUMMARY OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided; provided, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for Fiscal Year 2015 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$12,653,074,000 (of which \$7,105,416,000 shall be from local funds (including \$304,427,000 from dedicated taxes), \$959,942,000 shall be from Federal grant funds, \$2,072,511,000 from Medicaid payments, \$585,046,000 shall be from other funds, and \$2,129,000 shall be from private funds, and \$83,800,000 shall be from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note), \$1,844,230,000 shall be from enterprise and other funds; provided further, that of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance; provided further, that of these funds the District's intra-District authority shall be \$727,436,000; in addition, for capital construction projects, an increase of \$2,548,064,000, of which \$2,181,160,000 shall be from local funds, \$74,288,000 from the Local Transportation Fund, \$13,600,000 from Private grant funds, \$24,785,000 from the District of Columbia Highway Trust Fund, and \$254,230,000 from Federal grant funds, and a rescission of \$880,696,000, of which \$809,825,000 is from local funds, \$5,816,000 from the Local Transportation Fund, \$24,751,000 from the District of Columbia Highway Trust Fund, and \$40,304,000 from Federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,667,368,000, to remain available until expended; provided further, that the amounts provided under this heading are to be available, allocated, and expended as proposed under this title and Title III of this Act, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the Fiscal Year 2015 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia; provided further, that,

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notwithstanding any other provision of law, upon the first enactment of the District's budget request under this Act, through September 30, 2015, during a period in which there is an absence of a federal appropriations act authorizing the expenditure of local funds, the District of Columbia is authorized to obligate and expend local funds for programs and activities at the rate set forth in this Act and to approve and execute reprogramming requests of local funds pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-204.46); provided further, that this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs; provided further, that such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 et seq.), as amended by this Act; ~~provided further, that no funds shall be obligated or expended from the Contingency Cash Reserve Fund established by section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-204.50A), unless such expenditures have been approved by the Council by resolution;~~ provided further, that the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during Fiscal Year 2015; except, that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

**TITLE III--DISTRICT OF COLUMBIA FUNDS - - DIVISION OF EXPENSES
OPERATING EXPENSES**

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$760,834,000 (including \$664,483,000 from local funds, \$27,830,000 from Federal grant funds, \$68,130,000 from other funds, and \$391,000 from private funds): provided, that there are appropriated such additional amounts as may be necessary to account for vendor fees that are paid as a fixed percentage of revenue recovered from third parties on behalf of the District under contracts that provide for payments of fees based upon such revenue as may be collected by the vendor; provided further, that any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District, to be allocated as follows:

(1) Council of the District of Columbia. -\$22,505,000 from local funds; provided, that not to exceed \$25,000 shall be available for the Chairman from this appropriation for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided, that all funds deposited into the Council Technology Projects Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Office of the District of Columbia Auditor. -\$4,241,000 from local funds;

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(3) Advisory Neighborhood Commissions. -\$924,000 from local funds; provided, that all funds deposited into the Agency Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) Uniform Law Commission. -\$50,000 from local funds;

(5) Office of the Mayor. -\$12,316,000 (including \$9,322,000 from local funds and \$2,995,000 from Federal grant funds); provided, that not to exceed \$25,000 shall be available for the Mayor for official reception and representation expenses;

(6) Office of the Secretary. -\$3,915,000 (including \$2,915,000 from local funds and \$1,000,000 from other funds); provided, that all funds deposited into the Emancipation Day Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(7) City Administrator. -\$3,714,000 from local funds; provided, that not to exceed \$10,600 shall be available for the City Administrator for official reception and representation expenses;

(8) Office of Risk Management. -\$3,124,000 from local funds;

(9) Department of Human Resources. -\$8,677,000 (including \$8,385,000 from local funds and \$292,000 from other funds);

(10) Office of Disability Rights. -\$1,580,000 (including \$1,043,000 from local funds and \$536,000 from Federal grant funds);

(11) Captive Insurance Agency. -\$1,600,000 (including \$1,545,000 from local funds and \$55,000 from other funds); provided, that all funds deposited into the Agency Fund (Free Standing Clinics/Insurance) are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Captive Insurance Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(12) Office of Finance and Resource Management. -\$21,709,000 (including \$21,203,000 from local funds and \$506,000 from other funds);

(13) Office of Contracting and Procurement. -\$17,645,000 (including \$17,270,000 from local funds and \$375,000 from other funds);

(14) Office of Chief Technology Officer. -\$70,116,000 (including \$56,268,000 from local funds, and \$13,848,000 from other funds); provided, that all funds deposited into the D.C. Net Service Support Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(15) Department of General Services. -\$307,184,000 (including \$300,860,000 from local funds and \$6,325,000 from other funds); provided, that all funds deposited into the Eastern Market Enterprise Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(16) Contract Appeals Board. -\$1,426,000 from local funds;

(17) Board of Elections. -\$7,240,000 from local funds;

(18) Office of Campaign Finance. -\$2,798,000 from local funds; provided, that all funds deposited into the Special Purpose Revenue Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

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- (19) Public Employee Relations Board. -\$1,253,000 from local funds;
(20) Office of Employee Appeals. -\$1,570,000 from local funds;
(21) Metropolitan Washington Council of Governments. -\$450,000 from local

funds;

(22) Office of the Attorney General. -\$89,424,000 (including \$65,987,000 from local funds, \$21,202,000 from Federal grant funds, \$1,844,000 from other funds, and \$391,000 from private funds); provided, that all funds deposited into the Child SPT – TANG/AFDC Collections Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Child SPT – Reimbursements and Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Child SPT – Interest Income Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Nuisance Abatement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(23) Board of Ethics and Government Accountability. -\$1,498,000 (including \$1,438,000 from local funds and \$60,000 from other funds); provided, that all funds deposited into the Lobbyist Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Board of Ethics and Accountability Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(24) Innovation Fund. – \$0 from local funds;

(25) Office of the Inspector General. -\$16,920,000 (including \$14,348,000 from local funds and \$2,572,000 from Federal grant funds);

(26) Office of the Chief Financial Officer. -\$158,729,000 (including \$114,378,000 from local funds, \$525,000 from Federal grant funds and \$43,826,000 from other funds); provided, that not to exceed \$10,600 shall be available for the Chief Financial Officer for official reception and representation expenses; provided further, that amounts appropriated by this Act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia; provided further, that all funds deposited into the OFT Central Collection Unit Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Recorder of Deeds Surcharge Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; and;

(27) Statehood Initiative Agency. -\$226,000 from local funds.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$481,311,000 (including \$197,105,000 from local funds (including \$1,170,000 from dedicated taxes), \$106,562,000 from Federal grant funds, \$176,541,000 from other funds, \$103,000 from private funds, and \$1,000,000 from funds previously appropriated from this Act under the heading “Federal Payment for D.C. Commission on the Arts and Humanities Grants”), to be allocated as follows:

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(1) Deputy Mayor for Planning and Economic Development. ~~-\$42,937,000 (including \$21,049,000 from local funds, \$1,800,000 from Federal grant funds, and \$20,088,000 from other funds)~~; provided, that all funds deposited into the Industrial Revenue Bond program are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the H Street Retail Priority Area Grant Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

(2) Office of Planning. -\$9,949,000 (including \$9,359,000 from local funds, \$509,000 from Federal grant funds, \$80,000 from other funds, and \$1,000 from private funds); provided, that all funds deposited into the Historic Landmark and Historic District Filing Fees (Local) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Historical Landmark and Historic District Filing Fees (O-Type) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(3) Department of Small and Local Business Development. \$9,446,000 (including \$8,985,000 from local funds and \$461,000 from Federal grant funds); provided, that all funds deposited into the Small Business Micro Loan Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) Office of Motion Picture and Television Development. -\$3,700,000 (including \$3,605,000 from local funds and \$95,000 from other funds); provided, that all funds deposited into the DC Film Incentive Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) Office of Zoning. -\$2,705,000 from local funds;

(6) Department of Housing and Community Development. -\$62,979,000 (including \$15,125,000 from local funds, \$41,354,000 from Federal grant funds, and \$6,500,000 from other funds); provided, that all funds deposited into the CU 1&2 Affordable Housing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DHCD Unified Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Land Acquisition for Housing Development Opportunities (LAHDO) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the RLF Escrow Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Rehab Repay Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Home Again Revolving Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the HPAP - Repay Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(7) Department of Employment Services. -\$150,765,000 (including \$54,903,000 from local funds, \$61,414,000 from Federal grant funds, \$34,368,000 from other funds, and \$80,000 from private funds); provided, that all funds deposited into the Workers' Compensation

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Administration Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the UI Administrative Assessment Tax Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the UI Interest/Penalties Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Workers' Compensation Special Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Reed Act Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(8) Real Property Tax Appeals Commission. -\$1,749,000 from local funds;

(9) Department of Consumer and Regulatory Affairs. -\$47,701,000 (including \$14,400,000 from local funds and \$33,301,000 from other funds); provided, that all funds deposited into the Basic Business License Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Green Building Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the R-E Guar. & Educ. Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Nuisance Abatement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the OPLA - Special Account are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Board of Engineers Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Corporate Recordation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(10) Office of the Tenant Advocate. -\$2,488,000 from local funds;

(11) Commission on Arts and Humanities. -\$17,460,000 (including \$15,603,000 from local funds, \$658,000 from Federal grant funds, \$200,000 from other funds, and \$1,000,000 from funds previously appropriated from this Act, under the heading "Federal Payment for D.C. Commission on the Arts and Humanities Grants", to fund competitively awarded grants for nonprofit fine and performing arts organizations based in and primarily serving the District); provided, that all funds deposited into the Special Purpose Revenue Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(12) Alcoholic Beverage Regulation Administration. -\$7,446,000 (including \$1,170,000 from local funds (including \$1,170,000 from dedicated taxes) and \$6,276,000 from other funds); provided, that all funds deposited into the ABC - Import And Class License Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(13) Public Service Commission. -\$12,549,000 (including \$367,000 from Federal grant funds, \$12,159,000 from other funds, and \$22,000 from private funds); provided, that all

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funds deposited into the Operating - Utility Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the PJM Settlement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(14) Office of the People's Counsel. -\$6,911,000 from other funds; provided, that all funds deposited into the Advocate for Consumers Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(15) Department of Insurance, Securities, and Banking. -\$22,118,000 from other funds; provided, that all funds deposited into the Foreclosure Mediation Fund (Temporary) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Insurance Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the HMO Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Foreclosure Mediation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Capital Access Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(16) Office of Cable Television. -\$9,444,000 from other funds; provided, that all funds deposited into the Cable Franchise Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(17) Housing Authority Subsidy Payment. -\$45,963,000 from local funds; and

(18) Business Improvement Districts Transfer. -\$25,000,000 from other funds.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$1,192,283,000 (including \$1,006,278,000 from local funds, \$129,257,000 from Federal grant funds, \$60,000 from Medicaid payments, \$53,788,000 from other funds, \$435,000 from funds previously appropriated in this Act under the heading "Federal Payment for the D.C. National Guard", \$1,900,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council", and \$565,000 from funds previously appropriated in this Act under the heading "Federal Payment for Judicial Commissions"), to be allocated as follows:

(1) Metropolitan Police Department. -\$488,880,000 (including \$477,500,000 from local funds, \$4,010,000 from Federal grant funds, \$7,370,000 from other funds); provided, that all funds deposited into the Asset Forfeiture Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Fire and Emergency Medical Services Department. -\$204,721,000 (including \$201,563,000 from local funds, \$1,638,000 from Federal grant funds, and \$1,520,000 from other funds);

(3) Police Officers' and Firefighters' Retirement System. -\$111,330,000 from local funds;

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(4) Department of Corrections. –\$151,410,000(including \$123,149,000 from local funds, and \$28,260,000 from other funds); provided, that all funds deposited into the Correction Trustee Reimbursement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Welfare Account are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Correction Reimbursement-Juveniles Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) District of Columbia National Guard. –\$12,704,000 (including \$5,066,000 from local funds, \$7,204,000 from Federal grant funds, and \$435,000 from funds previously appropriated in this Act under the heading “Federal Payment for the District of Columbia National Guard”); provided, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard; provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available pursuant to this Act, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved;

(6) Homeland Security and Emergency Management Agency. –\$109,553,000 (including \$2,085,000 from local funds and \$107,467,000 from Federal grant funds);

(7) Commission on Judicial Disabilities and Tenure. – \$295,000 from funds previously appropriated in this Act under the heading “Federal Payment for Judicial Commissions”;

(8) Judicial Nomination Commission. – \$270,000 from funds previously appropriated in this Act under the heading “Federal Payment for Judicial Commissions”;

(9) Office of Police Complaints. –\$2,241,000 from local funds;

(10) District of Columbia Sentencing and Criminal Code Revision Commission. \$1,401,000 from local funds;

(11) Office of the Chief Medical Examiner. –\$9,519,000 from local funds;

(12) Office of Administrative Hearings. –\$8,763,000 (including \$8,703,000 from local funds and \$60,000 from Medicaid payments);

(13) Criminal Justice Coordinating Council. –\$2,426,000 (including \$526,000 from local funds, and \$1,900,000 from funds previously appropriated in this Act under the heading “Federal Payment to the Criminal Justice Coordinating Council”);

(14) Office of Unified Communications. –\$43,481,000 (including \$28,250,000 from local funds, and \$15,231,000 from other funds); provided, that all funds deposited into the 911 & 311 Assessments Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Prepaid Wireless 911 Charges Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

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(15) Department of Forensic Sciences. –\$15,231,000 (including \$14,472,000 from local funds and \$759,000 from Federal grant funds); and

(16) Deputy Mayor for Public Safety and Justice –\$30,058,000 (including \$20,472,000 from local funds, \$8,179,000 from Federal grant funds, and \$1,406,000 from other funds); provided, that not less than \$200,000 shall be available to fund the District of Columbia Poverty Lawyer Loan Assistance Program, established by the Access to Justice Initiative Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1701.01 *et seq.*); provided further, that \$4,078,000 shall be made available to award a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents; provided further, that \$1,000,000 shall be transferred to the Community-based Violence Reduction Fund, established by section 3014 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.121), for use by the Justice Grants Administration for the purpose of providing grants for the development of programs to intervene with children who are chronically truant; provided further, that all funds deposited into the Crime Victims Assistance Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Domestic Violence Shelter & Transitional Housing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Community-Based Violence Reduction Fund (The Truancy Fund) are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national-defense education programs, \$2,203,695,000 (including \$ 1,863,876,000 from local funds (including \$4,266,000 from Dedicated Taxes), \$264,429,000 from Federal grant funds, \$15,273,000 from other funds, \$117,000 from private funds, \$40,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Resident Tuition Support”, and \$43,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for School Improvement”), to be allocated as follows:

(1) District of Columbia Public Schools. –\$763,147,000 (including \$702,145,000 from local funds, \$53,458,000 from Federal grant funds, and \$7,544,000 from other funds); provided, that this appropriation shall not be available to subsidize the education of any nonresident of the District at any District public elementary or secondary school during Fiscal Year 2015 unless the nonresident pays tuition to the District at a rate that covers 100 % of the costs incurred by the District that are attributable to the education of the nonresident (as established by the Chancellor of the District of Columbia Public Schools); provided further, that not to exceed \$10,600 for the Chancellor shall be available for official reception and representation expenses; provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2014, an amount equal to 10 % of the total amount of the

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local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for Fiscal Year 2015 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2015; provided further, that all funds deposited into the E-Rate Education Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the ROTC Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DHHS Afterschool Program-Copayment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Teachers' Retirement System. -\$39,513,000 from local funds;

(3) Office of the State Superintendent of Education. -\$412,730,000 (including \$142,097,000 from local funds (including \$4,266,000 in Dedicated Taxes), \$210,068,000 from Federal grant funds, \$448,000 from other funds, \$117,000 from private funds, \$40,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support", and \$20,000,000 from funds previously appropriated in the Act under the heading "Federal Payment for School Improvement"); provided, that of the amounts provided to the Office of the State Superintendent of Education, \$1,000,000 from local funds shall remain available until June 30, 2015, for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school; provided further, that all funds deposited into the Blackman and Jones Consent Decree Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Charter School Credit Enhancement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Student Residency Verification Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the State Athletic Activities, Programs, and Office Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Community Schools Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) District of Columbia Public Charter Schools. -\$675,408,000 from local funds; provided, that there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year; provided further, that if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available until expended for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(2)); provided further, that of the amounts made available to District of Columbia public charter schools, \$230,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official

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Code § 38-1804.03(b)(6)); provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2014, an amount equal to 30 % of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for Fiscal Year 2015 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2015; provided further, that the annual financial audit for the performance of an individual District of Columbia public charter school shall be funded by the charter school;

(5) University of the District of Columbia Subsidy. -\$72,458,000 from local funds; provided, that this appropriation shall not be available to subsidize the education of nonresidents of the District at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2015, a tuition- rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area; provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2014, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for Fiscal Year 2015 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2015; provided further, that not to exceed \$10,600 for the President of the University of the District of Columbia shall be available for official reception and representation expenses;

(6) District of Columbia Public Library. -\$57,728,000 (including \$56,285,000 from local funds, \$903,000 from Federal grant funds, and \$540,000 from other funds); provided, that not to exceed \$8,500 for the Public Librarian shall be available for official reception and representation expenses; provided further, that all funds deposited into the Copies and Printing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the SLD E-Rate Reimbursement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Library Collections Account are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(7) Public Charter School Board. -\$6,741,000 from other funds;

(8) Non-Public Tuition. - \$74,340,000 from local funds;

(9) Special Education Transportation. -\$93,562,000 from local funds; provided, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency under the direction of the Office of the State Superintendent of Education, on July 1, 2014, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the

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Special Education Transportation agency in the proposed budget of the District of Columbia for Fiscal Year 2015 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency under the District of Columbia Appropriations Act, 2015; provided further, that amounts appropriated under this heading may be used to offer financial incentives as necessary to reduce the number of routes serving 2 or fewer students;

(10) District of Columbia State Board of Education. -\$1,152,000 from local funds; and

(11) Office of the Deputy Mayor for Education. -\$6,917,000 from local funds.

HUMAN SUPPORT SERVICES

Human support services, \$4,375,619,000 (including \$1,861,786,000 from local funds (including \$94,580,000 from dedicated taxes), \$403,871,000 from Federal grant funds, \$2,072,451,000 from Medicaid payments, \$31,987,000 from other funds, \$523,000 from private funds, and \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for HIV/AIDS Prevention"); to be allocated as follows;

(1) Department of Human Services. -\$408,725,000 (including \$236,547,000 from local funds, \$156,448,000 from Federal grant funds, \$14,529,000 from Medicaid payments, and \$1,200,000 from other funds); provided, that all funds deposited into the SSI Payback Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Child and Family Services Agency. -\$235,174,000 (including \$168,378,000 from local funds, \$65,555,000 from Federal grant funds, \$1,200,000 from other funds, and \$41,000 from private funds);

(3) Department of Behavioral Health. -\$257,956,000 (including \$231,857,000 from local funds, \$18,539,000 from Federal grant funds, \$3,500,000 from Medicaid payments, \$3,588,000 from other funds, and \$472,000 from private funds); provided, that all funds deposited into the APRA - Choice in Drug Treatment (HCSN) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided, further that in addition to the funds otherwise appropriated under this Act, the Department of Behavioral Health may expend any funds that are or were paid by the United States Virgin Islands to the District in Fiscal Year 2014 or Fiscal Year 2015 to compensate the District for care previously provided by the District to patients at the St. Elizabeths hospital and are not otherwise appropriated under this Act; provided, further that the availability of the funds is certified by the Chief Financial Officer before any expenditure; provided further, that the funds shall be expended in a manner determined by the Director of the Department of Behavioral Health;

(4) Department of Health. -\$223,214,000 (including \$79,603,000 from local funds, \$126,219,000 from Federal grant funds, \$12,393,000 from other funds, and \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for HIV/AIDS Prevention"); provided, that all funds deposited into the Health Professional Recruitment Fund (Medical Loan Repayment) are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited

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into the Board of Medicine Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Pharmacy Protection Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the SHPDA Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Civic Monetary Penalties Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the SHPDA Admission Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the ICF/MR Fees & Fines are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Human Services Facility Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Communicable and Chronic Disease Prevention and Treatment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) Department of Parks and Recreation. -\$43,297,000 (including \$40,877,000 from local funds and \$2,420,000 from other funds);

(6) Office on Aging. -\$40,710,000 (including \$32,974,000 from local funds and \$7,736,000 from Federal grant funds);

(7) District of Columbia Unemployment Compensation Fund. - \$6,887,000 from local funds;

(8) Employees' Compensation Fund. -\$20,221,000 from local funds; provided, that all funds deposited into the Worker's Compensation Rev-Settlement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Agency Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;;

(9) Office of Human Rights. -\$3,405,000 (including \$3,138,000 from local funds and \$267,000 from Federal grant funds);

(10) Office on Latino Affairs. -\$2,769,000 from local funds;

(11) Children and Youth Investment Collaborative. - \$3,000,000 from local funds;

(12) Office of Asian and Pacific Islander Affairs. -\$943,000 from local funds;

(13) Office of Veterans' Affairs. -\$416,000 (including \$411,000 from local funds and \$5,000 from other funds); provided, that all funds deposited into the Office of Veterans Affairs Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(14) Department of Youth Rehabilitation Services. -\$105,899,000 from local funds; provided, that amounts appropriated herein may be expended to implement the provisions of section 105(k) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.05(k)); provided

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further, that of the local funds appropriated for the Department of Youth Rehabilitation Services, \$12,000 shall be used to fund the requirements of the Interstate Compact for Juveniles;

(15) Department of Disability Services. -\$158,000,000 (including \$115,930,000 from local funds, \$27,014,000 from Federal grant funds, \$7,497,000 from Medicaid payments, \$7,550,000 from other funds, and \$10,000 from private funds.); provided, that all funds deposited into the Randolph Shepherd Unassigned Facilities Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Cost of Care-Non-Medicaid Clients Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(16) Department of Health Care Finance. -\$2,835,081,000 (including \$782,431,000 from local funds (including \$65,829,000 from dedicated taxes), \$2,093,000 from Federal grant funds, \$2,046,925,000 from Medicaid payments, and \$3,632,000 from other funds); provided, that all funds deposited into the Healthy DC Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Nursing Homes Quality of Care Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Stevie Sellow's Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Medicaid Collections-3rd Party Liability Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Bill Of Rights (Grievance and Appeals) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(17) Deputy Mayor for Health and Human Services. -\$1,172,000 from local funds; and;

(18) D.C. Health Benefit Exchange Subsidy. -\$28,751,000 in local funds (including \$28,751,000 in dedicated taxes).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$717,330,000 (including \$533,843,000 from local funds (including \$62,686,000 from dedicated taxes), \$27,992,000 from Federal grant funds, \$154,500,000 from other funds, and \$995,000 from private funds), to be allocated as follows:

(1) Department of Public Works. -\$128,109,000 (including \$120,659,000 from local funds and \$7,450,000 from other funds); provided, that all funds deposited into the Solid Waste Disposal Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Super Can Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Department of Transportation. -\$106,766,000 (including \$80,786,000 from local funds, \$3,610,000 from Federal grant funds, and \$22,370,000 from other funds); provided, that all funds deposited into the Bicycle Sharing Fund are, without regard to fiscal year,

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authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Performance Parking Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Tree Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DDOT Enterprise Fund-Non Tax Revenues Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Sustainable Transportation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(3) Department of Motor Vehicles. -\$38,848,000 (including \$28,732,000 from local funds and \$10,116,000 from other funds); provided, that all funds deposited into the Motor Vehicle Inspection Station Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) Department of the Environment. -\$104,691,000 (including \$18,537,000 from local funds, \$24,382,000 from Federal grant funds, \$60,777,000 from other funds, and \$995,000 from private funds); provided, that all funds deposited into the Storm Water Permit Review Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that beginning in Fiscal Year 2015 and for each fiscal year thereafter, all funds deposited into the Sustainable Energy Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Brownfield Revitalization Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Anacostia River Clean Up Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Wetlands Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Energy Assistance Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Lust Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Soil Erosion/Sediment Control Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DC Municipal Aggregation Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Fishing License Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Renewable Energy Development Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Special Energy Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Air Quality Construction Permits Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited

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into the WASA Utility Discount Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) Taxicab Commission. –\$8,270,000 (including \$1,000,000 from local funds, and \$7,270,000 from other funds); provided, that all funds deposited into the Taxicab Assessment Act Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Public Vehicles for Hire Consumer Service Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(6) Washington Metropolitan Area Transit Commission. –\$127,000 from local funds; and

(7) Washington Metropolitan Area Transit Authority. –\$330,520,000 (including \$284,003,000 from local funds (including \$62,686,000 from dedicated taxes), and \$46,517,000 from other funds); provided, that all funds deposited into the Dedicated Taxes Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Parking Meter WMATA Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

FINANCING AND OTHER

Financing and Other, \$1,077,772,000 (including \$978,046,000 from local funds (including \$141,725,000 from dedicated taxes), \$84,826,000 from other funds, and \$14,900,000 from funds previously appropriated in this Act under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia”), to be allocated as follows:

(1) Repayment of Loans and Interest. –\$600,694,000 (including \$570,776,000 from local funds and \$29,918,000 from other funds); for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §§ 1-204.62, 1-204.75, and 1-204.90);

(2) Short-Term Borrowing. –\$2,500,000 from local funds for payment of interest on short-term borrowing;

(3) Certificates of Participation. – for lease payments representing principal and interest on the District’s Certificates of Participation, issued to finance land and buildings for the Unified Communications Center and Office of Unified Communications, located on the St. Elizabeths Campus, \$22,670,000 from local funds;

(4) Debt Issuance Costs. – for the payment of debt service issuance costs, \$6,000,000 from local funds;

(5) Schools Modernization Fund. – for the Schools Modernization Fund, established by section 4042 of the Schools Modernization Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 1-325.41), \$11,412,000 from local funds;

(6) Revenue Bonds. – for the repayment of revenue bonds, \$7,839,000 from local funds (including \$7,839,000 from dedicated taxes);

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(7) Settlements and Judgments. – for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$21,292,000 from local funds; provided, that this appropriation shall not be construed as modifying or affecting the provisions of section 101 of this Act;

(8) Wilson Building. – for expenses associated with the John A. Wilson building, \$4,469,000 from local funds;

(9) Workforce Investments. – for workforce investments, \$42,052,000 from local funds; provided, that all funds deposited into the CU 1&2 Compensation and Class Reform Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended

(10) Non-Departmental. – to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$18,653,000 (including \$3,000,000 from local funds and \$15,653,000 from other funds), to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act;

(11) Emergency Planning and Security Costs. – \$14,900,000 from funds previously appropriated in this Act under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia”; provided, that, notwithstanding any other law, the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia” to this local appropriations heading;

(12) Master Equipment Lease Purchase Program. –\$51,548,000 from local funds;

(13) Pay-As-You-Go Capital funds. – in lieu of capital financing, ~~\$28,937,000 (including \$5,200,000 from local funds and \$23,737,000 from other funds) to be transferred to the Capital Fund;~~

(14) District Retiree Health Contribution. – for a District Retiree Health Contribution, \$91,400,000 from local funds;

(15) Highway Trust Fund Transfer. –\$37,685,000 (including \$22,167,000 from local funds (including \$22,167,000 from dedicated taxes) and \$15,518,000 from other funds); and

(16) Convention Center Transfer. –\$115,719,000 from local funds (including \$111,719,000 from dedicated taxes).

REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY

If the Chief Financial Officer of the District of Columbia certifies through a revised revenue estimate in June 2014 that up to \$50,000,000 in excess revenue is available from local funds, up to \$50,000,000 is appropriated for obligation and expenditure by the District in accordance with acts enacted by the Council, which shall specify the use and amount for each obligation and expenditure. Such acts shall not be considered a supplemental budget act as defined in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-204.46), and any obligations and expenditures may be authorized immediately upon enactment of such acts.

ENROLLED ORIGINAL**ENTERPRISE AND OTHER FUNDS**

The amount of \$1,844,230,000 from enterprise and other funds, shall be provided to enterprise funds as follows; provided, that, in the event that certain dedicated revenues exceed budgeted amounts, the District may increase its General Fund budget authority as needed to transfer all such revenues, pursuant to local law, to the Highway Trust Fund, the Washington Convention Center, and the Washington Metropolitan Transit Authority.

WATER AND SEWER AUTHORITY

Pursuant to section 445a of the District of Columbia Home Rule Act, approved August 6, 1996 (110 Stat. 1698; D.C. Official Code § 1-204.45a), which provides that the Council may comment and make recommendations concerning such annual estimates but shall have no authority to revise the budget for the District of Columbia Water and Sewer Authority, the Council forwards this non-appropriated budget request: For operation of the District of Columbia Water and Sewer Authority, \$515,959,000 from enterprise and other funds, of which no outstanding debt exists for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, \$554,303,000, to be distributed as follows: \$48,100,000, for the Sanitary Sewer System; \$111,627,000 for the Water System; \$327,059,000 for the Combined Sewer Overflow Program; \$6,154,000 for the Washington Aqueduct; \$28,226,000 for the Stormwater Program; and \$33,137,000 for the capital equipment program; in addition, \$16,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority"; provided, that the requirements and restrictions that are applicable to General Fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$64,482,000 from enterprise and other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Pub. L. No. 97-91; 95 Stat. 1174), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; codified in scattered cites in the D.C. Official Code), \$242,156,000 from enterprise and other funds; provided, that the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues; provided further, that no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board; provided further, that, after notification to the Mayor, amounts appropriated herein may be increased by an amount necessary for the Lottery and Charitable Games Enterprise Fund to make transfers to the General Fund of the District of Columbia and to cover prizes, agent commissions, and gaming-related fees directly associated with unanticipated excess lottery revenues not included in this appropriation.

ENROLLED ORIGINAL**DISTRICT OF COLUMBIA RETIREMENT BOARD**

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat 866; D.C. Official Code § 1-711), \$30,338,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board; provided, that the District of Columbia Retirement Board shall provide to Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds; provided further, that the District of Columbia Retirement Board shall provide to the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, including for functions previously performed by the District of Columbia Sports and Entertainment Commission, \$133,793,000 from enterprise and other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, \$9,662,000 from enterprise and other funds.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

For the University of the District of Columbia, \$154,530,000 from enterprise and other funds; provided, that these funds shall not revert to the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available until expended, without regard to fiscal year limitation.

DISTRICT OF COLUMBIA PUBLIC LIBRARY TRUST FUND

For the District of Columbia Public Library Trust Fund, \$17,000 from enterprise and other funds.

UNEMPLOYMENT COMPENSATION TRUST FUND

For the Unemployment Insurance Trust Fund, \$367,000,000 from enterprise and other funds.

HOUSING PRODUCTION TRUST FUND

For the Housing Production Trust Fund, \$40,422,000 from enterprise and other funds; provided, that all funds deposited into the Housing Production Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

ENROLLED ORIGINAL**TAX INCREMENT FINANCING**

For Tax Increment Financing, \$60,439,000 from enterprise and other funds.

BALLPARK REVENUE FUND

For the Ballpark Revenue Fund, \$68,800,000 from enterprise and other funds.

REPAYMENT OF PAYMENT IN LIEU OF TAXES FINANCING

For Repayment of Payment in Lieu of Taxes Financing, \$15,882,000 from enterprise and other funds.

NOT-FOR-PROFIT HOSPITAL CORPORATION

For the Not-For-Profit Hospital Corporation, \$112,000,000 from enterprise and other funds.

HEALTH BENEFIT EXCHANGE AUTHORITY

For the District of Columbia Health Benefit Exchange Authority, \$28,751,000 from enterprise and other funds.

CASH FLOW RESERVE FUND

All funds deposited into the Cash Flow Reserve Fund, established pursuant to D.C. Official Code § 47-392.02, are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

FISCAL STABILIZATION RESERVE ACCOUNT FUND

All funds deposited into the Fiscal Stabilization Reserve Account Fund, established pursuant to D.C. Official Code § 47-392.02, are without regard to fiscal year, authorized for expenditure and shall remain available until expended.

CAPITAL OUTLAY

For capital construction projects, an increase of \$2,548,064,000, of which \$2,181,160,000 shall be from local funds, \$74,288,000 from the Local Transportation Fund, \$13,600,000 from Private grant funds, \$24,785,000 from the District of Columbia Highway Trust Fund, and \$254,230,000 from Federal grant funds, and a rescission of \$880,696,000, of which \$809,825,000 is from local funds, \$5,816,000 from the Local Transportation Fund, \$24,751,000 from the District of Columbia Highway Trust Fund, and \$40,304,000 from Federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,667,368,000; to remain available until expended; provided, that all funds provided by this appropriation title shall be available only for the specific projects and purposes intended; provided further, that amounts appropriated under this heading may be increased by the amount transferred from funds appropriated in this act as Pay-As-You-Go Capital funds.

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TITLE IV--GENERAL PROVISIONS

Sec. 101. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Sec. 102. The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter.

Sec. 103. The District of Columbia government is authorized to approve reprogramming and transfer requests of local funds under this Act through November 7, 2015.

Sec. 104. Except as otherwise provided in this section, none of the funds made available by this Act or by any other act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of Police;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

Sec. 105. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the 4 prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Sec. 106. (a) During Fiscal Year 2016, and for each succeeding fiscal year, during a period in which neither a District of Columbia continuing resolution or a regular District of

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Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in an enacted Budget Request Act as submitted to Congress (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of the fiscal year for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of the fiscal year if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

(g) This section shall not apply if section 202 or 302 of this Act have been enacted.

Sec. 107. (a) If the Attorney General of the District of Columbia enters into a contract with private counsel for the provision of legal services in claims or other legal matters affecting the interests of the District of Columbia and the contract includes a contingency fee arrangement, the District of Columbia may make payments pursuant to such arrangement without regard to whether the funds used for the payments are deposited in accounts of the District of Columbia or provided in an appropriation, notwithstanding any provision of Title 31 of the United States Code or the fourth sentence of section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 877; D.C. Official Code § 1-204.46.)

(b) The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the District of Columbia typically charges clients for furnishing similar legal services, as determined by the Attorney General of the District of Columbia.

(c) The District of Columbia may not enter into a contingency fee arrangement in a claim or other legal matter seeking the recovery of Federal funds.

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(d) For the purposes of this section, a "contingency fee arrangement" means a provision in a contract described in subsection (a) under which the costs, expenses, and fees the private counsel charges for legal services are payable from the amount recovered.

Sec. 108. The District government shall not be required to include a moveable span in the replacement of the Frederick Douglass Memorial Bridge unless the federal government provides the funding for the moveable span.

Sec. 109. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

This division may be cited as the "District of Columbia Appropriations Act, 2015."

DIVISION – B
DISTRICT OF COLUMBIA AUTHORIZATION REQUEST
BUDGET AND LEGISLATIVE AUTONOMY

SEC. 201. Section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1–204.46), is amended as follows:

(a) Strike the third sentence and insert the phrase "The Mayor shall submit to the President of the United States for transmission to Congress the portion of the budget so adopted with respect to federal funds and the Mayor shall notify the Speaker of the House of Representatives, and the President of the Senate, as to the portion of the budget so adopted with respect to local funds; provided, that in a control year (as defined in D.C. Official Code § 47-393(4)), the Mayor shall submit to the President of the United States for transmission to Congress the budget so adopted." in its place.

(b) Strike, in the fifth sentence, the phrase "the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States" and insert the phrase "the Mayor shall not submit to the President of the United States, or, for a fiscal year which is not a control year, notify the Speaker of the House of Representatives and the President of the Senate regarding, any annual budget or amendments or supplements thereto" in its place.

SEC. 202. (a) Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.41 et seq.) is amended by inserting after section 446B the following new section:

"BUDGET AND FISCAL YEAR AUTONOMY

"Sec. 446C. (a) BUDGET AUTONOMY.—Notwithstanding the fourth sentence of section 446 of the Home Rule Act (D.C. Official Code, sec.1–204.46), the second and third sentences of section 447 of the Home Rule Act (D.C. Official Code, sec. 1–204.47), section 602(c) of the Home Rule Act (D.C. Official Code, sec.1–206.02(c)), or sections 816 and 817 of the Financial

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Services and General Government Appropriations Act, 2009 (D.C. Official Code, secs. 47-369.01 and 47-369.02), upon the enactment by the District of Columbia of the annual budget, or any amendments or supplements thereto, for a fiscal year, officers and employees of the District of Columbia government may obligate and expend District of Columbia funds and hire employees in accordance with that budget.

"(b) FISCAL YEAR AUTONOMY.—Notwithstanding section 441 of the Home Rule Act (D.C. Official Code, sec. 1-204.41), the fiscal year of the District government and any entity of the District government shall commence and end on such dates as may be established by the District of Columbia. "

"(c) EXCEPTION FOR CONTROL YEAR.—Subsection (a) shall not apply in the case of any fiscal year that is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-393(4))."

"(d) EFFECTIVE DATE.—This section shall apply with respect to Fiscal Year 2015 and each succeeding fiscal year."

(b) The table of contents of such Act is amended by inserting after the item relating to section 446B the following new item:

(1) "Sec. 446C. Budget and fiscal year autonomy."

SEC. 203. Legislative Autonomy.

(a) In General- Section 602 (sec. 1-206.02, D.C. Official Code) is amended by striking subsection (c).

(b) Congressional Resolutions of Disapproval-

(1) IN GENERAL- The District of Columbia Home Rule Act is amended by striking section 604 (sec. 1-206.04, D.C. Official Code).

(2) CLERICAL AMENDMENT- The table of contents is amended by striking the item relating to section 604.

(3) EXERCISE OF RULEMAKING POWER- This subsection and the amendments made by this subsection are enacted by Congress--

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as a part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(c) Conforming Amendments-

(1) DISTRICT OF COLUMBIA HOME RULE ACT-

A) Section 303 (sec. 1-203.03, D.C. Official Code) is amended--

(i) in subsection (a), by striking the second sentence; and

(ii) by striking subsection (b) and redesignating subsections (c) and

(d) as subsections (b) and (c).

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(B) Section 404(e) (sec. 1-204.04(3), D.C. Official Code) is amended by striking 'subject to the provisions of section 602(c)' each place it appears.

(C) Section 462 (sec. 1-204.62, D.C. Official Code) is amended--

(i) in subsection (a), by striking '(a) The Council' and inserting 'The Council'; and

(ii) by striking subsections (b) and (c).

(D) Section 472(d) (sec. 1-204.72(d), D.C. Official Code) is amended to

read as follows:

'(d) Payments Not Subject to Appropriation- The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any revenue anticipation note issued under subsection (a).'

(E) Section 475(e) (sec. 1-204.75(e), D.C. Official Code) is amended to

read as follows:

'(e) Payments Not Subject to Appropriation- The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any revenue anticipation note issued under this section.'

(2) OTHER LAWS-

(A) Section 2(b)(1) of Amendment No. 1 (relating to initiative and referendum) to title IV (the District Charter) (sec. 1-204.102(b)(1), D.C. Official Code) is amended by striking 'the appropriate custodian' and all that follows through 'portion of such act to'.

(B) Section 5 of Amendment No. 1 (relating to initiative and referendum) to title IV (the District Charter) (sec. 1-204.105, D.C. Official Code) is amended by striking ', and such act' and all that follows and inserting a period.

(C) Section 16 of the District of Columbia Election Code of 1955 (sec. 1-1001.16, D.C. Official Code)--

(i) in subsection (j)(2)--

(I) by striking 'sections 404 and 602(c)' and inserting 'section 404', and

(II) by striking the second sentence; and

(ii) in subsection (m)--

(I) in the first sentence, by striking 'the appropriate custodian' and all that follows through 'parts of such act to',

held unless, under', and

(III) by striking 'section, the act which' and all that follows

and inserting 'section.'

(d) Effective Date.

The amendments made by this Act shall apply with respect to each act of the District of Columbia--

(1) passed by the Council of the District of Columbia and signed by the Mayor of

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the District of Columbia;

(2) vetoed by the Mayor and repassed by the Council;

(3) passed by the Council and allowed to become effective by the Mayor without the Mayor's signature; or

(4) in the case of initiated acts and acts subject to referendum, ratified by a majority of the registered qualified electors voting on the initiative or referendum, on or after October 1, 2013.

This division may be cited as the "District of Columbia Budget and Legislative Autonomy Act, 2015".

DIVISION – C
DISTRICT OF COLUMBIA AUTHORIZATION REQUEST
OMNIBUS PROVISIONS

~~Sec. 301. The Contingency Cash Reserve Transparency Amendment Act of 2008, enacted on January 29, 2008 (D.C. Act 17-278; 55 DCR 1530), is enacted into law.~~

Sec. 302. The Local Budget Autonomy Amendment Act of 2012, signed by the Mayor on January 18, 2013 (D.C. Act 19-632; 60 DCR 1724), is enacted into law.

Sec. 303. Sections 47-391.07(b) and 47-392.09 of the District of Columbia Official Code are repealed.

Sec. 304. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Contingency fee contracts.

"(a)(1) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in claims and other legal matters affecting the interests of the District of Columbia.

"(2) Each contract shall include such terms and conditions as the Attorney General considers necessary or appropriate, including a provision specifying the amount of any fee to be paid to the private counsel under the contract or the method for calculating that fee. The amount of the fee payable for legal services furnished under any such contract shall not exceed the fee that counsel engaged in the private practice of law in the District typically charges clients for furnishing similar legal services, as determined by the Attorney General.

"(b) Notwithstanding any provision of federal or District of Columbia law, a contract entered into by the District of Columbia pursuant to this section may provide that costs, expenses, and fees that the private counsel charges for legal services are payable from the amount recovered. In such circumstances, the costs, expenses, and fees need not be included in an amount provided in an appropriations law."

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Sec. 305. Congressional review streamlining.

(a) Section 602(c)(1) of the District of Columbia Home Rule Act, approved December 23, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), is amended by striking the phrase “(excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than three days).”

(b) The amendments made by this section shall apply with respect to each act of the District of Columbia—

(1) passed by the Council of the District of Columbia and signed by the Mayor of the District of Columbia;

(2) vetoed by the Mayor and repassed by the Council; or

(3) passed by the Council and allowed to become effective without the Mayor's signature, on or after the effective date of this section.

Sec. 306. Notwithstanding any other provision of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; 42 U.S.C. § 225 note), the District may use the property transferred to the District pursuant to the Act for any purposes as may be determined by the District, and the Secretary of Health and Human Services shall amend the deed whereby the property was transferred to the District to eliminate all conditions or restrictions on the use of the property.”

Sec. 307. (a) Notwithstanding any other provision of law or other requirement:

(1) With respect to the urban renewal program, any urban renewal plans or projects, and any property acquired under the urban renewal program, the District of Columbia shall no longer have any obligations (including obligations related to the treatment of income from the lease, use, or disposition of urban renewal properties as community development block grant (“CDBG”) program income (including such lease, use, and disposition income received by the District prior to the effective date of this section), obligations related to payments to the Department of Housing and Urban Development (“HUD”), and obligations related to recordkeeping and accounting), including obligations pursuant to:

(A) Previous agreements with HUD (including the District of Columbia Urban Renewal Closeout agreements);

(B) HUD regulations (including urban renewal and CDBG regulations);

and

(C) The terms of any previous loans, grants, or other financial assistance provided by HUD to the District, the Redevelopment Land Agency (“RLA”), or any other entity of the District government;

(2) With respect to any property acquired pursuant to the urban renewal program or otherwise acquired with the proceeds of an urban renewal grant, loan, or other form of financial assistance that remains in the ownership or jurisdiction of the District, or any entity of the District, the District, or the entity of the District, may dispose of or lease the property for any purpose the District, or the entity of the District, considers appropriate, and no prior requirements

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imposed on the disposition or lease of the property by regulation, by prior agreement with HUD (including the District of Columbia Urban Renewal Closeout Agreements), by an urban renewal plan, or by any other prior agreement between HUD and the District, RLA, or any other entity of the District shall apply;

(3) With respect to any income received from the lease, use, or disposition of a property acquired pursuant to the urban renewal program or otherwise acquired with the proceeds of an urban renewal grant, loan, or other form of financial assistance, which income remains in the possession or control of the District, or any entity of the District, the District, or entity of the District, may expend such income for any purpose the District, or entity of the District, considers appropriate, and no requirement imposed on the income by regulation, by prior agreement (including the District of Columbia Urban Renewal Closeout Agreements) between HUD and the District, RLA, or any entity of the District, or by an urban renewal plan, shall apply;

(4) The urban renewal plans for the District of Columbia urban renewal areas, including 14th Street, Columbia Plaza, Downtown, Fort Lincoln, H Street, Northeast No. 1, Northwest No. 1, Shaw School, Southwest B, Southwest C, and Southwest C-1, shall no longer be of any force or effect.

(b) For the purposes of this section, the term "District of Columbia Urban Renewal Closeout Agreements" means closeout agreements between HUD and the District, RLA, or any entity of the District with respect to the urban renewal projects (including all neighborhood development programs) of the District of Columbia, including the following: 14th Street Urban Renewal Project; Columbia Plaza Urban Renewal Project; Downtown Urban Renewal Project; Fort Lincoln Urban Renewal Project; H Street Urban Renewal Project; Northeast No. 1 Urban Renewal Project; Northwest No. 1 Urban Renewal Project; Shaw School Urban Renewal Project; Southwest B Urban Renewal Project; Southwest C Urban Renewal Project; and Southwest C-1 Urban Renewal Project.

Sec. 308. (a) Within 90 days after the effective date of this section, the director of each federal agency with jurisdiction over the following properties in the District of Columbia shall transfer all right, title, and interest of the United States in each property to the government of the District of Columbia. If jurisdiction over a property is held by the District of Columbia, the District of Columbia may execute a quitclaim deed on behalf of the United States to transfer all right, title, and interest of the United States in the property to the government of the District of Columbia:

(1) Square 2558, Lot 0810 (a portion of the Marie H. Reed Community Learning Center, a District of Columbia Public School);

(2) Square 2901, Lot 0816 (Raymond Recreation Center, a portion of the Raymond Elementary School campus);

(3) Square 2901, Lot 0815 (a portion of the Raymond Elementary School campus);

(4) Square 0364, Lot 0837 (a portion of the Shaw Junior High School campus);

(5) Parcel 246, Lot 0051 (P.R. Harris School);

ENROLLED ORIGINAL

- (6) Square 2864, Lot 0830 (Meyer Elementary School, closed);
- (7) Square 3327, Lot 0800 (Rudolph Elementary, closed);
- (8) Square 0511, Lot 0822 (fields and parking of Bundy School, closed);
- (9) Square 0767, Lot 0829 (Canal Park, north parcel);
- (10) Square 0769, Lot 0821 (Canal Park, south parcel);
- (11) Square 0768, Lot 0810 (Canal Park, center parcel);
- (12) Square 2882, Lot 0936 (Banneker Senior High School campus, western portion);
- (13) Square 2880, Lot 0859 (Banneker Senior High School, eastern portion);
- (14) Square 0336, Lot 0828 (Shaw Jr. High School recreation fields);
- (15) Square 0593, Lot 0823 (portion of Bowen Elementary School campus);
- (16) Square 0593, Lot 0822 (portion of Bowen Elementary School campus);
- (17) Square 0595, Lot 0810 (portion of Bowen Elementary School campus);
- (18) Square 0593, Lot 0826 (portion of Bowen Elementary School campus);
- (19) Square 0595, Lot 0807 (portion of Bowen Elementary School campus);
- (20) Square 0647, Lot 0802 (portion of Bowen Elementary School campus);
- (21) Square 0595, Lot 0809 (portion of Bowen Elementary School campus);
- (22) Square 0645, Lot 0816 (portion of Bowen Elementary School campus);
- (23) Square 0650N, Lot 0808 (portion of Bowen Elementary School campus);
- (24) Square 0647, Lot 0803 (portion of Bowen Elementary School campus);
- (25) Square 0645W, Lot 0808 (portion of Bowen Elementary School campus);
- (26) Square 0593, Lot 0050 (portion of Bowen Elementary School campus);
- (27) Square 0593, Lot 0051 (portion of Bowen Elementary School campus);
- (28) Square 0542, Lot 0085 (Southwest Library site);
- (29) All of Reservation 542 between Albemarle Street, N.W., and Chesapeake Street, N.W., including Lots 800 and 801 in Square 1772 and Lot 0807 in Square 1768, and Fort Drive, N.W., in Reservation 542 (Wilson Senior High School and Wilson Aquatic Center);
- (30) The northern corner portion of Reservation 470 containing approximately 31,000 square feet, abutting both the east property line of Lot 0811 in Square 1759 and Fessenden Street, N.W. (Deal Middle School);
- (31) Howard Street, N.W., in Reservation 470 (Deal Middle School);
- (32) Fort Drive, N.W., in Reservation 515 (Deal Middle School);
- (33) All of Reservation 519 in Square 5876 and Square 5884, including Lot 940 in Square 5876 (Johnson Middle School);
- (34) The play field portion of Reservation 360 in Square 23 (Francis Middle School);
- (35) Square 2673, Lot 890 (offices of the District of Columbia Department of Parks and Recreation);
- (36) Square 5862, Lots 0135, 0954, and 0958 (Barry Farm New Communities Initiative);
- (37) All of Reservation 487, including Square 5556, Lots 823 and 824, and Square 5560, Lots 814 and Lot 815 (Pennsylvania Avenue and Minnesota Avenue

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redevelopment);

(38) All of Reservation 8, including all improvements thereon, which is bounded on the north by Mount Vernon Place, N.W., on the south by K Street, N.W., on the west by 9th Street, N.W., and on the east by 7th Street, N.W. (Carnegie Library);

(39) Reservation 343F, Areas A, B, C and D (RFK Stadium); and

(40) Parcel 121/15 and Parcel 121/16 (intersection of North Capitol and Irving Streets.)

Sec. 309. Section 11201 of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 734; D.C. Official Code § 24-101), is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Reimbursement to District of Columbia Department of Corrections.— The United States Government shall reimburse the District of Columbia Department of Corrections its costs of providing custody and care for:

“(1) Felons committed by the Superior Court of the District of Columbia from the date of sentencing until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons;

“(2) Previously sentenced felons committed to the Department of Corrections as violators of parole, supervised release, or probation from the date of commitment until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons; and

“(3) Previously sentenced felons held by or committed to the Department of Corrections on writs from the date of commitment until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons.”.

Sec. 310. Any interest accumulated on the funds that the District of Columbia received pursuant to the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (113 Stat. 1501; Pub. L. No. 106-113), under the heading “Federal Payment for the Incentives for Adoption of Children” and for the establishment of a scholarship fund for District of Columbia children without parents due to the September 11, 2001 terrorist attack under this same heading, pursuant to the District of Columbia Appropriations Act, 2001, approved December 21, 2001 (115 Stat. 923; Pub. L. No. 107-96), shall be available to the District of Columbia until expended.

Sec. 311. (a)(1) IN GENERAL.--The District of Columbia is authorized to renew or enter into a new Interstate Compact for Juveniles for the purposes of placing youth in appropriate therapeutic settings and providing and receiving supervision for youth in other jurisdictions.

(2) DELEGATION.--Any compact for juveniles that the Council of the District of Columbia authorizes the Mayor to execute on behalf of the District may contain provisions that delegate the requisite power and authority to the Interstate Commission for Juveniles to achieve the purposes for which the interstate compact is established.

(b) Section 406 of An Act to reorganize the courts of the District of Columbia, to revise the procedures for juveniles in the District of Columbia, to codify title 23 of the District of

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Columbia Code, and for other purposes, approved July 29, 1970 (84 Stat. 678; D.C. Official Code § 24-1106), is repealed.

Sec. 312. Section 103 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.03), is amended by adding a new paragraph (16) to read as follows:

“(16) The term “Attorney General” means the Attorney General for the District of Columbia provided for by part C-I of title IV.”

Sec. 313. Section 424b of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.26), is amended by striking the phrase “Procurement Practices Act of 1986” and inserting the phrase “Procurement Practices Reform Act of 2010” in its place.

Sec. 314. Sections 2, 3, and 4 of the Domestic Partnership Police and Fire Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-358; 56 DCR 1188), are enacted into law.

Sec. 315. The following proviso under the heading “Lottery and Charitable Games Enterprise Fund” in the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Pub. L. No. 97-91; 95 Stat. 1174), is repealed:

“Provided further, that the advertising, sale, operation, or playing of the lotteries, raffles, bingos, or other games authorized by D.C. Law 3-172 is prohibited on the Federal enclave, and in adjacent public buildings and land controlled by the Shipstead-Luce Act as amended by 53 Stat. 1144, as well as in the Old Georgetown Historic District.”

Sec. 316. Notwithstanding any other law, the following sales shall be subject to the sales and use taxes of the District of Columbia:

(1) Sales at gift shops, souvenir shops, kiosks, convenience stores, food shops, cafeterias, restaurants, and similar establishments in federal buildings, including memorials and museums, in the District of Columbia that make sales to:

(A) The general public, whether operated by the federal government, an agent of the federal government, or a contractor; and

(B) Other than the general public, if operated by an agent of the federal government or a contractor; and

(2) Sales of goods and services by government-sponsored enterprises and corporations, institutions, and organizations established by federal statute or regulation (collectively, “federal enterprises and organizations”), including the Smithsonian Institution, National Gallery of Art, National Building Museum, Federal National Mortgage Association, and Federal Home Loan Mortgage Corporation, if the federal enterprise or organization is otherwise exempt from such taxation, to the extent such sales would otherwise be subject to the sales and use taxes of the District of Columbia if the federal enterprise or organization were organized as a nonprofit corporation established pursuant to Chapter 4 of Title 29 of the District

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of Columbia Official Code, and exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(c)(3)).

Sec. 317. Section 485 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.85), is amended to read as follows:

“Sec. 485. Except for estate, inheritance, and gift taxes, Bonds and notes issued by the District pursuant to this title and the interest thereon shall be exempt from all District, State, and Federal taxation, including from taxation by any county, municipality, or other political subdivision of a State and any Territory or possession of the United States.”.

Sec. 318. Section 602(a)(5) of the District of Columbia Home Rule Act, approved on December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(5)), is amended by striking the phrase “of the District” the first time it appears and inserting the phrase “of the District, unless his or her source of income derives from District local funds” in its place.

Sec. 319. Section 602(a)(5) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(5)), is amended by striking the phrase “of any individual not a resident of the District” and inserting the phrase “of any individual not a resident of the District, except professional athletes,” in its place.

Sec. 320. (a) Within 120 days of the effective date of this section, the District government shall require every remote vendor not qualifying as an exempted vendor to collect and remit to the District remote sales taxes on sales made via the internet to a purchaser in the District of Columbia; provided, that the District government has established pursuant to local law:

(1) A registry, with privacy and confidentiality controls so that it cannot be used for any purpose other than the administration of remote sales taxes, where each remote vendor, not qualifying as an exempted vendor, shall be required to register;

(2) Appropriate protections for consumer privacy;

(3) A means for a remote vendor to determine the current District sales and use tax rate and taxability;

(4)(A) A formula and procedure that permits a remote vendor to deduct reasonable compensation for expenses incurred in the administration, collection, and remittance of remote sales taxes, other than remote sales taxes paid by the remote vendor for goods or services purchased for its own consumption.

(B) The compensation authorized by subparagraph (A) of this paragraph may be claimed by a third-party service provider that the remote vendor has contracted with to perform the responsibilities related to the administration, collection, and remittance of remote sales taxes;

(5) The date that the collection of remote sales taxes shall commence;

(6) A small-vendor exemption, including a process for an exempted vendor to apply for a certificate of exemption;

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(7) Subject to subsection (c) of this section, the products and types of products that shall be exempt from the remote sales taxes;

(8) Rules:

(A) For accounting for bad debts and rounding;

(B) That address refunds and credits for remote sales taxes relating to:

(i) Customer returns;

(ii) Restocking fees;

(iii) Discounts; and

(iv) Coupons;

(C) For allocating shipping and handling and discounts that apply to multiple items;

(D) Regarding notice and procedural requirements for registry enrollment by remote-vendors; and

(E) That the Mayor determines are necessary or appropriate to further the purposes of this section; and

(9) A plan to substantially reduce the administrative burdens associated with sales and use taxes, including remote sales taxes.

(b) Every remote vendor that does not qualify as an exempted vendor shall register with the District pursuant to subsection (a)(1) of this section, in accordance with local law or rules issued pursuant to local law or this section.

(c) Nothing in this section shall require the District to exempt or to impose a tax on any product or to adopt any particular type of tax, or to impose the same rate of tax as any other taxing jurisdiction that collects remote sales taxes.

(d) Nothing in this section permits or prohibits the District from:

(1) Licensing or regulating a person;

(2) Requiring a person to qualify to transact remote selling;

(3) Subjecting a person to District taxes not related to the sale of goods or services; or

(4) Exercising authority over matters of interstate commerce.

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

(1) "Exempted vendor" means a remote vendor that in accordance with local law has a specified level of cumulative gross receipts from internet sales to purchasers in the District that exempts it from the requirement to collect remote sales taxes pursuant to this section.

(2) "Person" means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or any other legal entity.

(3) "Remote vendor" means a seller, whether or not it has a physical presence or other nexus within the District of Columbia, selling via the internet property or rendering a service to a purchaser in the District.

(4) "Remote sales taxes" means District sales and use taxes when applied to a property or service sold by a vendor via the Internet to a purchaser in the District

ENROLLED ORIGINAL


(5) "Vendor" means a person or retailer, including a remote vendor, selling property or rendering a service to a purchaser in the District of Columbia, the receipts from which a sales and use tax may be imposed pursuant to District law or this section.

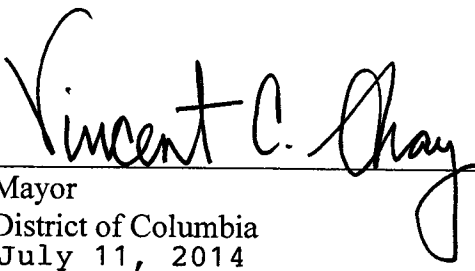
(f) This section may be cited as the "District of Columbia Main Street Tax Fairness Act of 2014".

This division may be cited as the "District of Columbia Omnibus Authorization Act, 2015".

Sec. 3. Effective date.

This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
July 11, 2014

See attached D.C. Official Code 1-204.04
Statement regarding Budget Request Act

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-371

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 10, 2014

To approve, on an emergency basis, the employment contract submitted by the Board of Trustees of the University of the District of Columbia for the appointment of Dr. James E. Lyons, Sr., as Interim President for a period ending on or before August 31, 2015.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Employment Contract of Dr. James E. Lyons, Sr., as Interim President of the University of the District of Columbia Emergency Approval Act of 2014".

Sec. 2. (a) Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(c)(3)), and notwithstanding 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 the employment contract of Dr. James E. Lyons, Sr., which was transmitted to the Council by the University of the District of Columbia's Chairman of the Board of Trustees ("Board") on May 13, 2014, and which is reflected in the contract and resolution adopted by the Board at a meeting on January 28, 2014.

(b) The employment contract approved by subsection (a) of this section shall be retroactive to March 20, 2014.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the University of the District of Columbia Board of Trustees and the Mayor.

Sec. 4. Fiscal impact statement.


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

Sec. 5. Effective date.

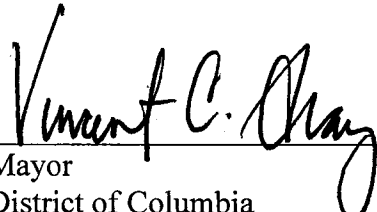
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 10, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 10, 2014

To approve, on an emergency basis, Contract No. NFPHC-208a to provide workers' compensation insurance for the Not-for-Profit Hospital Corporation ("NFPHC") and Contract No. NFPHC-208b to provide workers' compensation insurance for the NFPHC, and to authorize payment for the services received and to be received under the contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NFPHC Omnibus Employee Workers' Compensation Insurance Approval and Payment Authorization Emergency Act of 2014".

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 the following contracts, and authorizes payment as stated below:

(1) Contract No. NFPHC-208a (2012-2013 Policy) between NFPHC and National Union Fire Insurance Company of Pittsburgh, PA ("National"), to provide workers' compensation insurance to the NFPHC and payment in the amount of \$1,057,121 for services received under this contract from July 9, 2012, through July 9, 2013; and

(2) Contract No. NFPHC-208b (2013-2014 Policy) between the NFPHC and National to provide workers' compensation insurance to the NFPHC and payment in the amount of \$1,065,272 for services received and to be received under this contract from July 9, 2013, through July 9, 2014.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

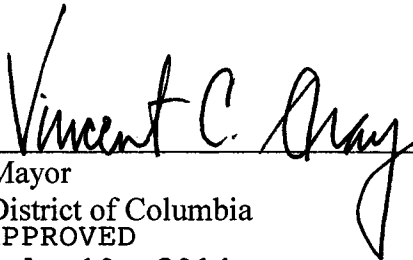
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 10, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 10, 2014

To approve, on an emergency basis, Contract No. NFPHC-207a to provide general liability, professional entity liability, professional physician liability, and excess coverage insurance for the Not-for-Profit Hospital Corporation ("NFPHC") and Contract No. NFPHC-207b to provide general liability, professional entity liability, professional physician liability, and excess coverage insurance for the NFPHC, and to authorize payment for the services received and to be received under the contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NFPHC Omnibus Liability Insurance Approval and Payment Authorization Emergency Act of 2014".

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 the following contracts, and authorizes payment as stated below:

(1) Contract No. NFPHC-207a (2012-2013 Policy) between NFPHC and Hiscox Insurance Company Ltd. ("Hiscox"), to provide general liability, professional entity liability, professional physician liability, and excess coverage insurance to the NFPHC and payment in the amount of \$1,606,500 for services received under this contract from November 23, 2012, through November 23, 2013; and

(2) Contract No. NFPHC-207b (2013-2014 Policy) between the NFPHC and Hiscox to provide general liability, professional entity liability, professional physician liability, and excess coverage insurance to the NFPHC and payment in the amount of \$1,606,500 for services received and to be received under this contract from November 23, 2013, through November 23, 2014.


Sec. 3. Fiscal impact statement.

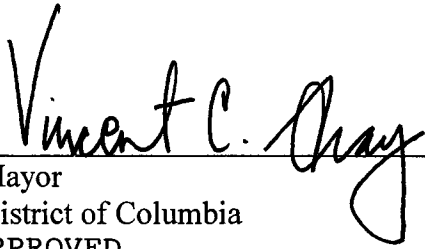
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 10, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-374IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 10, 2014

To declare the existence of an emergency with respect to the need to standardize licensing and registration application requirements using the Nationwide Mortgage Licensing System and Registry for all non-depository financial institutions regulated through the administration of the District of Columbia Banking Code, to require each applicant obtain a unique identifier from and apply through the Nationwide Mortgage Licensing System, to authorize the Commissioner to waive or modify any of the requirements of this act or other application requirements in the Banking Code and to establish new requirements as needed to participate in the Nationwide Mortgage Licensing System, to authorize use of the Nationwide Mortgage Licensing System for criminal history background checks and credit checks as necessary, to allow the Commissioner to share confidential information with specified third parties including the Nationwide Mortgage Licensing System, to authorize the Commissioner to contract with third parties to collect fees and share information and maintain records, to authorize license renewal and reinstatement periods, to provide for the payments of non-refundable application fees, to provide that the Commissioner shall report Banking Code violations and enforcement actions to the Nationwide Mortgage Licensing System, to require the Commissioner to establish an information challenge process for data entered into the Nationwide Mortgage Licensing System, and to provide that the Commissioner may promulgate regulations to implement the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nationwide Mortgage Licensing System Conformity Emergency Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Applicant" means a person filing an initial or renewal application for licensure or registration under the Banking Code.
- (2) "Application" means an initial or renewal application for licensure or registration under the Banking Code processed through the Department or its designee such as the NMLS or any other person or third party prescribed by the Commissioner.
- (3) "Banking Code" means the statutory provisions concerning banking and financial institutions which are codified in Title 26 of the District of Columbia Official Code, laws administered by the Commissioner, and rules and regulations promulgated under those statutory provisions and laws.

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(4) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(5) "Conference of State Bank Supervisors" or "CSBS" means the professional association of state officials responsible for chartering, regulating, and supervising state-chartered commercial and savings banks and state-licensed branches and agencies of foreign banks.

(6) "Department" means the Department of Insurance, Securities, and Banking.

(7) "Nationwide Mortgage Licensing System and Registry" or "NMLS" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors, the American Association of residential Mortgage Regulators, or their successors for the licensing and registration of persons engaged in the state-regulated financial service industries.

(8) "State Regulatory Registry, LLC" or "SRR" means the entity which owns and operates the NMLS, or its successors.

(9) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLS.

Sec. 3. Unique identifier required.

Each licensee and registrant under the Banking Code shall register with, and maintain, a valid unique identifier issued by the NMLS.

Sec. 4. Form and contents of application.

(a) An application shall be filed on a form prescribed by the Commissioner, including all information required by the Commissioner as set forth by statute or regulation.

(b) For purposes of participating in the NMLS, the Commissioner is authorized to waive or modify in whole or by part any statutory or regulatory requirements for applications in any provision of the Banking Code, and to establish new requirements as are reasonably necessary to participate in NMLS.

Sec. 5. Background checks.

The Commissioner may use the NMLS as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source as directed by the Commissioner.

Sec. 6. Confidential information.

To assist in the performance of the Commissioner's duties under this act, the Commissioner may:

(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with state, federal, and international regulatory agencies and law enforcement authorities, and with the CSBS, SRR, and NMLS, and their affiliates or subsidiaries; provided, that the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information;

ENROLLED ORIGINAL

(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, including confidential and privileged documents, materials, or other information, from state, federal, or international regulatory agencies or law enforcement authorities or from the CSBS, SRR, NMLS or their affiliates or subsidiaries, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or other information;

(3) Enter into agreements for sharing and using confidential information consistent with this act;

(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLS, and receive criminal history record information from, NMLS, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure or registration under the Banking Code; and

(5) Contract with a third party, including the SRR, the CSBS, or their affiliates or subsidiaries, to perform any functions, including the collection of licensing, registration, and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations-related activities covered under the Banking Code, that the Commissioner may consider appropriate.

Sec. 7. Renewal.

(a) A license or registration issued under this act shall expire on a date to be determined by the Commissioner. A license or registration may thereafter be renewed for one-year term extensions as provided by this section.

(b) Before a license expires, the applicant may renew the license or registration for additional one-year terms, if the applicant:

(1) Demonstrates that the applicant continues to meet the standards for licensing or registration under this act and under all relevant provisions of the Banking Code;

(2) Pays all applicable fees as prescribed by the Commissioner and all third-party fees; and

(3) Submits to the Commissioner a renewal application on the form that the Commissioner requires.

Sec. 8. Application fees.

(a) When filing an application, each applicant shall pay the applicable fees prescribed by the Commissioner and any third-party fees. Any fees paid in connection with the processing of an application shall be non-refundable.

(b) The Commissioner may, from time to time, increase or decrease the fees set forth in this section. The fees shall be fixed at such rates, and computed on such bases and in such manner as may, in the judgment of the Commissioner, be necessary to defray the approximate costs of carrying out the regulatory functions set forth in this act and the Banking Code. These

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fees shall not be abated or refunded by surrender, suspension, cancellation, or revocation of a registration.

Sec. 9. NMLS reporting requirements.

The Commissioner shall regularly report violations of the Banking Code, as well as enforcement actions and other relevant information, to the NMLS. The reports shall be subject to the provisions of section 6.

Sec. 10. NMLS information challenge process.

The Commissioner shall establish a process whereby applicants, licensees, and registrants may challenge information entered into the NMLS by the Commissioner.

Sec. 11. Authority of Commissioner to issue regulations.

The Commissioner may issue rules to implement the provisions of this act.

Sec. 12. Fiscal impact statement.

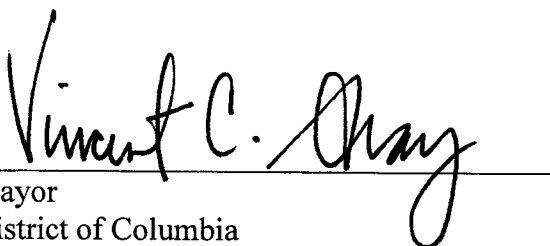
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 13. 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
July 10, 2014

AN ACT
D.C. ACT 20-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 11, 2014

To approve, on an emergency basis, the extension of Contract No. CFOPD-05-C-019 with ING Institutional Plan Services to continue to provide management, administration, investment, and trustee services for the District of Columbia’s 401(a) Defined Contribution Pension Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. CFOPD-05-C-019 Approval and Payment Authorization Emergency Act of 2014”.

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 the extension of Contract No. CFOPD-05-C-019 with ING Institutional Plan Services to continue to provide management, administration, investment, and trustee services for the District of Columbia’s 401(a) Defined Contribution Pension Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury and authorizes payment in the amount of \$3.5 million for the services received under this contract from July 14, 2013, through July 13, 2014.

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.

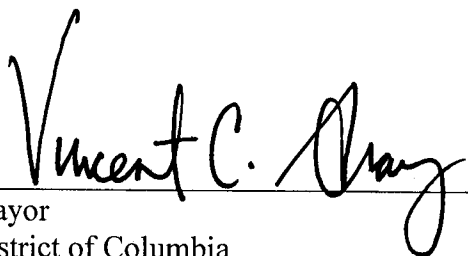
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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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
July 11, 2014

**COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after it is introduced.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILL

B20-863 Public Space Enforcement Amendment Act of 2014

Intro. 06-26-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

RESOLUTION

PR20-944 Medicaid 1915(i) State Plan Home and Community-Based Services
Administration and Operation Amendment Approval Resolution of 2014

Intro. 07-1-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

Council of the District of Columbia
Committee on Economic Development
Notice of Public Roundtable
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCES A PUBLIC ROUNDTABLE

In Re

Bill 20-805, the District of Columbia Soccer Stadium Development Act of 2014

On

**JULY 23, 2014
6:00 PM**

**THE REEVES CENTER, 2000 14TH STREET, NW, WASHINGTON, DC 20009
2ND FLOOR COMMUNITY ROOM**

On July 23, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public roundtable on the subject of Bill 20-805, the District of Columbia Soccer Stadium Development Act of 2014. The bill would, in part, authorize the mayor to dispose of District-owned land commonly known as the Reeves Center, acquire land at the proposed soccer stadium site at Buzzard Point, prepare the land for construction, lease the land to the D.C. United Soccer team, and require that D.C. United construct and operate a 20-25,000 seat soccer stadium for up to 45 years.

Development of such a large project will change the physical landscape of the community, and could affect how residents conduct their day-to-day lives and businesses. This public roundtable offers residents most likely to experience these changes, particularly as they relate to the redevelopment of the Reeves Center, an opportunity to participate in the legislative process at a time that is convenient for many work schedules, and at a location that is proximate to their homes. To facilitate community input, this roundtable will be held at 6:00 P.M. at the Reeves Municipal Center, 2000 14TH Street, NW, Washington, DC 20009, 2ND Floor Community Room.

Individuals and representatives of community organizations wishing to testify should contact Tsega Bekele, Legislative Counsel to the Committee on Economic Development,

at (202) 724-8052, or tbekele@dccouncil.us and furnish his or her name, address, telephone number, and organizational affiliation, if any, by the close of business on July 22, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard. Please provide the Committee with 20 copies of any written testimony.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Council of the District of Columbia
Committee on Economic Development
Notice of Public Roundtable
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCES A PUBLIC ROUNDTABLE

In Re

Bill 20-805, the District of Columbia Soccer Stadium Development Act of 2014

On

**JULY 24, 2014
6:00 PM**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS BUILDING
1100 4TH STREET, SW, WASHINGTON, DC 20024
SUITE E200**

On July 24, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public roundtable on the subject of Bill 20-805, the District of Columbia Soccer Stadium Development Act of 2014. The bill would, in part, authorize the mayor to dispose of District-owned land commonly known as the Reeves Center, acquire land at the proposed soccer stadium site at Buzzard Point, prepare the land for construction, lease the land to the D.C. United Soccer team, and require that D.C. United construct and operate a 20-25,000 seat soccer stadium for up to 45 years.

Development of such a large project will change the physical landscape of the community, and could affect how residents conduct their day-to-day lives and businesses. This public roundtable offers residents most likely to experience these changes, particularly as they relate to the redevelopment of Buzzard Point and construction of the stadium itself, an opportunity to participate in the legislative process at a time that is convenient for many work schedules, and at a location that is proximate to their homes. To facilitate community input, this roundtable will be held at 6:00 P.M. at the Department of Consumer and Regulatory Affairs, 1100 4th Street, SW, Washington, DC 20024, Suite E200.

Individuals and representatives of community organizations wishing to testify should contact Tsega Bekele, Legislative Counsel to the Committee on Economic Development, at (202) 724-8052, or tbekele@dccouncil.us and furnish his or her name, address, telephone number, and organizational affiliation, if any, by the close of business on July 23, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard. Please provide the Committee with 20 copies of any written testimony.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JULY 23, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short**

- | | |
|--|----------------|
| Protest Hearing (Status)
Case # 14-PRO-00041; Mythology, LLC, t/a Mythology & Lore, 816 H Street NE, License #95033, Retailer CT, ANC 6A
Application for a New License | 9:30 AM |
| Protest Hearing (Status)
Case # 14-PRO-00044; Big Chair Café, LLC, t/a Big Chair Coffee & Grill 2122 Martin Luther King Jr., Ave SE, License #85903, Retailer CR, ANC 8A
Substantial Change (Entertainment Endorsement and Summer Garden) | 9:30 AM |
| Protest Hearing (Status)
Case # 14-PRO-00027; Terminal Alley, LLC, t/a Terminal Alley, 3701 Benning Road NE, License #93986, Retailer CT, ANC 7F
Application for a New License | 9:30 AM |
| Protest Hearing (Status)
Case # 14-PRO-00042; Gallery O, LLC, t/a Gallery O on H, 1354 H Street NE License #94849, Retailer CX, ANC 6A
Application for a New License | 9:30 AM |
| Show Cause Hearing (Status)
Case # 13-251-00161; TRG, Inc., t/a Look, 1909 K Street NW, License #77812 Retailer CR, ANC 2B
Violation of Settlement Agreement | 9:30 AM |
| Show Cause Hearing (Status)
Case # 13-CC-00119; Chicago/Washington, DC, Inc., t/a Morton's The Steakhouse, 3251 Prospect Street NW, License #3880, Retailer CR, ANC 2E
Interfered with an Investigation | 9:30 AM |
| Show Cause Hearing (Status)
Case # 14-251-00058; Park Place, Inc., t/a The Park at 14 th , 920 14th Street NW License #75548, Retailer CN, ANC 2F
Failed to Follow Security Plan | 9:30 AM |

Board's Calendar
July 23, 2014

Show Cause Hearing (Status) 9:30 AM
Case # 14-251-00048; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose

Show Cause Hearing (Status) 9:30 AM
Case # 14-251-00085; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Allowed the use of Tobacco Products inside of the Establishment, Allowed a Controlled Substance to be used in the Establishment

Show Cause Hearing (Status) 9:30 AM
Case # 14-251-00089; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Permitted Alcohol Consumption Outside of the Establishment, Substantial Change In Operation Without Board Approval, Violation of Settlement Agreement, Allowed the use of Tobacco Products inside of the Establishment, Allowed a Controlled Substance to be used in the Establishment, Failed to take responsibility for Security

Show Cause Hearing (Status) 9:30 AM
Case # 14-CMP-00103; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement

Show Cause Hearing (Status) 9:30 AM
Case # 14-CMP-00110; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement

Show Cause Hearing (Status) 9:30 AM
Case # 14-CMP-00111; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement (three counts), Substantial Change In Operation Without Board Approval

Show Cause Hearing (Status) 9:30 AM
Case # 14-CMP-00117; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement

Board's Calendar
July 23, 2014

Show Cause Hearing (Status) **9:30 AM**
Case # 14-CMP-00118; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
Violation of Settlement Agreement

Show Cause Hearing* **10:00 AM**
Case # 13-AUD-00072; Izakaya, LLC, t/a Kushi Izakaya, 465 K Street NW
License #82439, Retailer CR, ANC 6E
Failed to File Quarterly Statements (2nd Quarter 2013)

Show Cause Hearing* **10:00 AM**
Case # 13-CMP-00473; Flora Restaurant & Lounge, LLC, t/a Ghion Restaurant
2010 9th Street NW, License #86205, Retailer CT, ANC 1B
**Operating After Hours, Substantial Change in Operations, Interfered with
an Investigation, Failed to Post License, Failed to Post Window Lettering**

Show Cause Hearing* **11:00 AM**
Case # 13-CMP-00476; Garay Corporation, t/a Corina's Restaurant, 831
Kennedy Street NW, License #79873, Retailer CR, ANC 4D
**Failed to File Quarterly Statements (1st Quarter 2013), Failed to Maintain
Books and Records.**

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Protest Hearing* **1:30 PM**
Case # 14-PRO-00035; M & I, LLC, t/a To be Determined, 637 Florida Ave
NW, License #94603, Retailer CT, ANC 1B
Application for a New License

Protest Hearing* **1:30 PM**
Case # 13-PRO-00150; Superclub Ibiza, LLC, t/a Ibiza, 1222 1st Street NE
License #74456, Retailer CN, ANC 6C
Application to Renew the License

Protest Hearing* **4:30 PM**
Case # 13-PRO-00020;The Stadium Group, LLC, t/a Stadium, 2127 Queen
Chapel Road NE, License #82005, Retailer CN, ANC 5C
Application to Renew the License (Reapplication)

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 18, 2014
Petition Date: September 2, 2014
Roll Call Hearing Date: September 15, 2014
Protest Hearing Date: November 5, 2014

License No.: ABRA-095964
Licensee: After Peacock Room, Inc.
Trade Name: After Peacock Room
License Class: Retailer's Class "C" Restaurant
Address: 2622 P Street, NW.
Contact: Kevin Lee: 703-941-3133

WARD 2

ANC 2E

SMD 2E06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on November 5, 2014 at 4:30pm.

NATURE OF OPERATION

New Restaurant/ Occupancy Load inside total 46

HOURS OF OPERATION

Sunday through Saturday: 10am – 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 10am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 18, 2014
Petition Date: September 2, 2014
Roll Call Hearing Date: September 15, 2014
Protest Hearing Date: November 5, 2014

License No.: ABRA-095965
Licensee: AN & JM LLC
Trade Name: To Be Determined
License Class: Retailer's Class "C" Restaurant
Address: 1513 Wisconsin Avenue, NW
Contact: Andrew Kline, 202-686-7600

WARD 2

ANC 2E

SMD 2E03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for November 5, 2014 at 1:30pm.

NATURE OF OPERATION

New restaurant serving Sushi. No entertainment, no dancing, and no nude performances. Seating is for 80 patrons. Total occupancy load is 110.

HOURS OF OPERATION

Sunday through Thursday 7am-2am, Friday and Saturday 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8am-2am, Friday and Saturday 8am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 18, 2014
Petition Date: September 2, 2014
Hearing Date: September 15, 2014
Protest Date: November 5, 2014

License No.: ABRA-095920
Licensee: Brightwood, L.L.C.
Trade Name: Brightwood Bar & Restaurant
License Class: Retail Class "C" Tavern
Address: 5501 14th Street, NW.
Contact: Michael Stone 202 679-6052

WARD 4

ANC 4A

SMD 4A07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for November 05, 2014 at 1:30pm.

NATURE OF OPERATION

New Tavern. Serving American Cuisine. Occupancy load is 295. Sidewalk Cafe

HOURS OF OPERATON

Sunday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

HOURS OF OPERATON FOR SIDEWALK CAFÉ

Sunday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

HOURS OF SALES/SERVICE/CONSUMPTION OF SIDEWALK CAFE (155 SEATS)

Sunday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 18, 2014
Petition Date: September 2, 2014
Roll Call Hearing Date: September 15, 2014
Protest Hearing Date: November 5, 2014

License No.: ABRA-095966
Licensee: FR & LH, LLC
Trade Name: To Be Determined
License Class: Retailer's Class "C" Restaurant
Address: 1515 Wisconsin Avenue, NW
Contact: Andrew Kline, 202-686-7600

WARD 2

ANC 2E

SMD 2E03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for November 5, 2014 at 4:30pm.

NATURE OF OPERATION

New restaurant serving Japanese type Teriyaki grilled food. No entertainment, no dancing, and no nude performances. Seating is for 50 patrons. Total occupancy load is 99.

HOURS OF OPERATION

Sunday through Thursday 7am-2am, Friday and Saturday 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8am-2am, Friday and Saturday 8am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 18, 2014
Petition Date: September 2, 2014
Hearing Date: September 15, 2014
Protest Hearing Date: November 5, 2014

License No.: ABRA-095833
Licensee: ESP 1522K Operator Inc.
Trade Name: Hyatt Place DC
License Class: Retailer's Class "C" Hotel
Address: 1522 K Street, NW
Contact: Michael Fonseca (202) 625-7700

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for November 5, 2014 at 1:30 pm.

NATURE OF OPERATION

Hotel with limited food menu service featuring a rooftop summer garden for private events use only. Background music will be provided. No nude performances.

HOURS OF OPERATION

Sunday through Saturday: 24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8 am – 12 am

HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/SUMMER GARDEN

Sunday through Saturday 8 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING****CORRECTION***

Posting Date: June 13, 2014
Petition Date: July 28, 2014
Hearing Date: August 11, 2014
Protest Date: October 1, 2014

License No.: ABRA-095410
Licensee: Four Kicks LLC
Trade Name: Lunchbox
License Class: Retail Class "C" Restaurant
Address: 5335 Wisconsin Avenue, N.W.
Contact: Hilda Staples 240 315-6177

WARD 3

ANC 3E

SMD 3E04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on October 1, 2014 at 1:30pm

NATURE OF OPERATION

New Restaurant. Fast and casual restaurant serving breakfast, lunch, and dinner. Occupancy load is 46.

HOURS OF OPERATON

Sunday through Saturday 7 am – 9:30 pm

HOURS OF SALES/SERVICE/CONSUMPTION

*Sunday through Saturday 8 am – 9:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 18, 2014
Petition Date: September 2, 2014
Hearing Date: September 15, 2014

License No.: ABRA- 085626
Licensee: PGT LLC
Trade Name: Public Tenley
License Class: Retail Class "C" Restaurant
Address: 4611 41st Street, NW
Contact: Stephen O'Brien 202-625-7700

WARD 3

ANC 3E

SMD 3E01

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial change to its nature of operation:

Change of Hours to the Premises, Summer Garden, Live Entertainment and Sidewalk Café.**CURRENT HOURS OF OPERATION/HOURS OF SALES/ SERVICE/CONSUMPTION/
SUMMER GARDEN/ SIDEWALK CAFE**

Sunday 10 am- 2 am

Monday through Thursday 5 pm-2 am

Friday through Saturday 5pm- 3 am

**PROPOSED HOURS OF OPERATION/HOURS OF SALES/SERVICE/CONSUMPTION/
SUMMER GARDEN/SIDEWALK CAFE**

Sunday through Thursday 10 am- 2 am

Friday through Saturday 10 am- 3 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm- 2 am

Friday through Saturday 6 pm- 3 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 10 am- 2 am

Friday through Saturday 10 am- 3 am

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING
AND
NOTICE TO COMMENT IN WRITINGWAP State Plan for Fiscal Year 2015
Weatherization Assistance Program**Hearing: Tuesday, July 29, 2014, 11:00 am**

District Department of the Environment
1200 First Street, NE, 5th Floor
NoMa-Gallaudet University Metro Stop, Washington, D.C.

Written Comments due by: July 30, 2014, 4:30 pm

The District Department of the Environment (“DDOE”) invites the public to present its feedback, input, and comments on the FY 2015 Draft State Plan for Weatherization Assistance Program. DDOE intends to review all components of the State Plan at the public hearing. Feedback may be expressed in person at the public hearing or in writing.

Authority for the program is provided by:

- District Department of the Environment Establishment Act of 2005, §§ 101 *et seq.*, effective February 15, 2006, as amended (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2008 Repl. & 2013 Supp.));
- District of Columbia Office of Energy Act of 1980, §§ 2 *et seq.*, effective March 4, 1981, as amended (D.C. Law 3-132; D.C. Official Code §§ 8-171.01 *et seq.* (2008 Repl. & 2013 Supp.));
- Clean and Affordable Energy Act of 2008, §§ 101 *et seq.*, effective Oct. 22, 2008, as amended (D.C. Law 17-250; D.C. Official Code §§ 8-1773.01, 8-1774.01 *et seq.* (2008 Repl. & 2013 Supp.)); and
- Mayor’s Order 2006-61, dated June 14, 2006, and its delegations of authority.

Comments may be provided in person or in writing. A person need not attend the public hearing in order to submit comments on a State Plan.

The public hearing will take place at the above-stated time and place. The public hearing will continue until the presiding officer determines that everyone has had a meaningful opportunity to be heard. The presiding officer may limit the time in which to comment. A person who is unavailable to arrive at the opening time may reserve a time to speak, by contacting DDOE, as

described below, in this notice. A person attending the public hearing should check in with the guard in the building lobby, then go to DDOE's reception desk on the 5th floor.

Written comments may be submitted directly to DDOE by mail, hand delivery, or email. Instructions for submitting written comments appear below, in this notice. DDOE will accept written comments until Wednesday, July 30, 2014 at 4:30 pm

Obtaining text of the State Plan for WAP. The document will be available at DDOE's website and from DDOE's offices, as described below in this notice. The document will become available on the DDOE web page, described below, in this notice, as follows:

The WAP Draft State plan on Friday, July 18, 2014, at noon.

A person may obtain a copy of the document by any of the following methods:

- Download, by visiting DDOE's website, ddoe.dc.gov. Look for the title/section, "EnergySmartDC", click on it, choose "Energy Assistance and Weatherization" and click on it. Page down to the section titled "Publications" to find the document's listing. Click on it. Follow the link to the document in PDF format, which can be downloaded;
- Email a request to WAPStatePlan.Year2015@dc.gov with "Request copy of WAP State Plan 2015" in the subject line;
- In person by making an appointment to examine a copy in DDOE's offices at the 5th floor reception desk at the street address below (call DDOE reception at 202-535-2600 and mention the State Plan by name). DDOE is located one block west of the NOMA Red Line Station, at the corner of M Street and First Street NE; or
- Mail, by writing to DDOE at 1200 First Street, N.E., 5th Floor, Washington, DC 20002, "Attn: Request copy of WAP State Plan 2015" on the outside of the letter.

The State Plan contact: For additional information regarding the public hearing or written comments please send an email to WAPStatePlan.Year2015@dc.gov.

DDOE appreciates the time, insight, and expertise that go into submitting comments. DDOE will carefully consider all of the comments that it receives.

Instructions for Submitting Written Comments

Written comments should: (1) identify the commenter, and commenter's organization, if any; (2) be clearly marked "WAP FY 2015", and be mailed or hand-delivered to DDOE Energy Administration, Energy Efficiency and Conservation Branch, 1200 First Street, N.E., 5th Floor Washington, DC 20002.

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 08-13: First Church of Christ, Scientist
1770 Euclid Street NW
Square 2560, Lot 872

Case No. 14-18: The Hawthorne School/Southeastern University
501 I Street SW
Square 498, Lot 52

The hearing will take place at **9:00 a.m. on Thursday, September 25, 2014**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PUBLIC HEARING ON****ESTABLISHMENT OF NEW CLASSIFICATION SYSTEM****Monday, July 28, 2014****11:00 a.m.**

One Judiciary Square Building
Old Council Chamber (First Floor)
441 4th Street, NW
Washington, DC 20001

The D.C. Department of Human Resources (DCHR) will hold a public hearing to receive comments on a proposed employment classification system for District personnel. The system will cover approximately 18,000 represented and non-represented employees, from all agencies under the personnel authority of the Mayor, in addition to several independent agencies. This excludes sworn members of the Metropolitan Police Department, firefighters in the Fire and Emergency Medical Services Department, and personnel in the D.C. Public Schools.

The hearing will begin at 11:00 a.m. in the Old Council Chamber of the One Judiciary Square Building, 441 4th Street, NW, Washington, DC 20001.

The proposed classification system will:

- Be independent of the Federal government's classification system;
- Be easier and more flexible to administer;
- Reduce the amount of time it takes to recruit and fill positions;
- Be automated and link seamlessly to the District's human resources management system, PeopleSoft System;
- Better represent the work performed by District government employees;
- Provide a common platform for organizing, assigning, and managing jobs;
- Identify career paths within the District government; and
- Ensure compensation is competitive, equitable, and fiscally sound.

DCHR invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Karla Kirby, Associate Director, Administration for Recruitment and Classification, at (202) 442-9700 or via e-mail at karla.kirby@dc.gov. Individuals and organizations will have three minutes to present their testimony. Witnesses should bring 2 copies of their written testimony and should submit a copy of their testimony electronically to classificationreform.dchr@dc.gov.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Kirby at One Judiciary Square Building, 441 4th Street, NW, Suite 330S, Washington, DC 20001. They may also be e-mailed to karla.kirby@dc.gov or faxed to (202) 727-8478. The record will close at the end of the business day on August 4, 2014.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the “Fiscal Year 2014 Budget Support Act of 2013”, effective December 24, 2013 (D.C. Law 20-0061; 60 DCR 12472 (September 6, 2013)), hereby gives notice of the adoption of the following amendments to Section 2405 of Chapter 24 (Choice in Drug Treatment) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Acting Director of the Department of Health originally adopted this emergency rule on August 15, 2013 and published it in the *D.C. Register* on August 23, 2013 at 60 DCR 12234. Since that time, the Department of Health Addiction Prevention and Recovery Administration merged with the Department of Mental Health into the new Department of Behavioral Health. The final rules amend the proof of residency requirements for participation in the Choice in Drug Treatment Program to harmonize residency requirements for substance abuse treatment with other behavioral health programs operated by the Department of Behavioral Health.

A Notice of Second Emergency and Proposed Rulemaking was adopted on March 18, 2014 and published in the *D.C. Register* on March 21, 2014 at 61 DCR 002479. No comments were received and no substantive changes were made. The rules were adopted as final on July 10, 2014 and will become effective upon publication of this notice in the *D.C. Register*.

Subsection 2405.1(a) of Chapter 24 (Choice in Drug Treatment), Title 29 (Public Welfare) of the DCMR is amended to read as follows:

- (a) The applicant shall provide proof of District residency by presenting one (1) of the following:
- (1) A valid motor vehicle operator’s permit issued by the District;
 - (2) A non-driver identification card issued by the District;
 - (3) A voter registration card with an address in the District;
 - (4) A copy of a lease or a rent receipt for real property located in the District;
 - (5) A water, gas, or electric bill in the applicant’s name for real property located in the District;
 - (6) A letter from a D.C. homeless shelter verifying that the shelter is a place of residence for an individual with the intent to remain in the District;
 - (7) A letter from a nonprofit agency verifying D.C. residency;
 - (8) Confirmation of District Medicaid eligibility;

- (9) For applicant's under the age of 18, verification from a custodial parent or legal guardian who resides in the District that the applicant is a District resident; or
- (10) Written verification by Child and Family Services Administration, Division of Youth Rehabilitation Services or Court Social Services that the applicant is in their care or custody.

9100 PROGRAM PURPOSE

9100.1 The United States Department of Housing and Urban Development (HUD) is conducting the Moving to Work (MTW) Housing Choice Voucher Program Rent Reform Demonstration program (Rent Reform Demonstration or Program), designed to implement and evaluate an alternative rent policy, implemented by several MTW agencies. DCHA has been selected to participate in the study, and as such, will modify its policies and rent calculations for a group of program participants (study group), and will compare the results to a group of program participants who are assisted under the rent policies used for all other DCHA assisted households (control group). The HUD Rent Reform Demonstration Program is designed to implement and study an alternative strategy to standard HUD operating rules for HCVP. The proposed alternative rent policies will include the following five key features:

- (a) Simplify income determination and rent calculation of the household's Total Tenant Payment (TTP) and subsidy amount by:
 1. Eliminating deductions and allowances,
 2. Changing the percent of income used to calculate the total tenant payment from 30% of adjusted income to a maximum of 28% of gross income,
 3. Ignoring income from assets when the asset value is less than \$25,000, and
 4. Using retrospective income, *i.e.*, 12-month "look-back" period and, in some cases, current/anticipated income in estimating a household's TTP and subsidy.
- (b) Conduct triennial income recertification rather than biennial recertification with provisions for interim recertification and hardship waivers if income decreases.
- (c) Streamline interim certifications to eliminate income review for most household composition changes and moves to new units.
- (d) Require that the family rent to owner is the greater of 28% of gross monthly income or at least the minimum rent of \$75.
- (e) Simplify the policy for determining utility allowances.
- (f) Additionally, the program will offer appropriate hardship protections to prevent any participant in the study group from being unduly impacted as discussed in Section 9118.

9101 SELECTION OF STUDY GROUP AND CONTROL GROUP

9101.1 Program participants will be selected from among current HCVP participant families, using a random assignment methodology. Households will be selected for either the experimental or control groups prior to their scheduled recertification interview.

9101.2 The following households will be excluded from the study:

- (a) Elderly as defined in this chapter
- (b) Disabled
- (c) Project Based Voucher
- (d) VASH (Veteran's Administration Supportive Vouchers) Voucher
- (e) Enhanced Voucher
- (f) Moderate Rehabilitation/Single Room Occupancy (SRO)
- (g) Family Self-Sufficiency (FSS) program participants
- (h) Households exercising the portability option
- (i) Households who end participation in the program (either voluntarily or involuntarily)
- (j) Mixed households of eligible and non-eligible household members

9102 ENROLLMENT

9102.1 Once a participant is enrolled in the study group and has begun receiving assistance using the alternative rent policy, the following regularly scheduled events shall occur:

- (a) Triennial recertification, at which time income is calculated and total tenant payment and family rent to owner are determined,
- (b) Interim recertifications, limited to no more than one participant initiated interim per year except in the case of a hardship waiver.

9102.2 At initial enrollment, the household may be provided with a temporary Total Tenant Payment, pursuant to Section 9110.

9103 ANNUAL INCOME

9103.1 For the purposes of determining all forms of income for families participating in the program, DCHA shall follow HUD requirements to verify income, but will calculate and treat gross annual income as follows:

- (a) To establish annual gross income for the three year certification period, DCHA will review the total household income without deductions for the twelve-month period prior to recertification, *i.e.*, the “retrospective income.” The household’s TTP will depend on its retrospective income during a 12 month “look back” period.
- (b) If, at the initial enrollment/ recertification, the household’s current/ anticipated income is less than its retrospective income by more than 10%, a “temporary” TTP based on current income alone will be set for a six month grace period.
- (c) If, at the initial triennial certification only (this is a one-time reduction for a household), the childcare expense exceeds \$200 per month, the gross income will be reduced by a deduction of reasonable childcare costs above the \$200 per month, to create a “temporary” TTP for a six month grace period. After the grace period, the TTP will revert to the amount based upon the previously determined average retrospective income.
- (d) Income recalculations will be initiated by DCHA only triennially.
- (e) If the household reports a decrease in income or a change in household composition that requires a recalculation of the family’s share of rent, the annual income can be recalculated once per year pursuant to Section 9113.

9104 UTILITY PAYMENTS AND REIMBURSEMENTS

9104.1 DCHA, under its MTW Authority, established its “Simplified Utility Allowance Schedule.” The calculation of the Utility Allowance and Reimbursements shall be in accordance with Sections 5311 and 5322 of Title 14, pursuant to DCHA Moving To Work authority.

9104.2 If, when the utility allowance is subtracted from the household’s TTP, the family rent to owner is lower than the minimum rent of \$75; the utility allowance will be partially reimbursed to the family through a deposit on the utility reimbursement debit card provided by DCHA. The amount of the deposit on the utility reimbursement debit card shall be the total utility allowance minus the difference

between the TTP and the minimum rent of \$75. Under these circumstances the family will be responsible to pay the owner \$75 rent each month.

9105 APPLYING UTILITY ALLOWANCES

9105.1 A DCHA-established utility allowance schedule is used in determining Family Share and HAP. DCHA shall use the appropriate utility for the lesser of the dwelling unit actually leased by a family or the voucher unit size for which the Family qualifies using DCHA subsidy standards.

9105.2 When utility schedules are updated to reflect rate changes, utility allowances (and UAPs) will be adjusted only when HAP subsidies or TTPs are recalculated for other reasons. More specifically, updated utility schedules will be applied when households: (1) face a contract rent change, (2) have their TTPs recalculated during interim or triennial recertifications, (3) move to new units, **or** (4) have a change in household composition requiring a change in voucher size.

9106 UTILITY ALLOWANCES

9106.1 Pursuant to Section 5311, the allowances are based on actual rates and average consumption estimates, not on a family's energy consumption.

9106.2 The utility allowance is applied as follows:

- (a) as a reduction in the family's portion of rent;
- (b) as a subsidy allowance to the family through the use of a utility debit card;
or
- (c) in some cases, both.

9106.3 When the family's TTP minus the utility allowance plus any amount of gross rent above the payment standard exceeds the minimum rent of \$75, the utility allowance is given as a reduction in TTP.

9106.4 If, when the utility allowance is subtracted from the family's TTP, the family rent to owner is less than the minimum rent of \$75, the family is required to pay the minimum rent of \$75, and the utility allowance will be partially provided to the family through the use of a utility debit card. The amount of the deposit on the utility reimbursement debit card shall be the total utility allowance minus the difference between the TTP and the minimum rent of \$75.

9107 ADJUSTED INCOME AND DETERMINATION OF RENT

9107.1 The alternative rent policy does not use adjusted income to calculate rent and Housing Assistance Payment (HAP); therefore there are no deductions or

allowances applied to the gross income calculated in accordance with Section 5306, and with the following exception:

- (a) As provided under Subsection 9103.1 at the initial triennial recertification only, households whose child care expenses exceed \$200 a month, gross income is reduced temporarily (for 6 months), by the amount of reasonable childcare costs above the \$200 per month.

9108 OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

9108.1 In order to calculate family rent to owner for the Rent Reform Demonstration, DCHA shall calculate annual income and the TTP pursuant to Section 9107, but will require the family rent to owner to be at least 28% of gross income, or the minimum rent of \$75, whichever amount is greater.

9108.2 DCHA has established a hardship policy that will provide relief to families experiencing hardship in paying their rent. The hardship policy is described in Section 9118.

9109 DCHA'S HOUSING ASSISTANCE PAYMENT

9109.1 DCHA shall pay a monthly HAP for a family that is equal to the lower of the applicable payment standard or the gross rent, minus the greater of the family's TTP or the minimum rent of \$75.

9109.2 If a Family chooses a unit with a gross rent that exceeds DCHA's applicable payment standard, the family rent to owner will include the amount by which the gross rent exceeds the payment standard.

9109.3 At initial occupancy, DCHA may not approve the tenancy if it would require the family share to exceed forty percent (40%) of the family's gross monthly income.

9110 DELAYED FAMILY SHARE AT INITIAL CERTIFICATION UNDER THE RENT REFORM DEMONSTRATION

9110.1 To help protect households from unreasonable increases in TTP when the alternative rent policy is implemented, the following safeguards will apply:

- (a) When a household's anticipated monthly income for the coming year is substantially lower (*i.e.*, by more than 10 percent) than its retrospective monthly income for the past year, a "temporary" TTP based on the anticipated income (or the minimum rent, whichever is higher) will be set for a six-month "grace period." This grace period will only apply, at the beginning of the three-year period and at any subsequent triennial recertifications.

- (b) At the end of the six-month grace period, unless the household qualifies

for an interim recertification (see below), the temporary TTP will expire, and the household will be switched automatically to the “regular” TTP amount that was previously determined based on retrospective income. No interim is required or offered.

- (c) If, however, at the end of the grace period, the household has not fully restored its income to the original retrospective gross income level, the household may request and will be granted an interim recertification interview. The new 12-month look-back period for that interim recertification (counting back from the end of the grace period) will take into account the more recent period of lower income. The new TTP calculated at this interim will apply until the next triennial recertification, unless an intervening interim recertification is required or the family receives a lower TTP as part of a hardship waiver.
- (d) If this interim recertification (after the grace period) results in a new TTP that is higher than the grace-period temporary TTP, the Family may qualify for a hardship waiver pursuant to Section 9118.
- (e) If a working-age/non-disabled household that is enrolled in the Rent Reform Demonstration subsequently becomes a fixed-income household due to disability by the time of its next triennial recertification, its new TTP will be based on its fixed current/anticipated gross income.

9111 CHANGES IN FAMILY SHARE AND HOUSING ASSISTANCE PAYMENTS

- 9111.1 Households are not required to report changes in income during the three-year period between recertifications; however, they must report changes in household composition. This includes both additions and removals of members (including the death of any member) to the household, so that DCHA may determine continued eligibility for housing assistance.
- 9111.2 Unless the addition or change in members results in a required change in the voucher bedroom size, no income information will be requested.
- 9111.3 If the removal of a household member results in a decrease in income, the household may request an interim certification to reset the TTP. If the loss of income causes the household’s retrospective income to drop by more than 10 percent of its previously established retrospective income level, the TTP shall be reset.
- 9111.4 If the addition or removal of a household member results in a change in the appropriate voucher bedroom size, DCHA will review the income of the new or removed member only, apply the appropriate utility allowance for the bedroom size and will reset the TTP. If there is a reduction in subsidy or increase in family

share, DCHA will automatically grant a one-time hardship for six months to allow the Family to move to an affordable unit.

9112 TRIENNIAL RECERTIFICATION OF INCOME

9112.1 Families shall be required to provide information on household income, assets valued at \$25,000 or more and family composition triennially (every three years).

9112.2 Triennial recertification for midmonth move-ins (*e.g.*, September 15th) shall be conducted no later than the third following year by the first of the move-in month (*e.g.*, September 1).

9112.3 When families move to another dwelling unit, the family will not be required to complete an interim recertification unless the household composition has changed and the family member who was added or removed had income counted in the last triennial recertification. The family rent to owner will be the TTP calculated using the family's most recent interim or scheduled recertification, together with the utility allowance and contract rent applicable to the new dwelling unit.

9113 RECERTIFICATION NOTICE TO THE FAMILY

9113.1 In accordance with Subsection 5313.1, DCHA shall maintain a recertification tracking system that shall ensure that at least one hundred fifty (150) days in advance of the scheduled triennial recertification effective date, the Head of Household shall be notified by mail that she or he is required to attend a recertification interview on a specified date, or rearrange a date in advance, if the scheduled date is unacceptable. The notice shall tell the participant which documents to bring. Except for the timing of the recertification appointment, all other procedures required by Sections 5313 and 5805 will be followed.

9114 INTERIM RECERTIFICATIONS

9114.1 Interim recertifications in the Rent Reform Demonstration are limited in frequency and scope.

9114.2 Families are not required to report increases in income between triennial recertifications.

9114.3 Family's may request and receive an interim reduction in rent:

(a) When their income falls, households may request, an interim recertification of their income. An interim will be conducted only when a household has a reduction in income of 10% or more from the retrospective income used to calculate their TTP.

(b) DCHA will re-calculate the household TTP based on a new retrospective

income to determine the greater of 28% of gross income or the minimum rent of \$75. This new TTP will remain in effect until the next triennial certification unless an interim recertification is required or the family receives a lower TTP as part of a hardship waiver.

- (c) The household may request and receive one interim recertification per year, unless an additional interim recertification is granted as part of a hardship waiver.

9114.4 Households are required to report changes in household composition within thirty (30) calendar days of the change in household composition.

9114.5 Households seeking to move to a new unit will not be required to complete an interim review of income and have TTP recalculated, unless the move is the result of a change in household composition and voucher size (as described above), or when the tenant requests an interim due to a decrease in income. The family rent to owner will be calculated using the family's most recent interim or scheduled recertification TTP, together with the utility allowance and contract rent applicable to the new dwelling unit.

9114.6 When the utility allowance schedule is updated to reflect rate changes, utility allowances and utility allowance payments (UAPs) will be adjusted only when HAP subsidies or TTPs are recalculated for other reasons. More specifically, updated utility schedules will be applied when households:

- (a) Experience a change in unit rent; or
- (b) Recertify and the TTP is recalculated during interim or triennial; or
- (c) Move to a new units, or
- (d) Change the household composition and qualify for a different voucher size.

9114.7 DCHA will conduct a third party verification every ninety days for those families who report zero income and initiate an interim recertification.

9115 ASSETS

9115.1 Households will not be required to report the value or income from assets that are valued at less than \$25,000, but will be required to certify that their combined asset value is under \$25,000. This income will not be included in the income calculated to determine TTP. If a household has assets that are \$25,000 or more, they will be required to report this information, and the income from assets will be calculated.

9116 FAMILY MOVES

- 9116.1 Family moves for participants (Control and Study Group) who are in the MTW Rent Reform Demonstration shall be governed by this chapter only.
- 9116.2 DCHA shall not approve requests to move a Family more than once in a twelve (12) month period unless one of the following exceptions applies:
- (a) A victim or Family seeks to move under the protections enumerated in the VAWA;
 - (b) DCHA terminates the HAP contract with the owner;
 - (c) The move is necessary to grant a request for a reasonable accommodation;
 - (d) A transfer voucher is granted as part of a hardship waiver; or
 - (e) DCHA has determined, in its sole discretion, that one or more of the following emergency situations applies:
 - (1) There is a creditable threat of domestic violence or need for witness protection in connection with the Household that may be mitigated by a move;
 - (2) There are serious unresolved Housing Quality Standard landlord violations in the Participant Household's existing leased unit;
 - (3) Other emergency factors acceptable to DCHA have been identified by the Participant Household.
- 9116.3 Families may only request a Voucher transfer briefing if the Family:
- (a) Has lived in their unit for at least a year;
 - (b) Has not been terminated or is not currently being recommended for termination;
 - (c) Is in good standing with the lease in the current unit (no outstanding rent or tenant-responsible utility bills); and
 - (d) Does not have any current tenant-caused HQs violations in their existing unit.
- 9116.4 If the request is timely and granted, a Family shall receive no more than two (2) transfer vouchers and two (2) transfer briefings between every triennial recertification.

9116.5 Notwithstanding Sections 9116.3 and 9116.4, Families shall be issued a transfer voucher as an emergency if one (1) or more of the following conditions apply:

- (a) The Family has demonstrated a need based on the protections for victims of intrafamily violence as explained in Section 4907 of Title 14;
- (b) DCHA has terminated the HAP contract with the Family's landlord;
- (c) The Owner has initiated eviction proceedings against the Family;
- (d) Emergency Transfer was granted after request from the Office of the Attorney General or the United States Attorney's Office as a matter of safety;
- (e) If DCHA determines the family voucher size is too large, and the Family is not within the first year of tenancy; or
- (f) The family has been granted a transfer voucher as part of a hardship waiver.

9116.6 Transfer Vouchers.

- (a) For a Family that qualifies for a move under this section, the Participant Household shall be offered a Transfer Voucher to search for another unit.
- (b) The Transfer Voucher shall expire at the earlier of 180 days from the date of its issuance, or the date DCHA has terminated the Housing Assistance Contract on the Family existing unit with notice to the Household,
- (c) Any denial or refusal to issue a Transfer Voucher shall be issued in writing and state the reasons for such denial, including the specific nature of any denial due to any violation of Family Obligations or failure to be in good standing.

9116.7 Processing the Move. After issuance of a Transfer Voucher, if the Family locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:

- (a) Provision of a lease-up packet when the Transfer Voucher is issued;
- (b) Inspection of the new unit for compliance with HQS; and
- (c) Approval of the lease-up lease package, including the lease and the lease terms including the gross rent and the contract rent subject to a rent reasonableness determination.

9116.8 Failure to Relocate. After a Transfer Voucher is issued, if the Family does not locate a new dwelling unit to move to:

- (a) The Family may continue on where it is currently leasing, provided that:
 - (1) The Family has not yet given notice to terminate their lease to the owner; or
 - (2) The Family has delivered to the owner a notice rescinding the earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and
 - (3) The HAP Contract has not otherwise been terminated by DCHA.
- (b) The Family is not required to provide new lease-up or other documents to DCHA and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the Transfer Voucher.
- (c) The Family's prior Total Tenant Payment continues in effect.

9116.9 Future Moves. If a Family decides to move at a future date while the Transfer Voucher is still in effect, or upon obtaining another Transfer Voucher, the Family is required to:

- (a) Give the Owner notice as provided under the lease or otherwise by mutual consent with the Owner permitting termination of the existing lease; or
- (b) If the Transfer Voucher has expired, the Family is required to request a Transfer Voucher under the conditions identified in Subsection 9116.3.

9117 PORTABILITY PROCEDURES

9117.1 If, at the time of their triennial certification, households report that they are interested in exercising their portability option to move to another jurisdiction, they will be referred to the appropriate receiving PHA, and will not be included in the rent reform study. Another family will be selected to replace the household porting out.

9118 HARDSHIP WAIVER POLICY

9118.1 A Family may request a Hardship waiver at any time if the family can demonstrate one of the following circumstances listed below. If the family receives a temporary TTP during the initial grace period, then the family may request a hardship waiver within 15 days before the expiration of the initial grace period or thereafter.

- (a) After the effective date of the TTP, the new TTP has put the Family at imminent risk of eviction as a result of non-payment of rent, and the hardship cannot be remedied by the one interim recertification permitted each year (which cannot reduce a household's TTP below the minimum level);
- (b) The Family is at an income level or experiences a loss of income and/or a TTP increase such that its total monthly TTP exceeds 40 percent of its current monthly gross income. Any amount by which the gross rent exceeds the payment standard must be paid by the family and is not used in determining this 40% rent burden. The gross income will include imputed income in the same manner as current calculations;
- (c) Zero household income;
- (d) Loss of eligibility for a federal state, or local assistance program which reduces the Family income such that the total monthly TTP exceeds 40 percent of its current monthly gross income;
- (e) Temporary or permanent disability, incapacitation or illness, or death of a household member, which reduces the Family income such that the total monthly TTP exceeds 40 percent of its current monthly gross income; or
- (f) Significant income loss because of other changed circumstances, including the loss of employment, reduction in work hours or pay, or loss of public benefits.
- (g) Other circumstances as determined by DCHA.

9118.2 The process for requesting a Hardship Waiver is as follows:

- (a) The Head of Household must initiate a request for a Hardship Waiver by completing and submitting a written hardship request to the Housing Choice Voucher Program within 30 days of a Notice to Cure or Vacate or a Complaint for possession of the unit received showing an eviction risk (or negative impact on the Family);
- (b) The Head of Household must supply information and documentation that supports a hardship claim with their written request. For example, a household must provide proof of the following: loss of eligibility for a

federal state, or local assistance program; loss of employment, reduction in work hours, or loss of federal, state or local assistance; or the temporary or permanent disability, incapacitation or illness, or death of a household member and amount of lost income;

- (c) If the Head of Household claims zero household income as part of its hardship request, it must provide a detailed accounting of funds used to cover basic costs of living (food, personal/family care necessities, etc.);
- (d) To receive hardship based on the risk of eviction for non-payment of rent, a household must provide a copy of a rent ledger showing an accruing balance, a notice from the landlord, a 30 day Notice to Vacate or Cure or a Summons and Complaint from the landlord for non-payment of rent or any other proof acceptable to DCHA;
- (e) To receive hardship based on the risk of utility shut-off, a household must provide a copy of a shut-off notice, a recent bill from the utility company showing an accruing balance, a notice from the landlord, or any other proof acceptable to DCHA.

9118.3 The Hardship Review Process is as follows:

- (a) DCHA will review the Hardship Request in accordance with this section and provide written notice to the Head of Household within ten (10) business days of its decision to grant the Hardship requests;
- (b) DCHA will complete all information regarding the request for Hardship and the outcome in the Head of Household file;
- (c) Where a hardship waiver is denied, the household may request an independent review of DCHA's denial to the Director of the Housing Choice Program or his/her designee.
- (d) For hardship claims related to imminent risk of eviction or utility shut-off, DCHA will conduct an expedited independent review.

9118.4 At the sole discretion of DCHA, the Hardship Remedies may include any of the following:

- (a) Allowing an additional interim recertification beyond the normal one-per-year option. This could lower household's TTP, which includes lowering the minimum rent until the next triennial recertification;
- (b) Setting the household's TTP below the minimum, at 28 percent of current income, for up to 180 days;

- (c) Offering a “transfer voucher” to support a move to a more affordable unit (including a unit with lower utility expenses); or
- (d) Any combination of the above remedies.

9118.5 During the 180 day period when the TTP is reduced, DCHA will recalculate the subsidy payment based on the reduced TTP. DCHA will notify the Landlord and the Head of Household of the change in subsidy payment.

9118.6 In addition to the remedy or remedies offered, the Head of Household may be referred to federal, state or local assistance programs to apply for assistance, or to obtain verification that they are ineligible to receive benefits.

9118.7 The Hardship remedies are subject to the following limitations:

- (a) The new Family rent to owner will be effective on the 1st of the following month after approval;
- (b) Remedies will not affect any rent attributable to a gross rent that exceeds the applicable payment standard;
- (c) Opting out of the alternative rent policy is not a remedy option.

9118.8 Expiration of the Hardship Waiver Period:

- (a) If after the 180-day Hardship period expires and the Family’s hardship continues, the Family may submit a request for an extension of the hardship remedy. However, the hardship waiver will never go past the triennial recertification date;
- (b) At the end of the hardship waiver period, the household’s regular TTP will be reinstated.

9999 DEFINITIONS

Control Group – HCVP participants who are randomly selected for the program, but have their vouchers administered pursuant to the existing DCHA HCVP Administrative Plan. These families will be followed for the entire length of the program and their progress toward self-sufficiency will be compared to the study group.

Current/Anticipated Income – Prospective annual income based upon the earnings and benefits received at the time of the certification. It may be used in calculating income used to determine TTP in certain circumstances.

Elderly Household - Elderly households are defined, for the purposes of participation in the Rent Reform Demonstration, (both the experimental and control groups), as households whose head, spouse or sole member is 56 years or older at the time the family would enter the study group.

Family Share - The Family Share is calculated by subtracting the amount of the total housing assistance payment (HAP) from gross rent.

Interim Recertification – a certification of a household’s income that occurs in between regularly scheduled triennial recertification. Households may request one interim recertification if they experience a reduction in income each year.

Minimum Rent – The minimum amount a Head of Household must contribute toward their lease rent. This amount must be paid directly to the owner each month, even if 28% of monthly income is less than the minimum rent. The minimum rent for study participants is \$75.

Rent Reform Demonstration – a study commissioned by the U.S. Department of Housing and Urban Development (HUD) to evaluate a Housing Choice Voucher (HCVP) alternative rent reform policy. The demonstration implements alternative rent calculations and recertification strategies at several PHAs across the country in order to fully test the policies. DCHA is one of the participants in the study.

Rent Burden – When a family is initially certified for the Rent Reform Demonstration, and when they move to a new unit, the maximum rent burden is 40% of the household’s gross monthly income. If the family’s TTP exceeds this amount, the unit will be disapproved. This maximum rent burden does not apply in future certifications if the household remains in the same unit.

Rent to Owner - The amount payable monthly by the Family as rent to the unit owner which equals the TTP minus the utility allowance, if applicable. However, if the Family Share is less than the Minimum Rent the rent to owner equals minimum rent.

Retrospective Income – Total household income that was received in the 12 month (look-back) period prior to the recertification being conducted.

Study Group - HCVP Participants who are randomly selected for the program and will have the alternative rent policies of the Rent Reform Demonstration applied to their subsidy participation. This family will be followed for the entire length of the program and their progress toward self-sufficiency will be compared to the control group.

Temporary Total Tenant Payment – a Total Tenant Payment set for a six-month grace period.

Total Tenant Payment (TTP) – The TTP is 28% of the Family gross income or minimum rent, whichever is higher.

Triennial Recertification – certification of a household's income and family composition that is used to establish the household's TTP three years from the date of the initial recertification for entry into this program.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Karen Harris at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599, or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Karen Harris at: PublicationComments@dchousing.org.
3. No facsimile will be accepted.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority ("DCHA"), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000, as amended (D.C. Law 13-105; DC Official Code § 6-203 (2012 Repl.)), gives notice of its intent to adopt the following proposed amendments to Chapter 93 (Partnership Program for Affordable Housing) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rulemaking is to amend the existing regulations in order to facilitate the production and operation of affordable housing for extremely low income persons in the District of Columbia, by combining the Local Rent Supplement Program and the Low Rent Housing Program through the administration of the Partnership Program for Affordable Housing.

The Board of Commissioners also gives notice of its intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 93 (Partnership Program for Affordable Housing), of Title 14 (Housing) is amended as follows:

Subsection 9300.1 is amended by adding the following Subsection 9300.1(g) in its entirety, as follows:

- (g) As provided in 14 DCMR § 9313, where low rent housing operating assistance alone does not make the rental units affordable to income eligible households unless prohibited or determined by DCHA or HUD otherwise.

Subsection 9305.1(h) is deleted in its entirety and amended by adding the following Subsection 9305.1(h) in its entirety, as follows:

- (h) Units subsidized with any District of Columbia rent subsidy except as provided in 14 DCMR § 9313.2.

Chapter 93 (Partnership Program for Affordable Housing), of Title 14 (Housing) is amended by adding the following Section 9313 (Units Funded with Local Rent Supplement Program under Section 9504 and Low Rent Housing Operating Assistance) in its entirety, as follows:

9313 Units Funded with Local Rent Supplement Program under Section 9504 and Low Rent Housing Operating Assistance

9313.1 For any projects awarded funding pursuant to 14 DCMR § 9504 to be used in combination with low rent housing operating assistance administered in accordance with Title 14, such project shall be administered in accordance with

the low rent housing program as provided in 14 DCMR § 6113 so long as it is not inconsistent with Chapters 93 and 95.

- 9313.2 Units that receive low rent housing operating assistance administered in accordance with Title 14 and assistance under 14 DCMR § 9504, such units shall not be determined to receive duplicative federal housing subsidy if the total revenue per unit does not exceed the rent amount as provided in 14 DCMR § 9303.3.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Karen Harris at the Office of General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599, or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above-referenced title and must include the phrase "Comments to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Karen Harris at: PublicationComments@dchousing.org
3. No facsimile will be accepted.

Comments Due Date: August 18, 2014

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b)(2012 Repl.)) hereby gives notice of the adoption of emergency and proposed rules to amend existing Subsection 718.2 of Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The amendment increases the number of days covered by the Reimbursable Detail Subsidy Program (Program) from two to seven days a week. The rules would also allow reimbursement under the Program for certain Special Events.

By way of background, these rules were last modified by the Board in September 2013 to allow for reimbursement under the Program for hours worked on District or Federal holidays in addition to Friday and Saturday nights. The expansion of the Program resulted from the Board's implementation of the Fiscal Year 2013 Budget Support Act of 2012, which allowed eligible on-premise licensees to sell and serve alcoholic beverages until 4:00 a.m. and operate 24 hours a day on District or Federal holidays and certain holiday weekends. As a result of this additional hour of alcohol sales on District or Federal holidays and certain holiday weekends, the Board also made the subsidy available to on-premise licensees until 5 a.m.

Given the importance of this Program to public safety, the Board regularly monitors the Program's funding to make adjustments for the distribution of subsidies to cover the costs incurred by Alcoholic Beverage Control (ABC) licensees for MPD officers working reimbursable details under the Program.

On June 11, 2014, the Board reconsidered the existing subsidy coverage because adequate funding is available in ABRA's Fiscal Year 2014 budget to expand the distribution of subsidies paid by ABRA to MPD under the Program from two days a week to seven days. The expansion of the Program also allows for reimbursable detail coverage for certain Special Events. Special Events are deemed to be those events sponsored by a Licensee who has already received approval from the Board for a One Day Substantial Change License or a Temporary License. The hours per day covered by the Program under existing rules would remain the same.

This emergency action is necessary to immediately expand the Program for the remainder of fiscal year 2014, most notably the summer months where public safety is at greater risk. This subsidy assists licensed establishments to defray the costs of retaining off-duty MPD officers to patrol the surrounding area of an establishment for the purpose of maintaining public safety, including the remediation of traffic congestion and the safety of public patrons, during their approach and departure from the establishment.

These emergency rules were adopted by the Board on June 11, 2014, by a seven (7) to zero (0) vote. The rules will become effective on July 1, 2014. The emergency rules will expire one

hundred twenty (120) days from the date these rules are adopted or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not fewer than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 25-211(b)(2)(2012 Repl.), these emergency and proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

Section 718, REIMBURSABLE DETAIL SUBSIDY PROGRAM, of Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended by replacing Subsection 718.2 to read as follows:

718.2 ABRA will reimburse MPD fifty percent (50%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights, and on Special Events where the Licensee has already been approved for a One Day Substantial Change License or a Temporary License. The hours eligible for reimbursement shall be 11:30 p.m. to 5:00 a.m. MPD shall submit to ABRA on a monthly basis invoices documenting the fifty percent (50%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to martha.jenkins@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-158
July 9, 2014

SUBJECT: Reappointments and Appointments – District of Columbia Interagency Coordinating Council (DC ICC)

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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 (2012 Repl.), in accordance with the Individuals with Disabilities Education Act (IDEA), Pub. L. 94-142, as amended, applies the federal regulations, and Mayor's Order 2012-49, dated April 5, 2012, as amended by Mayor's Order 2013-053, dated March 4, 2013, it is hereby **ORDERED** that:

1. **ROYACE J. HAGLER** is re-appointed, as a representative from a Head Start agency member to the District of Columbia Interagency Coordinating Council ("Council"), for a term to end May 3, 2017.
2. **TOM-TSVI M. JAWETZ** is re-appointed, as a parent of an infant or toddler with a disability or child with a disability aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities member to the Council, for a term to end May 3, 2017.
3. **JENNIFER LEWIS** is re-appointed as a parent of an infant or toddler with a disability or child with a disability aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities member to the Council, for a term to end May 3, 2017.
4. **KAREN MAZIE** is appointed, as a parent of an infant or toddler with a disability or child with a disability aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities member to the Council, replacing Yetta Myrick, for a term to end May 3, 2017.
5. **PAMELA BEUTHE** is appointed, as a public or private provider of early intervention services representative member to the Council, for a term to end May 3, 2017.

6. **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 2014-159
July 9, 2014


SUBJECT: Reappointment – Board of Audiology and Speech-Language Pathology

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 Repl.), and in accordance with section 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.18 (2012 Repl.), it is hereby **ORDERED** that:

1. **STEPHANIE MARSHALL** is reappointed as a practicing audiologist member of the Board of Audiology and Speech-Language Pathology, for a term to end April 14, 2017.
2. **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 2014-160
July 9, 2014


SUBJECT: Reappointment – Advisory Committee to the Office of Gay, Lesbian, Bisexual, and Transgender Affairs

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 Repl.), and section 3(b) of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382(b) (2012 Repl.), and in accordance with Mayor's Order 2006-52, dated May 3, 2006, it is hereby **ORDERED** that:

1. **JULIUS AGERS** is reappointed as a member of the Advisory Committee to the Office of Gay, Lesbian, Bisexual, and Transgender Affairs, for a term to end June 30, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective 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
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 23, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 23, 2014 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#14-251-00164 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

2. Case#14-CC-00080 Yes Organic Market, 3809 12TH ST NE Retailer B Retail - Grocery, License#: ABRA-075678

3. Case#14-CMP-00135 El Atardecer Restaurant, 3475 14TH ST NW Retailer D Restaurant, License#: ABRA-092346

4. Case#14-AUD-00029 Casa Fiesta II, 4910 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-024766

5. Case#14-AUD-00025 Columbia Station, 2325 18TH ST NW Retailer C Restaurant, License#: ABRA-024834

6. Case#14-AUD-00027 Bourbon, 2348 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-060605

7. Case#14-CC-00079 La Plaza Mexican Restaurant, 629 PENNSYLVANIA AVE SE Retailer C Restaurant, License#: ABRA-060614

8. Case#14-CC-00081 Trinity Deli & Food Market, 200 MICHIGAN AVE NE Retailer B Retail - Grocery, License#: ABRA-060661

9. Case#14-AUD-00026 Cafe Citron, 1343 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060138

10. Case#14-AUD-00031 Don Juan Restaurant & Carryout, 1660 LAMONT ST NW Retailer C Restaurant, License#: ABRA-015934

11. Case#14-AUD-00028 Ambassador Restaurant, 1907 9th ST NW Retailer C Restaurant, License#: ABRA-090422

12. Case#14-AUD-00030 Cafe of India, 4909 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-083570

13. Case#14-CC-00078 Pearl Dive Oyster Palace/BlackJack, 1612 14TH ST NW Retailer C Restaurant, License#: ABRA-085382

14. Case#14-CMP-00245 The Dunes, 1400 - 1402 MERIDIAN PL NW Retailer C Multipurpose, License#: ABRA-087074

15. Case#14-PRO-00020 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-082005

16. Case#14-PRO-00035 TBD, 637 FLORIDA AVE NW Retailer C Tavern, License#: ABRA-094603

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JULY 23, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Change of Hours application for Sidewalk Cafe. *Approved Hours of Operation, Alcoholic Beverage Sales and Consumption (Sidewalk Café):* Sunday-Thursday 11am to 11pm, Friday and Saturday 11am to 12am. *Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption (Sidewalk Café):* Sunday-Thursday 10am to 2am. Friday and Saturday 10am to 3am. ANC 2B. SMD 2B02. No Outstanding Fines or Citations. No pending Enforcement Matters. No Settlement Agreement. *Mission*, 1606 20th Street NW, Retailer CR02, License No. 094290.
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2. Review application request for Sidewalk Café Endorsement with seating for six (6). *Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Saturday 10am to 2am. ANC 1C. SMD 1C03. No outstanding fines or citations. No pending enforcement matters. No Settlement Agreement. *New Orleans Cafe*, 2412 18th Street NW, Retailer CR01, License No. 021784.
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3. Review application request for Sidewalk Café Endorsement with seating for fourteen (14). *Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Saturday 10am to 12am. ANC 4C. SMD 4C07. No outstanding fines or citations. No pending enforcement matters. No Settlement Agreement. *Crane & Turtle*, 828 Upshur Street NW, Retailer CR01, License No. 021784.
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4. Review application for Cover Charge endorsement. *Approved Hours of Operation, Alcoholic Beverage Sales and Consumption, and Live Entertainment:* Sunday-Thursday 10am to 2am. Friday and Saturday 10am to 3am. ANC 1B. SMD 1B02. No outstanding fines or citations. No pending enforcement matters. Settlement Agreement. *Aqua*, 1818 New York Avenue NE, Retailer CT02, License No. 060477.
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Board's Agenda –July 23, 2014 - Page 2

5. Review Application for Safekeeping of License. ANC 2F. SMD 2F03. Outstanding Citation # 7538. No outstanding violations. No pending enforcement matters. Settlement Agreement. *Ghana Café*, 1336 14th Street NW, Retailer CR01, License No. 082751.

6. Review Application for Safekeeping of License. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Nomad Hookah Bar*, 1200 H Street NE, Retailer CT01, License No. 087558.

7. Review Application for new On-site Sales and Consumption Permit. ANC 4B. SMB 4B07. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *3 Stars Brewing Company*, 6400 Chillum Place NW, Manufacturer B, License No. 087686.

8. Review Application for On-site Sales and Consumption Permit. ANC 5D. SMB 5D01. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Atlas Brew Works*, 2052 West Virginia Avenue NE, Manufacturer B, License No. 091282.

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, 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.**

ACADEMY OF HOPE ADULT PUBLIC CHARTER SCHOOL**REQUESTS FOR PROPOSALS**

Academy of Hope Adult Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for each of the services listed below.

Business Services:

1. General Contractors
2. Basic Literacy Partners
3. IT Managed Services
4. Furniture
5. Fundraising

Please visit www.aohdc.org for full detail. Questions and proposals may be e-mailed to aoh@aohdc.org with the subject line in the type of service. Deadline for submissions is **12:00 pm July 24th**. Appointments for presentations will be scheduled at the discretion of the school office **after** receipt of proposals only.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Academy of Hope Adult Public Charter School
601 Edgewood St. NE, Ste. 25
Washington, DC 20017

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR QUOTES****Bus Purchase**

The Carlos Rosario Public Charter School is seeking quotes for a 33 passenger bus. All quotes must be submitted via email to gellis@carlosrosario.org no later than July 30, 2014. For more information please contact Gwen Ellis at 202-797-4700 ext. 701.

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**REQUEST FOR PROPOSAL**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Center City PCS would like to engage one or more contractors to design + build the school yard at Congress Heights Campus. Please review the Congress Heights School Yard Project Schematic for additional information on the site.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Cristine Doran
cdoran@centercitypcs.org

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**REQUEST FOR PROPOSALS**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Furniture Purchase and Installation Services: Center City PCS would like to engage one furniture representative to meet school furniture needs at three charter schools located in the District of Columbia. The goal is to enter into a contract with a professional and dynamic company that is able to meet ALL purchase, delivery, and installation requirements identified below.

Contact person:

Natasha Harrison
nharrison@centercitypcs.org

Special Education Evaluation Services: Center City Pubic Charter School seeks bids for evaluation services in the area of special education. Interested parties should review the requirements to submit a proposal that outlines services, fees and qualifications.

Contact person:

Toni Barton
tbarton@centercitypcs.org

Special Education Legal Services: Center City Pubic Charter School seeks bids for legal services in the area of special education. Interested parties should review the requirements to submit a proposal that outlines services, fees and qualifications.

Contact person:

Toni Barton
tbarton@centercitypcs.org

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

COMMUNITY ACADEMY PUBLIC CHARTER SCHOOL (CAPCS)**REQUEST FOR PROPOSALS****Surveillance System Upgrades**

Community Academy Public Charter Schools (CAPCS) is soliciting proposals from qualified contractors for upgrades to the surveillance system across three (3) campuses. Includes installation of a total of 56 indoor day/night HD cameras, 10 exterior day/night IP66 HD cameras, 11 Exterior day/night 20X zoom PTZ HD cameras with image tracking, two (2) 64 channel HD/IP addressable DVR, one (1) 32 channel HD/IP addressable DVR. Must have DC Security Alarm License and provide proof of \$1M liability coverage and proof of relevant experience and references. Contact Waydal Sanderson at waydalsanderson@capcs.org with questions. Detailed cost proposals are due electronically by COB Friday, July 25th, 2014 to waydalsanderson@capcs.org. CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

Storm Water Management Modifications

Community Academy Public Charter Schools (CAPCS) is soliciting proposals from qualified contractors to perform DC-approved modifications for Storm Water Management at the 1400 First Street, NW, campus. Contact Waydal Sanderson at waydalsanderson@capcs.org for scope of work or with any questions. Must be licensed in DC and provide proof of \$5M liability coverage and proof of relevant experience and references. Detailed cost proposals are due electronically by COB Friday, July 25th, 2014, to waydalsanderson@capcs.org. CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

DC BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL****FOOD SERVICE MANAGEMENT SERVICES**

DC Bilingual PCS is advertising the opportunity to bid on the delivery of Dairy Products to school sites for the 2014-2015 school year with a possible extension of (2) one year renewals in support of the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **7/18/2014** from: <http://dcbilingual.org/who-were-looking>. All bids not addressing all areas as outlined in the RFP will not be considered.

For more information, please contact Bea Zuluaga, director of Food & Nutrition at 202-332-4200 x 1013. Email: bzuluaga@centronia.org

Proposals will be accepted at 1420 Columbia Rd, NW, Washington, DC 20009 on **8/4/2014 no later than 1:00 PM**

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**2014-2015 MEETING SCHEDULE**

The Commission meetings of the District of Columbia Sentencing and Criminal Code Revision Commission are held in open session on the third Tuesday of every month. (unless otherwise noted)

All meetings are held at 441 Fourth Street, N.W. Suite 430S, Washington, D.C. A notice will be published in the *D.C. Register* and posted on the agency website at <http://sentencing.dc.gov> for each meeting with a draft agenda.

Tuesday, September 16, 2014	5:00-6:30 p.m.
Tuesday, October 21, 2014	5:00-6:30 p.m.
Tuesday, November 18, 2014	5:00-6:30 p.m.
Tuesday, December 16, 2014	5:00-6:30 p.m.
Tuesday, January 20, 2015	5:00-6:30 p.m.
Tuesday, February 17, 2015	5:00-6:30 p.m.
Tuesday, March 17, 2015	5:00-6:30 p.m.
Tuesday, April 21, 2015	5:00-6:30 p.m.
Tuesday, May 19, 2015	5:00-6:30 p.m.
Tuesday, June 16, 2015	5:00-6:30 p.m.

*Meeting schedule is subject to change. Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**PUBLIC NOTICE****APPOINTMENT OF LATOYA WESLEY AS STATISTICIAN FOR
THE D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (c) (2013) that LaToya Wesley was appointed as Statistician for the D.C. Sentencing and Criminal Code Revision on June 30, 2014. This is an excepted service position.

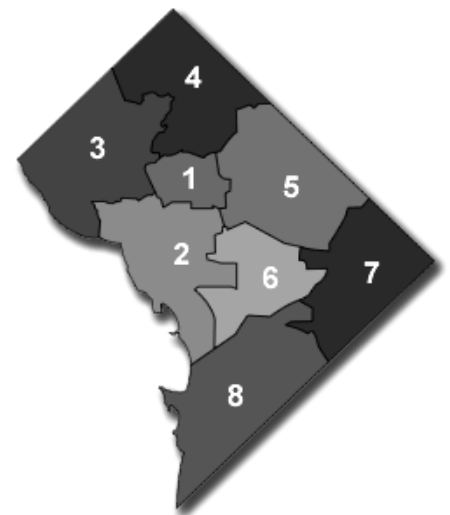
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JUNE 30, 2014**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	41,665	2,641	711	56	124	11,107	56,304
2	28,723	5,446	207	61	118	10,537	45,092
3	35,477	6,634	344	52	92	10,933	53,532
4	45,595	2,158	506	36	131	8,585	57,011
5	47,966	1,967	571	36	147	8,174	58,861
6	49,103	6,046	508	77	158	12,035	67,927
7	47,415	1,301	461	8	110	6,875	56,170
8	44,709	1,299	447	13	168	7,372	54,008
Totals	340,653	27,492	3,755	339	1,048	75,618	448,905
Percentage By Party	75.88%	6.12%	.84%	.08%	.23%	16.84%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JUNE 30, 2014

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,252	31	5	2	7	186	1,483
22	3,519	308	36	5	7	921	4,796
23	2,639	173	53	5	6	693	3,569
24	2,382	218	32	5	7	725	3,369
25	3,629	410	61	5	5	1,074	5,184
35	3,302	204	63	4	7	943	4,523
36	4,074	262	63	2	10	1,110	5,521
37	3,024	128	52	3	7	677	3,891
38	2,618	129	52	4	8	704	3,515
39	4,007	209	80	5	15	979	5,295
40	3,776	201	93	4	18	1087	5,179
41	3,217	177	63	8	14	994	4,473
42	1,719	65	31	3	6	449	2,273
43	1,599	69	20	1	3	359	2,051
137	908	57	7	0	4	206	1,182
TOTALS	41,665	2,641	711	56	124	11,107	56,304

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	668	143	8	0	8	404	1,231
3	1,295	357	11	5	13	592	2,273
4	1,637	444	9	3	5	767	2,865
5	2,111	660	12	6	9	819	3,617
6	2,285	917	22	4	16	1,249	4,493
13	1,334	251	7	2		457	2,051
14	2,757	444	23	6	11	1,006	4,247
15	2,940	312	19	6	10	852	4,139
16	3,400	359	28	7	12	873	4,679
17	4,659	629	38	10	16	1,573	6,925
129	1,932	312	12	4	5	714	2,979
141	2,158	243	9	6	8	638	3,062
143	1,547	375	9	2	5	593	2,531
TOTALS	28,723	5,446	207	61	118	10,537	45,092

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,167	388	17	0	3	540	2,115
8	2,250	585	24	5	6	714	3,584
9	1,098	464	7	2	6	458	2,035
10	1,653	412	12	2	7	604	2,690
11	3,218	937	40	3	6	1,348	5,552
12	442	182	1	0	2	203	830
26	2,784	344	25	3	3	878	4,037
27	2,345	279	18	5	4	584	3,235
28	2,224	519	33	6	6	751	3,539
29	1,161	230	10	1	6	363	1,771
30	1,200	216	15	3	3	267	1,704
31	2,260	305	20	2	8	536	3,131
32	2,567	303	20	3	3	588	3,484
33	2,780	330	33	5	9	719	3,876
34	3,446	468	26	6	6	1,121	5,073
50	1,972	283	13	3	9	451	2,731
136	848	114	9	1		301	1,273
138	2,062	275	21	2	5	507	2,872
TOTALS	35,477	6,634	344	52	92	10,933	53,532

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,072	74	36	5	7	416	2,610
46	2,680	69	34	2	9	505	3,299
47	2,820	135	37	4	9	690	3,695
48	2,601	128	29	1	6	530	3,295
49	834	35	13	0	4	183	1,069
51	3,087	533	19	1	6	617	4,263
52	1,230	178	5	0	3	218	1,634
53	1,204	72	20	1	5	255	1,557
54	2,254	92	30	2	4	461	2,843
55	2,288	67	23	1	6	412	2,797
56	2,935	84	29	0	10	646	3,704
57	2,409	71	32	2	12	426	2,952
58	2,200	55	17	2	2	358	2,634
59	2,473	79	32	4	10	400	2,998
60	2,112	78	23	2	9	652	2,876
61	1,558	49	12	0	2	275	1,896
62	3,007	121	27	1	3	344	3,503
63	3,293	124	52	1	13	599	4,082
64	2,134	51	15	3	6	303	2,512
65	2,404	63	21	4	5	295	2,792
Totals	45,595	2,158	506	36	131	8,585	57,011

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	3,902	178	65	6	9	905	5,065
44	2,761	213	34	4	12	634	3,658
66	4,340	100	38	1	9	485	4,973
67	2,876	99	26	0	7	374	3,382
68	1,828	134	29	6	7	370	2,374
69	2,050	68	12	1	9	251	2,391
70	1,401	65	20	1	4	205	1,696
71	2,276	58	24	1	8	327	2,694
72	4,192	116	23	2	19	717	5,069
73	1,823	84	26	4	4	328	2,269
74	3,957	193	62	2	8	760	4,982
75	3,140	142	54	3	5	677	4,021
76	1,306	60	14	0	5	248	1,633
77	2,662	87	31	2	9	457	3,248
78	2,766	78	37	0	7	416	3,304
79	1,825	78	19	1	9	325	2,257
135	2,863	173	46	2	13	497	3,594
139	1,998	41	11	0	3	198	2,251
TOTALS	47,966	1,967	571	36	147	8,174	58,861

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

WARD 6 REGISTRATION SUMMARY

As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3,780	397	47	4	13	1,003	5,244
18	4,101	257	43	6	13	872	5,292
21	1,101	59	19	2	4	240	1,425
81	4,500	351	44	3	14	917	5,829
82	2,504	256	25	5	11	546	3,347
83	3,741	437	32	10	12	941	5,173
84	1,953	409	25	4	6	530	2,927
85	2,582	492	23	3	8	721	3,829
86	2,231	264	29	0	10	480	3,014
87	2,668	231	17	1	7	538	3,462
88	2,112	289	16	3	7	530	2,957
89	2,512	641	24	9	6	759	3,951
90	1,563	262	13	3	6	465	2,312
91	4,001	349	36	5	15	930	5,336
127	3,752	264	51	5	12	764	4,848
128	2,137	201	27	4	4	580	2,953
130	796	317	9	3	3	291	1,419
131	1,762	415	12	6	5	577	2,777
142	1,307	155	16	1	2	351	1,832
TOTALS	49,103	6,046	508	77	158	12,035	67,927

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,497	87	16	0	5	260	1,865
92	1,569	36	11	1	5	246	1,868
93	1,502	50	15	1	6	225	1,799
94	1,978	49	18	0	3	281	2,329
95	1,670	46	18	0	1	301	2,036
96	2,293	68	25	0	8	364	2,758
97	1,478	37	19	0	2	197	1,733
98	1,762	44	24	0	4	253	2,087
99	1,430	42	19	1	5	232	1,729
100	2,137	49	17	1	4	277	2,485
101	1,625	31	18	0	5	185	1,864
102	2,445	53	24	0	5	310	2,837
103	3,516	98	41	1	10	561	4,227
104	2,942	81	28	0	11	445	3,507
105	2,332	63	22	1	3	390	2,811
106	2,917	71	24	0	8	454	3,474
107	1,854	61	18	0	4	288	2,225
108	1,110	26	6	0		119	1,261
109	914	33	7	0	1	89	1,044
110	3,671	95	26	2	5	410	4,209
111	2,441	57	25	0	8	359	2,890
113	2,195	64	22	0	3	270	2,554
132	2,137	60	18	0	4	359	2,578
TOTALS	47,415	1,301	461	8	110	6,875	56,170

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JUNE 30, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,013	50	8	1	7	282	2,361
114	3,078	113	32	1	18	538	3,780
115	2,821	75	23	3	12	615	3,549
116	3,719	106	41	0	12	577	4,455
117	1,845	47	14	0	9	300	2,215
118	2,609	64	28	1	9	398	3,109
119	2,817	113	46	0	10	572	3,558
120	1,955	38	20	0	6	322	2,341
121	3,259	87	35	2	12	506	3,901
122	1,785	46	19	0	7	255	2,112
123	2,252	96	26	3	11	383	2,771
124	2,585	58	16	1	4	363	3,027
125	4,705	131	46	0	13	776	5,671
126	3,844	120	40	1	19	732	4,756
133	1,388	44	14	0	4	185	1,635
134	2,142	49	27	0	5	273	2,496
140	1,892	62	12	0	10	295	2,271
TOTALS	44,709	1,299	447	13	168	7,372	54,008

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 5/31/2014 and 6/30/2014

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	345,350	27,253	3,605	304	1,020	74,657	452,189
Board of Elections Over the Counter	517	16	16	3	8	191	751
Board of Elections by Mail	154	8	2	3	5	56	228
Board of Elections Online Registration	16	0	0	0	0	3	19
Department of Motor Vehicle	1,696	192	6	16	4	559	2,473
Department of Disability Services	10	1	0	0	0	2	13
Office of Aging	0	0	0	0	0	1	1
Federal Postcard Application	1	0	0	0	0	0	1
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	1	0	0	0	0	0	1
Department of Human Services	15	3	0	0	0	15	33
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	64	2	1	1	1	31	100
+Total New Registrations	2,474	222	25	23	18	858	3,620

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	214	11	5	1	2	54	287
Administrative Corrections	4	23	123	0	77	367	594
+TOTAL ACTIVATIONS	218	34	128	1	79	421	881

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	132	9	1	1	0	25	168
Moved Out of District (Deleted)	3	0	0	0	0	1	4
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	5	0	0	0	0	1	6
Administrative Corrections	7,485	29	3	15	0	69	7,601
-TOTAL DEACTIVATIONS	7,625	38	4	16	0	96	7,779

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	728	97	28	33	19	478	
- Changed From Party	-492	-76	-27	-6	-88	-700	
ENDING TOTALS	340,653	27,492	3,755	339	1,048	75,618	448,905

**ELSIE WHITLOW STOKES COMMUNITY FREEDOM PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSAL**

Supply and Delivery of Grocery Products

Elsie Whitlow Stokes PCS is advertising the opportunity to bid on the supply and delivery of Grocery Items to school site for the 2014-2015 school year with a possible extension of (2) one year renewals. All food items must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, product quality, etc. may be obtained beginning on **Friday, July 18, 2014** by sending an email request to ewsprocurement@gmail.com.

Proposals will be accepted at 3700 Oakview Terrace, NE, Washington, DC 20017 on **Monday, August 4, 2014 no later than 4:00pm**. For more information, please contact ewsprocurement@gmail.com.

All bids not addressing all areas as outlined in the RFP will not be considered.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**FISCAL YEAR 2014****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 #5911-R2 to the Architect of the Capitol to operate one (1) existing 750 kW diesel-fired emergency generator set at the United States Capitol Building – Senate Side, Washington, DC 20515. The contact person for the facility is Mr. James Styers, at (202) 226-6636.

The renewal application to operate the generator set and the draft renewal permit are 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 August 18, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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 #6818 to the Catholic University of America to construct and operate a 150 kW diesel fuel fired emergency generator set at Father O'Connell Hall located at 620 Michigan Avenue NE, Washington, DC 20064. The contact person for facility is Kellie Hindman, Industrial Hygienist at (202) 319 4461. The applicant's mailing address is 620 Michigan Avenue NE, Washington, DC 20064.

Emissions:

Maximum emissions from the 150 kW emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	0.0069
Sulfur Oxides (SO _x)	0.021
Nitrogen Oxides (NO _x)	0.39
Volatile Organic Compounds (VOC)	0.0055
Carbon Monoxide (CO)	0.052

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(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 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 August 18, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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 permits (#6863, #6864, and #6865) to the Smithsonian Institution, National Museum of African American History and Culture to construct and operate three 395 kW (530 HP) natural gas fired emergency generator sets at 14th Street and Constitution Avenue NW, Washington, DC 20560. The contact person for the facility is Angel Rodriquez at (202) 633-1563.

Emissions:

Maximum annual potential emissions from each unit are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.095
Sulfur Oxides (SOx)	0.078
Nitrogen Oxides (NOx)	1.45
Volatile Organic Compounds (VOC)	1.98
Carbon Monoxide (CO)	0.92

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [20 DCMR 201, 40 CFR 60.4233(e), and 40 CFR 60 Subpart JJJJ, Table 1]: *(Note that the emission standards in the following table are more stringent than those required for emergency engines because the engines covered by these permits were certified to operate as non emergency generators and the units must be properly maintained to continue to meet the standards to which they have been certified.)*

Pollutant Emission Limits (g/HP-hr)		
NOx	CO	VOC
1.0	2.0	0.7

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 applications and supporting documentation, along with the draft permits are 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 postmarked after August 18, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

HARMONY DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSAL****Food Service Management Services**

Harmony DC Public Charter School is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **July 16, 2014** from **Evren Culha (202) 529-7500** or **eculha@harmonydc.org**. Bidder must contact school to schedule a site visit.

Proposals will be accepted at 62 T Street, NE, Washington, DC 20002 on August 4, 2014, not later than **1:00 pm**.

All bids not addressing all areas as outlined in the RFP will not be considered.

DISTRICT OF COLUMBIA HOUSING AUTHORITY

BOARD OF COMMISSIONERS

NOTICE OF PUBLIC MEETINGS

1133 NORTH CAPITOL STREET, NORTHEAST
WASHINGTON, D.C. 20002-7599
202-535-1000

The regular meetings of the Board of Commissioners of the District of Columbia Housing Authority (“DCHA”) are held in open session on the second Wednesday of each month. The dates, times and locations of the meetings for the remainder of this year 2014 are set forth below:

August 13, 2014	Cancelled	
September 10, 2014	Potomac Gardens 1225 G Street, S. E.	1:00 p.m.
October 8, 2014	1133 North Capitol St., N.E.	1:00 p.m.
November 12, 2014	Greenleaf Gardens 203 N Street, S.W.	1:00 p.m.
December 10, 2014	Annual & Regular meeting 1133 North Capitol St., NE	1:00 p.m.

A draft agenda for the regular meetings of the DCHA Board of Commissioners and the working session will be posted at 1133 North Capitol Street, NE and on the District of Columbia Housing Authority website: www.dchousing.org

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING

July 22, 2014
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the July 9, 2014 board meeting.

Vote to close meeting to discuss the approval of the Capitol Gateway project and bond transaction, a McKinney Act Loan associated with the Capitol Gateway project and bond transaction, and the ratification of the protective services contract for Parkway Overlook.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the Capitol Gateway project and bond transaction, a McKinney Act Loan associated with the Capitol Gateway project and bond transaction, and the ratification of the protective services contract for Parkway Overlook. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- III. Re-open meeting.
- IV. Consideration of DCHFAs Eligibility Resolution No. 2014-08 for the approval of Capitol Gateway.
- V. Consideration of DCHFAs General Resolution No. 2014-04(G) for the approval of a McKinney Act Loan associated with Capitol Gateway.
- VI. Consideration of DCHFAs General Resolution No. 2014-05(G) for the ratification of the protective services contract for Parkway Overlook.
- VII. Consideration of DCHFAs General Resolution No. 2014-06(G) for the approval of the renewal of the Agency's contract with CohnReznick LLP (formerly known as the Reznick Group, P.C.), as the firm to

provide various audit services, including but not limited to, conducting the Agency's Fiscal Year 2014 audit.

VIII. Interim Executive Director's Report.

IX. Other Business.

- Discussion – Public Finance Scoring Criteria

X. Adjournment.

DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

NOTICE OF PUBLIC MEETING

Mayor Vincent C. Gray's Youth Bullying Prevention Task Force: July Meeting

July 24, 2014

10:00 am – 11:30 pm

MLK Library 901 G St. NW, Room A-3

The July meeting of the OHR-led Bullying Prevention Task Force -- comprised of DC government agencies, nonprofit organizations, community partners, and educators -- is going to discuss ways to further enhance the implementation of bullying prevention policies.

If you are a member of the public and would like to attend the event, please email Suzanne Greenfield at suzanne.greenfield@dc.gov with your name, organizational affiliation (if any) and phone number, or call (202) 727-0455. 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 14, 2013 at 5pm ET. Members of the public who have requested time will be provided two minutes.

THE NOT-FOR-PROFIT HOSPITAL CORPORATION**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Thursday, July 24, 2014. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location or time change will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**

- II. DETERMINATION OF A QUORUM**

- III. APPROVAL OF AGENDA**

- IV. BOARD EDUCATION SESSION**

- V. CONSENT AGENDA**
 - A. READING AND APPROVAL OF MINUTES**
 - 1. June 26,, 2014 - General Board Meeting

 - B. EXECUTIVE REPORTS**
 - 1. Dr. Cyril Allen, Chief Medical Officer
 - 2. Maribel Torres, VP of Nursing
 - 3. Pamela Lee, VP of Hospital Operations
 - 4. Jackie Johnson, VP of Human Resources
 - 5. John Wilcox, Chief Information Officer
 - 6. Jim Hobbs, VP of Business Development & Physician Recruitment
 - 7. Charletta Washington, VP of Ambulatory & Ancillary Services

- VI. NONCONSENT AGENDA**
 - A. CHIEF EXECUTIVE REPORTS**

1. Michael Davis, CFO
2. David Small, CEO

B. MEDICAL STAFF REPORT

1. Dr. Gilbert Daniel, Chief of Staff

C. COMMITTEE REPORTS

1. Governance Committee Report
2. Patient Safety & Quality Committee Report
3. Finance Committee Report
4. CEO Search Committee

D. OTHER BUSINESS

1. Old Business
2. New Business

E. ANNOUNCEMENT

1. The next Governing Board Meeting will be held at 9:00am, September 25, July 24, 2014.

F. ADJOURNMENT

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss contracts, litigation, settlements, collective bargaining agreements, personnel, discipline, and training. D.C. Official Code §§2-575(b)(2)(4A)(5),(9),(10),(12).

**OPTIONS PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Student Transportation

Options Public Charter School is accepting proposals through Monday, July 28, 2014 at 3:00 p.m. for student transportation for the 2014-2015 school year. Please email rfoxworth@optionsschool.org to request a full copy of the RFP. **No phone calls please.**

DISTRICT OF COLUMBIA POLICE OFFICERS**STANDARDS AND TRAINING BOARD****NOTICE OF PUBLIC MEETING**

The District of Columbia Police Officers Standards and Training (D.C. POST) Board will hold a meeting on Tuesday, August 5, 2014 from 1:00 p.m. until 2:00 p.m. The first portion of the meeting is open to the public and will be held via conference call. Persons wishing to participate in the conference call may dial in by calling 1-877-940-7710 and using the participant code 84245847. Once that portion of the meeting is over, the remainder of the meeting will be closed pursuant to D.C. Official Code § 2-575(b).

The mission of the D.C. POST Board is to set the minimum standards for training and to enhance the delivery of law enforcement service in the District of Columbia by ensuring the use of best practices in police officer selection and training standards for the Metropolitan Police Department and the D.C. Housing Authority.

Copies of the materials to be voted on by the D.C. POST Board may be obtained in advance beginning ten (10) business days prior to the meeting. Typed written comments on the materials may be submitted to the Office of the Board at least one (1) business day in advance of the meeting. Written comments received or postmarked after this date will not be accepted.

Members of the public who wish to present oral testimony at the meeting should contact the D.C. POST Board at least one (1) business day prior to the meeting by calling 202-727-4772 or by emailing dc.post@dc.gov.

Public comments will be limited to the first thirty (30) minutes of the meeting and will be limited to three (3) minutes. Members of the public will be scheduled on a "first come, first served" basis.

For any additional information, please contact the D.C. POST Board by calling 202-727-4772 or sending an email to dc.post@dc.gov.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR 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 August 15, 2014.

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 July 18, 2014. 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

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Abarca	Sharon R.	Manatt, Phelps & Phillips 700 12th Street, NW, Suite 1100	20005
AlAghbar	Rana	George Washington University - Medical Faculty Associates 2150 Pennsylvania Avenue, NW	20037
Ali	Naazima	Working America 815 16th Street, NW	20006
Argao	Judith B.	CT Corporation System 1015 15th Street, NW, Suite 1000	20005
Ballou	Adrian	Clarion Partners 1440 New York Avenue, NW	20005
Biederman	Joseph	Connell Wise & Associates LLP 1200 18th Street, NW, Suite 700	20036
Boler	Leslie T.	Howard University Middle School 405 Howard Place, NW	20059
Bonneville	Brien	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Bosley	Jennifer A.	Bradford Associates 1050 17th Street, NW, Suite 600	20036
Brogna	Giuliana A.	The Kaiser Law Firm 1400 I Street, NW	20005
Brooks	Casey	RJI Capital Corporation 1717 Rhode Island Avenue, NW, Suite 630	20036
Brown	Keena D.	George Washington University/Colonial Central 800 21st Street, NW	20052
Brown-Curtis	Amye	Consumer Financial Protection Bureau (CFPB) 1700 G Street, NW	20552
Bulter	Aquinos	The George Washington University 2121 I Street, NW, Suite 601	20052
Carter	Margaret A.	Self 1635 11th Place, NE	20002

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Castell	Nancy A.	MacRostie Historic Advisors, LLC 1400 16th Street, NW, Suite 420	20036
Chakraborty	Mita	Mita Inc 2529 Pennsylvania Avenue, SE	20020
Cherie	Valesay P.	Howard University Hospital 2041 Georgia Avenue, NW	20060
Coleman	Katie	Douglas Development Corporation 702 H Street, NW, Suite 400	20001
Conner	Nina L.	Self 5156 South Dakota Avenue, NE	20017
Cromer	Erick	Bank of America 1801 K Street, NW	20006
Davis	Catherine	Fox Rothschild, LLP 1030 15th Street, NW, Suite 380 East	20005
Debrah	Christie	Wells Fargo Bank, N.A. 4302 Connecticut Avenue, NW	20008
Diamond	Lea C.	Brady Center to Prevent Gun Violence 840 First Street, NE, Suite 400	20002
Do	Helen H.	Federal Title & Escrow, Co. 5335 Wisconsin Avenue, NW, Suite 700	20015
Ebb	Da'Sha C.	TD Bank 905 Rhode Island Avenue, NE	20018
Ekaternia	Dobrynina E.	Self 2417 Huidikoper Place, NW	20007
Ellison	Cheron Hunt	Crowell & Moring, LLP 1001 Pennsylvania Avenue, NW	20004
Farr	William	Metropolitan Police Department 1724 South Capitol Street, SE	20003
Fox	Jonathan	Kobre & Kim, LLP 1919 M Street, NW	20036

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Gantt	Marsha Delois	Architect of the Capitol - Office of General Counsel 2nd & D Street, SW, Room H2 - 265A	20515
Gilmore	James Anthony	Lawyers Committee for Civils Rights Under Law 1401 New York Avenue, NW, Suite 400	20005
Grainger	Jennifer O.	United General Contractors, Inc 1232 4th Street, NE	20002
Griffin	Deborah V.	Self 3208 21st Avenue, SE	20020
Grismore	Nicholas	Capital One, NA 4400 Massachusetts Avenue, NW	20016
Gunn	LaVern	Self 348 Nicholson Street, NE	20011
Hall	Barbara G.	Association of State and Territorial Solid Waste Management Officials 1101 17th Street, NW, Suite 707	20036
Haynes	Javonne	Chantelle's Quality Child Care, Inc 4221 7th Street, NW	20011
Herrera Moya	Isa M.	Arnold and Porter, LLP 555 12th Street, NW	20004
Howard	Geraldine	Self 3800 V Street, SE, Unit 202	20020
Johnson	Katrina L.	EP Federal Credit Union 13th & C Street, SW, Room 215A	20228
Jones	Darlene	Paladin Capital Group 2020 K Street, NW, Suite 400	20006
Julao	Richelle	Levi & Korsinsky, LLP 1101 30th Street, NW	20007
Kaess	Christine M.	National Association for the Education of Young Children 1313 L Street, NW, Suite 500	20005
Kann	Oumou	HSDC Bank USA 1130 Connecticut Avenue, NW	20036

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Kellner	Margaret Ann	Casey's 550 C Street, SW	20024
Kelshian	Patricia L.	American University 4400 Massachusetts Avenue, NW	20016
Kirley	Kathleen A.	Rockefeller & Co. 900 17th Street, NW, Suite 603	20006
Korol	Natalia	The Dupont Circle Hotel 1500 Mew Hampshire Avenue, NW	20036
Krmpotich	Laurie	New York Life Insurance Company 901 15th Street, NW, Suite 600	20005
Krupka	Susan	CFED 1200 G Street, NW, Suite 400	20005
Lamothe	Raquel L.	Clark Hill PLC 601 Pennsylvania Avenue, NW, North Building, Suite 1000	20004
Lewis	Grace J.	Self 4945 Sargent Road, NE	20017
Lindsay	Gwendolyn L.	Battino & Sokolow, PLLC 1200 Perry Street, NE, Suite 100	20017
Marcorelle	Taryn	Kobre & Kim, LLP 1919 M Street, NW	20036
Marius	Todd A.	TD Bank 905 Rhode Island Avenue, NE	20018
McCrae	Petal Amanda	Chasen and Chasen 5225 Wisconsin Avenue, NW, Suite 500	20015
McSwain	Jessica P.	Paralyzed Veterans of America (PVA) 801 18th Street, NW	20006
Meadows	Lisa J.	Department of Behavioral Health, Saint Elizabeths Hospital 1100 Alabama Avenue, SE	20032

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Merritt	Debra H.	Haynes and Boone, LLP 800 17th Street, NW, Suite 500	20006
Metcalf	Lineth B.	Van Ness Feldman, LLP 1050 Thomas Jefferson Street, NW	20007
Mulvanny	Jane S.	Gschwendtner Law Firm 5247 Wisconsin Avenue, NW, Suite 2	20015
Murga	Rachel Carolina	Central Properties, LLC 1353 V Street, NW	20009
Najjar	May Al	TD Bank 1200 New Hampshire Avenue, NW	20036
Newland	Felicia A.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Norman	Antarriey C.	BuckmanLegal, PLLC 4530 Wisconsin Avenue, NW	20016
Obata	Chase-Jensen	The Ups Store 4410 Massachusetts Avenue, NW	20016
O'Connor	Mahrya H.	Federal Title & Escrow, Co. 5335 Wisconsin Avenue, NW, Suite 700	20015
O'Hora	Elaine Auby	Alignment Government Strategies 601 Pennsylvania Avenue, NW, South Building, Suite 430	20004
Oliver	Maria D.	AFL-CIO Housing Investment Trust 2401 Pennsylvania Avenue, NW	20037
Owens	Valerie Denise	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Perez	Keelcy G.	Arnold and Porter, LLP 555 Twelfth Street, NW	20004
Perry	Raynada	Wells Fargo Bank 1447 P Street, NW	20005
Powell	Odell J.	Metropolitan Educational Solutions, LLC 2100 Bunker Hill Road, NE, Suite B	20018

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Presbury	Pamela B.	Self 1331 Ridge Place, SE	20020
Proctor	Ashley M.	Capital One Bank 1200 F Street, NW	20004
Ramirez	Esmeralda	Institute for Defense Analyses, Science and Technology Policy Institute 1899 Pennsylvania Avenue, NW, Suite 520	20006
Ramsay	Angela Marie	IAM National Pension Fund 1300 Connecticut Avenue, NW, Suite 300	20036
Reid	Lauren	Self (Dual) 240 P Street, NW	20001
Ruffin	Tracy	North American Electric Reliability Corporation (NERC) 1325 G Street, NW, Suite 600	20005
Saucier	Joyce C.	Self 1907 Good Hope Road, SE, Apt. 111	20020
Simpkins	Marcia C.	Wells Fargo Advisors 1133 Connecticut Avenue, NW, 9th Floor	20036
Smith	Vena A.	Fox Rothschild, LLP 1030 15th Street, NW, Suite 380 East	20005
Steele	Malauna	Oversight Management 1666 Connecticut Avenue, NW, Suite 525	20009
Stover	Jeanette	WTTG/WDCA Fox Television Stations 5151 Wisconsin Avenue, NW	20016
Suero	Marissa	AARP 601 E Street, NW	20049
Sullivan	Kevette	District of Columbia Fire & Emergency Medical Services 2000 14th Street, NW	20009
Thorn	Amy J.	SmithGroupJJR 1700 New York Avenue, NW, Suite 100	20006

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Tillar	Tressie R.	United Fresh Produce Association 1901 Pennsylvania Avenue, NW, Suite 1100	20006
Tsegaye	Negash	Addis Document and Courier Service 1937 14th Street, NW, Suite 301	20009
Tucker Jr.	Devon	Apple Tree Early Learning Public Charter School 415 Michigan Avenue, NE	20017
Turner	Candace Ann	Commodity Futures Trading Commission 1155 21st Street, NW	20581
Walker	Beverley	Source Management 1300 Pennsylvania Avenue, NW, Suite 700	20004
Walton	Kara J.	US Army Corps of Engineers 441 G Street, NW	20314
Washington	Pamela M.	U.S. Department of Justice, Criminal Division, Fraud Section 10th & Constitution Avenue, NW, Bond Bldg. Room 4416	20530
Wayne	Bryan A.	Henderson Legal Services 1015 15th Street, NW, Suite 525	20005
Wester	Tashekia L.	The Seeds of Tomorrow 1501 Half Street, SW, 3rd Floor	20024
Williams	Stacey S.	Howard University 2041 Georgia Avenue, NW, Tower Building, 6th Floor	20060
Williamson	Melissa	Washington DC VA Medical Center/Community Resource and Referral Center 1500 Franklin Street, NE	20018
Wojack	Samuel J.	Neal R. Gross & Co., Inc. 1323 Rhode Island Avenue, NW	20005
Young	Perry	The Ups Store 455 Massachusetts Avenue, NW, Suite 150	20001

THE NEXT STEP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL****EVENING PORTER JANITORIAL SERVICES**

The Next Step Public Charter School is advertising the opportunity to bid on an Evening Porter position to provide janitorial services for the 2014-2015 school year (August 1, 2014 – June 30, 2015), for 1906 hours (5 days a week, 8 hours a day, excluding some holidays and breaks) with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The consultant would work in a 31,000 square foot building, and be responsible for duties including, but not limited to, building sanitation and beautification, floor cleaning and maintenance, and other custodial responsibilities. Additional specifications outlined in the Request for Proposals (RFP) such as; cleaning schedule, responsibilities, and areas can be obtained on Monday, July 14, 2014 from:

Jennifer Edwards

jennifer@nextsteppcs.org

All bids not addressing all areas as outlined in the IFB (RFP) will not be considered. Bids must be received by July 29, 2014 by 2 pm. Bids must be submitted in person between 11:00 am and 2 pm at 3047 15th Street, NW, Washington, DC 20009 or by mail to 3047 15th Street, NW, Washington, DC 20009.

FOOD SERVICE MANAGEMENT SERVICES

The Next Step Public Charter School is advertising the opportunity to bid on the delivery of breakfast, lunch, and CACFP supper meals to children enrolled at the school for the 2014-2015 school year (September 1, 2014 – June 30, 2015) with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on Friday, July 11, 2014 from:

Jennifer Edwards

jennifer@nextsteppcs.org

All bids not addressing all areas as outlined in the IFB (RFP) will not be considered. Bids must be received by August 4, 2014 by 2 pm. Bids must be submitted in person between 11:00 am and 2 pm at 3047 15th Street, NW, Washington, DC 20009 or by mail to 3047 15th Street, NW, Washington, DC 20009.

THE NEXT STEP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL****Security Services**

The Next Step Public Charter School is advertising the opportunity to bid on an Security Services to provide an evening security guard, and when needed, substitute security guards, for the 2014-2015 school year (August 1, 2014 – June 30, 2015), for 1906 hours (5 days a week, 8 hours a day, excluding some holidays and breaks) with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The consultant would work in a 31,000 square foot building, and be responsible for duties including, but not limited to, building security, visitor verification, school evacuations, security area maintenance, and other security responsibilities. Additional specifications outlined in the Request for Proposals (RFP) such as; schedule and responsibilities, can be obtained on Monday, July 14, 2014 from:

Jennifer Edwards
jennifer@nextsteppcs.org

All bids not addressing all areas as outlined in the IFB (RFP) will not be considered. Bids must be received by July 29, 2014 by 2 pm. Bids must be submitted in person between 11:00 am and 2 pm at 3047 15th Street, NW, Washington, DC 20009 or by mail to 3047 15th Street, NW, Washington, DC 20009.

Special Education Consultant

The Next Step Public Charter School is advertising a Special Education Consultant (SEC) position. The selected candidate would be responsible for providing coordination of services for students with disabilities as indicated by IEP or 504 plan by following all procedural safeguards. The SEC will be the contracted data administrator for Easy IEP; ensuring all users are trained and certified. The SEC will administer appropriate student assessments as needed. The SEC will coordinate and facilitate all MDT and IEP meetings and will work with teachers to ensure IEP goals are being met and that all related services are in place and that proper documentation is taking place. The SEC will serve as the liaison to DCPS and will review compliance monthly with the LEA. The SEC will assist with transition plans and assist students and families in the transition process, connecting them to appropriate agencies. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, additional duties, etc. may be obtained beginning on Monday, July 7, 2014 from:

Jennifer Edwards
(202) 319-2277
jennifer@nextsteppcs.org

All bids not addressing all areas as outlined in the RFP will not be considered. Bids must be received by July 31, 2014 by 2 pm. Bids must be submitted in person between 9 am and 2 pm at 3047 15th Street NW, Washington, DC 20009 or by mail to the same address.

TWO RIVERS PUBLIC CHARTER SCHOOL**NOTICE FOR PUBLICATION****National School Breakfast and Lunch Program**

Two Rivers Public Charter School is currently participating in the District of Columbia, National School Breakfast and Lunch Program, which follows USDA meal pattern requirements, rules and regulations. The program enhances children's learning abilities. Studies have shown that children whose nutritional needs are met have fewer attendance and discipline problems and are more attentive in class. A good school breakfast and lunch is not only essential to academic achievement; it is also part of a good education.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) states the following: Pertinent section of DC Code § 2-1402.11: It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia's Office of Human Rights at (202) 727-3545. For additional information on Two Rivers' lunch program contact Erin Morr at (202) 546-4477.

WASHINGTON YU YING PUBLIC CHARTER SCHOOL**REQUESTS FOR PROPOSALS****Bus Services during Field Trips**

Washington Yu Ying is seeking competitive bids for bus services for periodic student field trips. These field trips will be scheduled during the academic school year and summer school sessions. Typically, the student field trips will start and end on Yu Ying's campus at 220 Taylor St. NE, Washington, DC.

Bids must be able to provide proof of insurance coverage. Bids must also include evidence of experience in field, qualifications, and estimated fees. Please send proposals to RFP@washingtoneyuying.org no later than COB Friday August 1, 2014.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, July 24, 2014 at 11:00 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.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

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| 1. | Call to Order | Chairman |
| 2. | June 2014 Financial Report | Director of Finance & Budget |
| 3. | Agenda for September Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, July 22, 2014 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.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dewater.com.

DRAFT AGENDA

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|----|---|-------------------------|
| 1. | Call to Order | Committee Chairman |
| 2. | Public Hearing on Proposed FY 2016 Retail Rates | Chief Financial Officer |
| 3. | FY 2016 Management Recommendation on Retail Rates | Chief Financial Officer |
| 4. | Action Items | Chief Financial Officer |
| 5. | Retail Rates Committee Workplan | Chief Financial Officer |
| 6. | Other Business | Chief Financial Officer |
| 7. | Executive Session | |
| 8. | Agenda for September 23, 2014 Committee Meeting | Committee Chairman |
| 9. | Adjournment | Committee Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Order No. 18064-B of HAI Real Estate Holdings LLC, Motion for a Second Two-Year Extension of BZA Order No. 18064, pursuant to 11 DCMR § 3130.

The original application was pursuant to 11 DCMR § 3104.1, for a special exception from the rear yard requirements under subsection 774.5, and a special exception from the parking requirements under subsection 2120.6, to allow an addition to an existing office building in the DC/C-3-C District at premises 1820-1822 Jefferson Place, N.W. (Square 139, Lot 75).

HEARING DATE (Orig. Application):	May 18, 2010
DECISION DATE (Orig. Application):	May 18, 2010
FINAL ORDER ISSUANCE DATE (No. 18064):	May 21, 2010
DECISION ON 1ST MOTION TO EXTEND ORDER:	July 10, 2012, July 31, 2012, and September 25, 2012
ISSUANCE DATE OF 1ST EXTENSION ORDER (No. 18064-A):	October 10, 2012
DECISION ON 2ND MOTION TO EXTEND ORDER:	July 8, 2014

**ORDER ON 2ND MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18064**

The Underlying BZA Order

On May 18, 2010, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the Applicant’s request for special exceptions from the rear yard requirements under § 774.5 and the parking requirements under § 2120.6, to allow an addition to an existing office building in the DC/C-3-C District. Thus, pursuant to 11 DCMR § 3104.1, the Board granted special exceptions under §§ 774.5 and 2120.6 to permit the construction of an addition to an existing office building in the DC/C-3-C District at premises 1820-1822 Jefferson Place, N.W. (Square 139, Lot 75). Order No. 18064 (the “Order”) was issued May 21, 2010. (Exhibit 29.)

Under the Order, and pursuant to § 3130.1¹ of the Zoning Regulations, the Order was valid for two years from the time it was issued – until May 21, 2012.

¹ Subsection 3130.1 states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1.)

BZA APPLICATION NO. 18064-B**PAGE NO. 2**1st Motion to Extend

On May 21, 2012, the Board received a letter from the Applicant's attorney, which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was then due to expire on May 21, 2012. The Applicant's letter also contained a request to waive § 3130.9 of the Zoning Regulations to accept the Applicant's time extension motion, which was filed less than 30 days prior to the expiration of the underlying Order so as to toll that Order's expiration.³ The Applicant also filed supplemental information on July 26, 2012 (Exhibit 34) and September 14, 2012 (Exhibit 37), to meet the good cause requirements of 11 DCMR § 3130.6. The Applicant served its extension request and supplemental information on Advisory Neighborhood Commission ("ANC") 2B, which is the affected ANC and the only other party to the case, and to the Office of Planning ("OP"). (Exhibits 31, 34, and 37.)

ANC 2B filed a letter report in support of the request for an extension. (Exhibit 32.) OP filed a report recommending that the Board grant the Applicant's request for a two-year extension of Order No. 18064. (Exhibit 33.)

The Applicant's submissions provided evidence of good cause for the time extension that was required by § 3130.6. The Applicant's time extension motion was put on the Board's July 10, 2012 decision meeting agenda, but the Applicant requested that the Board defer consideration of the extension request until the Board's July 31st special meeting. (Exhibit 34.) The Board granted the request for postponement of the extension decision to July 31, 2012 and allowed the Applicant to file supporting documentation related to the requirements of § 3130.6. On July 31, 2012, the Board convened the case for deliberation at its public decision meeting, but then rescheduled its decision for September 25, 2012, and allowed the Applicant to submit additional supplemental information focused on the Applicant's attempts to secure financing to meet the "good cause" requirements of § 3130.6. On September 14, 2012, the Applicant submitted additional supplemental information documenting the Applicant's difficulties in securing leases and financing for the project to demonstrate good cause for granting the two-year extension of the Board's prior approval. (Exhibit 37.)

At its decision meeting on September 25, 2012, the Board found that the requirements of 11 DCMR § 3130.6 had been met and granted the Applicant the two-year extension of BZA Order No. 18064 until May 21, 2014. The first extension order, Order No. 18064-A was issued on October 10, 2013. (Exhibit 39.)

² Subsection 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

³ Subsequent to the first time extension request, on February 25, 2013, the Zoning Commission took final action to approve Z.C. Order No. 12-11 (text amendments to the BZA Rules and Procedures – Chapter 31). The amendments became effective on June 14, 2013, when the Order was published in the *D.C. Register*. With respect to time extensions to the validity of orders, the text amendments eliminated the prior limitation to granting more than one time extension (§ 3130.6) and eliminated the 30-day rule for filing before the expiration date of an order (§ 3130.9).

BZA APPLICATION NO. 18064-B**PAGE NO. 3**2nd Motion to Extend

On April 21, 2014, pursuant to 11 DCMR § 3130.6, the Applicant filed another request for a two-year extension of the validity of Order No. 18064, which was due to expire on May 21, 2014. (Exhibit 41.)

This request for extension is pursuant to § 3130.6 of the Zoning Regulations, which permits the Board to “extend the time periods in § 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval...”. The Applicant served its latest extension request and supplemental information on Advisory Neighborhood Commission (“ANC”) 2B, which is the affected ANC and the only other party to the case, and to the Office of Planning (“OP”). (Exhibits 41.)

ANC 2B submitted a letter, dated June 16, 2014, in support of the time extension. The ANC report indicated that at its regular meeting on June 11, 2014, at which a quorum of commissioners were present, the ANC unanimously voted to support the time extension request by a vote of 7-0. (Exhibit 43.)

The Office of Planning (“OP”) filed a report, dated July 1, 2014, in support of the request for the time extension. (Exhibit 44.)

According to the Applicant, the main reason for the request to extend the validity of the order is because of the additional time needed to secure a loan and complete the sale of the property and obtain building permits. As outlined in the Applicant’s motion and supporting documentation, in the time since the first time extension, the Applicant entered into a lease and a contract to purchase the property with its current tenant, and it now needs the extension of time to allow the purchase agreement to be completed and for securing a Small Business Administration (“SBA”) loan and for time to file for a building permit. The Applicant provided documentation of the existing lease and pending sale of the property to the lessee by August 31, 2014. The Applicant indicated that it had been necessary to pre-lease the project to enable either the Applicant or a prospective purchaser to secure financing for the proposed addition to the existing office building. The Applicant stated that the SBA has taken longer to process the prospective purchaser’s loan, which in turn delayed closing on the purchase of the property and completing the work needed for the filing of building permits. Granting the time extension would allow the Applicant and its proposed purchaser time to complete this process and to finalize plans for filing for building permits. For the above reasons, the Applicant is requesting a two-year time extension based on demonstrated good cause to extend the validity of the order. (Exhibit 41.)

According to the Applicant, the reasons for its request to the Board to extend Order No. 18064 for another two years are because of the delay in obtaining an SBA loan so as to close on the purchase of the property and file for building permits. To show good cause for a time extension of the Order, the Applicant’s April 21st filing included supporting documentation, starting with a May 18, 2012 letter from the real estate services company retained to market the property for the purposes of preleasing and bringing in an equity partner or selling the property. The real estate firm’s letter indicated that the property had been listed for approximately 12 months and the Applicant had received three offers, two of which were in negotiations. The real estate firm’s

BZA APPLICATION NO. 18064-B**PAGE NO. 4**

letter emphasized that both negotiations depended on keeping intact the already-granted zoning relief and noted that if the approval were to expire, the property's value would be negatively impacted, thus necessitating extension of the Board's approval. (Exhibit 41, Tab C.)

The Applicant's supporting documentation also included an executed Commercial Lease Agreement with the Applicant and its current tenant (and proposed purchaser) of the property (Exhibit 41, Tab D), as well as the Ninth Amendment to the Purchase and Sale Agreement between the Applicant and its current tenant, which sets a closing date of on or before August 31, 2014. (Exhibit 41, Tab E.)

The Applicant stated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on May 21, 2010. Also, there have been no changes to the Zone District classification or the Comprehensive Plan applicable to the property. The extension would allow the Applicant the necessary additional time in which to secure the SBA loan, close the purchase, and file for building permits. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant or any subsequent purchaser of the property the additional time to secure financing, complete the sale of the property, and apply for a building permit.

At its decision meeting on July 8, 2014, the Board reviewed the Applicant's motion and documentation and found that the requirements of 11 DCMR § 3130.6 had been met and granted the Applicant a second two-year extension of BZA Order No. 18064 until May 21, 2016.

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Subsection became effective on June 5, 2009.

Subsection 3130.6 of the Zoning Regulations states in full:

- 3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:
- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
 - (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
 - (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:

BZA APPLICATION NO. 18064-B

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- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6.)

Also, on February 25, 2013, the Zoning Commission approved Z.C. Order No. 12-11, which included text amendments to the BZA Rules and Procedures – Chapter 31. These text amendments became effective on June 14, 2013, when the Order was published in the *D.C. Register*. With respect to time extensions to the validity of orders, the text amendments eliminated the prior limitation to granting more than one time extension (§ 3130.6) and eliminated the 30-day rule for filing before the expiration date of an order (§ 3130.9). Thus, the motion for a second time extension is permissible under the regulations.

The Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to secure the necessary financing and complete the sale of the property and file for building permits due to the condition of the real estate market and the SBA's processes constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated May 21, 2010 (Exhibit No. 25 in the record). There have been no changes to the Zone District classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's original Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18064-B for a two-year time extension of Order No. 18064, which Order shall be valid until **May 21, 2016**, within which time the Applicant must file plans for the

BZA APPLICATION NO. 18064-B

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proposed structure with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 5-0-0 (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May to Approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 9, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18372-B of 2321 4th St LLC and H Street Community Development Corporation, pursuant to 11 DCMR § 3130, for a one-year extension of BZA Order Nos. 18372 and 18372-A.

The original application was pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the off-street parking requirements under subsection 2101.1, a variance from the loading berth minimum vertical clearance height requirements under subsection 2201.6, to allow the construction of a new residential apartment building with ground floor retail and service uses in the C-3-A District, at premises 2321 4th Street, N.E. (Square 3629, Lot 808).

HEARING DATE (Original Application):	June 26, 2012
DECISION DATE (Original Application):	June 26, 2012
FINAL ORDER ISSUANCE DATE (Order No. 18372):	July 3, 2012
MODIFICATION (No. 18567) HEARING / DECISION DATE:	June 11, 2013
ISSUANCE OF ORDER ON MODIFICATION (No. 18567/18372-A):	June 24, 2013
DECISION ON 1ST EXTENSION OF ORDER DATE:	July 8, 2014

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NOS. 18372 AND 18372-A**

The Underlying BZA Order

On June 26, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved Application No. 18372 of 2321 4th Street LLC, on behalf of H Street Community Development Corporation (the “Applicant”). The Applicant’s original request was for variances from the lot occupancy requirements under § 772, from the off-street parking requirements under § 2101.1, from the loading requirements under § 2201.1, and from the loading berth minimum vertical clearance height requirements under § 2201.6, to allow the construction of a new residential apartment building with ground floor retail and service uses in the C-3-A District at premises 2321 4th Street, N.E. Pursuant to 11 DCMR § 3103.2, the Board granted a variance from the lot occupancy requirements under § 772, a variance from the off-street parking requirements under § 2101.1, a variance from the loading requirements under § 2201.1, and a variance from the loading berth minimum vertical clearance height requirements under § 2201.6, to allow the construction of a new residential apartment building with ground floor retail and service uses in the C-3-A District at premises 2321 4th Street, N.E. (Square 3629, Lot 808). Order No. 18372 approving the original request was issued July 3, 2012. (Exhibit 33, Application No. 18372.)

Under the Order and pursuant to § 3130.1¹ of the Zoning Regulations, the Order was valid for two years from the time it was issued -- until July 3, 2014.

¹ Subsection 3130.1 states:

BZA APPLICATION NO. 18372-B**PAGE NO. 2**2013 Request for Modification of Approved Plans in Order No. 18372

On March 22, 2013, the Applicant in Case Nos. 18567/18372 submitted a request for approval of minor modifications to the plans approved by the Board pursuant to Order No. 18372, to allow the construction of a new residential building with ground floor retail and service uses at premises 2321 4th Street, N.E. (Square 3629, Lot 808) in the C-3-A District. (Exhibits 1 and 4, Application No. 18567.) In the modification request submitted as Application No. 18567, the Applicant asked that the entire record of Application No. 18372 be incorporated by reference. The record reflects that the request for modification was served on all of the parties to the case: the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 5E, the affected ANC, and the Single District Member, ANC 5E02. (Exhibit 1, Application No. 18567.)

In Application No. 18567, which was heard as a motion for modification of approved plans in Order No. 18372, the Applicant requested approval of modifications to the approved design in Application No. 18372 in order to have a greater likelihood of obtaining funding from D.C. Housing Finance Agency (“DCHFA”) and D.C. Department of Housing and Community Development (“DHCD”). The new design will reduce the building from six stories and 64’-6”, to five stories and 54’-10”, reduce the number of units from 155-160 units to 116-120 units, and maintain the residential parking ratio of one parking space for every four units, plus three spaces for retail, as previously approved by the Board, for a total of 32 parking spaces. The Applicant also proposes to increase the number of bicycle parking spaces, from 53 spaces to 60 spaces, although none are required. The breakdown of the units remains essentially the same, although the project would add four three-bedroom, two-bathroom units, where previously there were none. The modification was required for the number of on-site parking spaces provided; no other relief was required. The Applicant indicated that the revised project did not create any new areas of zoning relief. (See, Exhibits 4, 29, and 31, Application No. 18567.)

Pursuant to § 3129.7, the Board convened a hearing on the requested modifications on June 11, 2013 and, based on the record before the Board, decided to grant the motion for modification of approved plans, pursuant to 11 DCMR § 3129. On June 24, 2013, the Board issued Order No. 18567/18372-A, in which it approved the application for modification of approved plans, pursuant to the revised modified plans dated May 28, 2013 at Exhibit 29, Tab E (Application No. 18567). (See, Order No. 18567/18372-A, Exhibit 35 in Case No. 18372.) In Order No. 18567/18372-A, the Board indicated that in all other respects Order No. 18372 and the plans approved therein remained unchanged and that the granting of the modifications approved pursuant to Order No. 18567/18372-A did not extend or toll the validity of Order No. 18372.

Motion to Extend Validity of the Order Pursuant to 11 DCMR § 3130.6

No order authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1.)

BZA APPLICATION NO. 18372-B**PAGE NO. 3**

On June 6, 2014, the Board received a letter with supporting documents from the Applicant's attorney, which requested, pursuant to 11 DCMR § 3130.6,² a one-year extension³ of the validity of Order Nos. 18372 and 18372-A (Exhibits 33 and 35 in Case No. 18372) prior to the Order expiration date of July 3, 2014. The Applicant served its extension request and supplemental information on Advisory Neighborhood Commission ("ANC") 5E, which is the affected ANC and the only other party to the case, and to the Office of Planning ("OP"). (Exhibit 37.) All parties were allowed 30 days in which to respond, pursuant to § 3130.6(a).

The Office of Planning ("OP") filed a report on July 1, 2014 in which OP recommended the Board grant the request for a time extension. (Exhibit 38.)

ANC 5E did not submit a response to the Applicant's request.

To establish good cause for the request, the Applicant submitted a statement and exhibits including a notarized affidavit from the Applicant's Project Manager who is a Managing Member of the LLC, indicating the reasons for the request to extend the validity of the Orders. The Applicant stated that it plans to develop a new residential apartment building in the C-3-A District on the Site, which development will contain approximately 116-120 residential units, approximately 12,072 square feet of ground floor retail and service uses, and 32 vehicle parking spaces (the "Project"), pursuant to the approved plans in BZA Order No. 18372, which became final on July 3, 2012, as modified by BZA Order No. 18372-A, which modification order became final on June 24, 2013.⁴ Since the Board approved the Orders, the Applicant's affidavit indicated that it had worked diligently to obtain financing for the Project and to secure all required government agency approvals. The Applicant indicated the work it had done with various District agencies and utilities as part of its predevelopment activities. This entailed submitting the Project to the Department of Housing and Community Development ("DHCD") through a competitive request for proposals process. By letter dated December 3, 2013, DHCD affirmed its commitment to reserve funds for the Project. (See, Tab A.) Also, by resolution dated March 13, 2014, the District of Columbia Housing Finance Agency ("DCHFA") granted funding for the Project. (See, Tab B.) Having secured significant financing opportunities from multiple District agencies, the Applicant indicated that it has instructed its team to move forward expeditiously with the development of detailed construction plans in order to file a building permit application with the Department of Consumer and Regulatory Affairs ("DCRA"). The Applicant also submitted construction plans to a third-party plans reviewer and now is in the process of addressing and responding to the third-party reviewer's comments. (See, Tab C.) Further, the Applicant, on May 30, 2014, submitted plans and paid filing fees to D.C. Water for its preliminary plan review of the Project. The scheduled completion date for that application for review is June 29, 2014. (See, Tab D.) The Applicant stated that it remains committed to moving forward with the approved Project and has invested substantially in the Site over the years.

² Subsection 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

³ A two-year time extension is allowed under § 3130, but the Applicant, upon questioning by the Board at its decision meeting, stated on the record that it only was requesting a one year extension.

⁴ The modification order did not change the final expiration date for the Orders in Case No. 18372, which remained July 3, 2014.

BZA APPLICATION NO. 18372-B**PAGE NO. 4**

Although the Applicant has been awarded significant financing opportunities from multiple District agencies and is almost ready to submit its construction plans to DCRA to apply for a building permit, the Project Manager indicated that the Applicant is requesting a one-year extension of the Orders' validity before these expire on July 3, 2014, in an abundance of caution to avoid the risk that the approvals would expire before it obtained the government approvals it needs to move forward. (Exhibit 37, Ex. B.)

Criteria for Evaluating Motion to Extend

Subsection 3130.6 of the Zoning Regulations authorizes the Board to extend the time for an Order's validity for good cause provided: (i) the extension request is served on all parties to the application by the applicant, and all parties are allowed 30 days in which to respond; (ii) there is no substantial change in any of the material facts upon which the Board based its original approval; and (iii) the applicant demonstrates there is good cause for such extension. Pursuant to 11 DCMR § 3130.6(c)(1), good cause is established through the showing of substantial evidence of one or more of the following criteria:

1. An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
2. An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
3. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR § 3130.6

The Board finds that the Applicant's motion has met the criteria of § 3130.6 to extend the validity of the underlying order. To meet the burden of proof, the Applicant submitted an affidavit and other supporting documents and information that described its efforts and difficulties in obtaining financing and other government approvals before the Board's approvals expired. Since the Board issued Order No. 18372 in July of 2012, the Applicant has been working diligently to secure the necessary commitments and other approvals to move forward with the Project, as approved by the Board. The Applicant attached a sworn, notarized affidavit from the Applicant's Project Manager which described the Applicant's efforts in this regard. (Exhibit 37, Ex. B.)

Given the totality of the conditions and circumstances described above and in the affidavit and other supplemental information that was provided, the Board found that the Applicant satisfied the "good cause" required under the third prong of § 3130.6. Moreover, despite the challenges the Applicant described in its submissions for the extension, the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Orders.

BZA APPLICATION NO. 18372-B**PAGE NO. 5**

The Board found that the Applicant has met the criteria set forth in 11 DCMR § 3130.6. The reasons given by the Applicant were beyond the Applicant's reasonable control within the meaning of § 3130.6(c)(3) and constitute "good cause" required under § 3130.6(c)(1) and (2). In addition, as required by § 3130.6(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its approvals in Order Nos. 18372 and 18372-A. There have also been no changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's Orders.

The motion for the time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). No party to the application objected to an extension of the Orders. The Board concludes that extension of the approved relief is appropriate under the current circumstances.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirements of 11 DCMR § 3125.3, which required that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18372-B for a one-year time extension of Order Nos. 18372 and 18372-A, which Orders shall be valid until **July 3, 2015**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: **5-0-0** (Lloyd J. Jordan, Peter G. May, S. Kathryn Allen, Marnique Y. Heath, and Jeffrey L. Hinkle, to APPROVE).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 10, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18749 of 1031 4th Street, LLC, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the rear yard depth requirements of § 774.1; a variance from the parking requirements of § 2101.1; a variance from the compact parking space requirements of § 2115; a variance from the loading requirements of § 2201.1; a variance from the lot occupancy requirements of § 772.1; and a special exception from the roof structure requirements under §§ 411 and 770.6, to allow the construction of a new mixed-use building with ground floor retail and nine stories of residential apartments in the DD/C-2-C District at premises 1031 4th Street, N.W. (Square 526, Lots 815, 816, 836, 837, 838, 808, 809, 810, and 811).¹

HEARING DATES: May 13, 2014² and July 8, 2014

DECISION DATE: July 8, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 6E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted two letters in support of the application, one for the original application (Exhibit 24) and the other for the amended application. The ANC's second letter dated June 27, 2014, indicated that the ANC at a duly noticed public meeting on June 3, 2014, with a quorum present, the ANC voted unanimously (5:0:0) to support the zoning relief requested. (Exhibit 34.) The Office of Planning ("OP") submitted a report and a supplemental report in support of the application except for lot occupancy (Exhibits 27 and 35), but after the Applicant's presentation testified in support of the application at the public hearing. The Department of Transportation had no objection to the application with conditions. (Exhibits 28 and 36.)

Variances

¹ The Applicant amended the application by removing a request for a variance from the side yard requirements under § 775.5 and adding requests for variance relief under §§ 2115.2 and 772.1. The caption reflects those changes.

² The application was postponed from the May 13, 2014 Public Hearing at the Applicant's request. (Exhibit 30.)

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As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 774.1, 2101.1, 2115, 2201.1, and 772.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking variances from §§ 774.1, 2101.1, 2115, 2201.1, and 772.1, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the roof structure requirements under §§ 411 and 770.6. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 411, and 770.6, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE PLANS AT EXHIBIT 33C AND THE REVISED ROOF PLANS AT EXHIBIT 40 AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall assign a Transportation Management Coordinator to provide transportation information to residents and to coordinate all loading activities.

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2. The Applicant shall install an electronic transportation information screen in the lobby that would show real time arrival/availability for nearby trains, buses, carshare, and bikeshare or, in the alternate, the Applicant shall provide notice to the tenants of applicable cell phone applications or other means of obtaining this same real-time multi-transit information.
3. The Applicant shall establish a transportation demand management ("TDM") marketing program to provide detailed non-auto transportation options to residents, and shall post all TDM commitments online.
4. The Applicant shall offer the tenant of each residential unit for the first five years of the project a \$50 car sharing membership, or a \$100 SmarTrip card, or a \$100 Capital Bikeshare membership.
5. The Applicant shall provide at least 61 long-term bicycle parking spaces on-site, and shall provide a minimum of six short-term bicycle parking spaces in public space near its entrance.
6. The Applicant shall dedicate a space in the parking garage for a car sharing service or an electric car.
7. The Applicant shall set back the penthouse on the north side of the building equal to its height above the main roof, as indicated on the revised plans (Exhibit 40).
8. The Applicant shall enter into an easement agreement with Golden Rule Plaza, Inc., owner of property to the north of the subject site, for an area 65 feet long by 12 feet wide, to allow the Applicant to construct at-risk windows along the northern property line of the subject site.

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May, to APPROVE).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 14, 2014

BZA APPLICATION NO. 18749

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PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18755-A of Frank and Liz Craddock, pursuant to 11 DCMR § 3104.1, for a special exception for an addition to an existing flat under section 223, not meeting the lot occupancy requirements under section 403, and court requirements under section 406, in the R-4 District at premises 504 12th Street, N.E. (Square 984, Lot 34).

DECISION DATE: May 13, 2014

CORRECTED SUMMARY ORDER

Note: This order corrects the inadvertent omission of relief from the court requirements under section 406, under section 223, in Order No. 18755.

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing. The Board waived the late filing of the affidavit of posting.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A submitted a report in support of the application. The Office of Planning ("OP") submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a letter of no objection.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 223.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

BZA APPLICATION NO. 18755-A

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that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibits 11 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath and Robert E. Miller to APPROVE. S. Kathryn Allen not present, not voting.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 15, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

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PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING****Z.C. Case No. 14-12****(EAJ 1309 5th Street, LLC – Consolidated PUD, 1st-Stage PUD, and Related Map
Amendment @ Square 3591, Lot 800)****July 15, 2014****THIS CASE IS OF INTEREST TO ANC 5C**

On July 10, 2014, the Office of Zoning received an application from EAJ 1309 5th Street, LLC (the “Applicant”) for approval of a consolidated PUD, 1st-stage PUD, and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 800 in Square 3591 in Northeast Washington, D.C. (Ward 5), which is located at 1309-1329 5th Street, N.W. The property is currently zoned C-M-1. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-3-C.

The property is currently improved with two structures – The Market at Union Market (The Market) and the warehouse and distribution facility in the existing north building. The Applicant proposes to build upon the retail of The Market to create a mixed-use retail, office, and/or residential project on the property. The project will contain approximately 541,400 square feet, comprised of two buildings that will be constructed in two phases. Both phases will have heights of 120 feet and underground parking with approximately 300 to 475 spaces.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)
In the Matter of:)
)
National Association of)
Government Employees, Local R3-07,)
)
Complainant,)
)
v.)
)
District of Columbia)
Office of Unified Communications,)
)
Respondent.)
_____)

PERB Case No. 14-N-01
Opinion No. 1467

DECISION AND ORDER

I. Statement of the Case

On October 24, 2013, the National Association of Government Employees, Local R3-07 (“NAGE”) filed a Negotiability Appeal (“Appeal”), pursuant to Board Rule 532. NAGE and the District of Columbia Office of Unified Communications (“OUC”) are currently negotiating a successor collective bargaining agreement (“CBA”) on working conditions. NAGE filed its Appeal in response to OUC’s written communication of nonnegotiability concerning two provisions in the proposed CBA: Article 2 (Management Rights and Responsibilities) and Article 23 (Reduction in Force). (Appeal at 1-2).

On November 8, 2013, OUC filed a Response to the Union’s Appeal (“Response”), asserting that Articles 2 and 23 involve nonnegotiable subjects of bargaining. (Response at 3-6).

II. Discussion

In *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 29 D.C. Reg. 2975, Slip Op. No. 43 at p. 2, PERB Case No. 82-N-01 (1982), the Board adopted the U.S. Supreme Court’s standard concerning subjects for bargaining established in *National Labor Relations Board v. Borg-Warner Corp.*, 356 U.S. 3342 (1975): “Under this standard, the three categories of bargaining subjects are as follows: (1) mandatory

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subjects, over which the parties must bargain; (2) permissive subjects, over which the parties may bargain; and (3) illegal subjects, over which the parties may not legally bargain.” D.C. Official Code § 1-617.08(b) provides that “all matters shall be deemed negotiable, except those that are proscribed by this subchapter.” The Board has held that this language creates a presumption of negotiability. *Int’l Ass’n of Firefighters, Local 36 v. D.C. Dep’t of Fire and Emergency Services*, 51 D.C. Reg. 4185, Slip Op. No. 742, PERB Case No. 04-N-02 (2004).

In April 2005, the Council of the District of Columbia amended D.C. Official Code § 1-617.08 to include subsection (a-1), which states: “An act, exercise, or agreement of the respective personnel authorities (management) shall not be interpreted in any manner as a waiver of the sole management rights contained in subsection (a) of this section.” In *District of Columbia Dep’t of Fire and Emergency Medical Services v. American Federation of Government Employees, Local 3721*, 54 D.C. Reg. 3167, Slip Op. No. 874, PERB Case No. 06-N-01 (2007), the Board considered one of the first negotiability appeals filed after the April 2005 amendment to D.C. Official Code § 1-617.08. In that case, the Board stated:

[A]t first glance, the above amendment could be interpreted to mean that the management rights found in D.C. Code § 1-617.08(a) may no longer be a subject of permissive bargaining. However, it could also be interpreted to mean that the rights found in D.C. Code § 1-617.08(a) may be subject to permissive bargaining, if such bargaining is not considered as a permanent waiver of that management right or any other management right. As a result, [the Board indicated] that the language contained in the statute is ambiguous and unclear.

Id. at 8. The Board reviewed the legislative history of the 2005 amendment to determine the intent of the Council of the District of Columbia. *Id.* The Board noted that analysis prepared by the Subcommittee on Public Interest stated:

Section 2(b) also protects management rights generally by providing that no “act, exercise, or agreement” by management will constitute a more general waiver of a management right. This new paragraph should not be construed as enabling management to repudiate any agreement it has, or chooses, to make. Rather, this paragraph recognizes that a right could be negotiated. However, if management chooses not to reserve a right when bargaining, that should not be construed as a waiver of all rights, or of any particular right at some other point when bargaining.

Id.

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III. Proposals and Analysis

Article 2: Management Rights and Responsibilities

Section A

Management's rights shall be recognized in accordance with the Comprehensive Merit Personnel Act (CMPA) D.C. Official Code Section § 1-617.08 of CMPA established management's rights.

Section B

All matters shall be deemed negotiable except those that are proscribed by D.C. Official Code § 1-617.08.

Section C

This article shall not preclude the Union's rights to bargain over the Impact and Effect of decisions made pursuant to D.C. Official Code § 1-617.08.

OUC asserts that it has no duty to bargain with NAGE over management rights, which D.C. Official Code § 1-617.08 places within the sole discretion of management. (Response at 4). OUC contends that the Union's proposals would effectively create a contractual right to grieve and arbitrate alleged violations of management rights separate from those created by statute. *Id.* at fn. 3. Further, OUC alleges that simply because it negotiated over this portion of the CBA in previous contracts, Board precedent establishes that "a party's failure to challenge the negotiability of a proposal during the course of collective bargaining for one agreement does not foreclose a challenge in negotiations for successor agreements." (Response at 5; citing *Teamsters, Local Unions No. 639 and 730 v. District of Columbia Public Schools*, 43 D.C. Reg. 7014, Slip Op. No. 403, PERB Case No. 94-N-06 (1996)).

NAGE contends that its proposal "merely provides a citation to management rights as outlined in the D.C. Code, and clarifies the extent of these rights vis-à-vis the Union's right to negotiate over all issues not identified in the Code." (Appeal at 4). Additionally, NAGE alleges that its proposal seeks to incorporate the "clearly established principle that a labor union has a right to bargain over the Impact and Effects of the exercise of management rights that are not *de minimis*." *Id.* In support of its proposal, NAGE states that the D.C. Official Code does not prohibit negotiations over whether to cite or list management rights in a contract, but instead defines the personnel actions that management has the exclusive right to exercise. *Id.*

The Board finds that the proposal is negotiable.

D.C. Official Code § 1-617.08(a) protects management's sole right, in accordance with applicable laws, rules, and regulations, to:

- (1) Direct employees of the agencies;

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- (2) Hire, promote, transfer, assign, and retain employees in positions within the agency , and to suspend, demote, discharge, or take other disciplinary action against employees for cause;
- (3) Relieve employees of duties because of lack of work or other legitimate reasons;
- (4) Maintain the efficiency of the District government operations entrusted to them;
- (5) Determine:
 - a. The mission of the agency, its budget, its organization, the number of employees, and to establish the tour of duty;
 - b. The number, types, and grades of positions of employees assigned to an agency's organization unit, work project, or tour of duty;
 - c. The technology of performing the agency's work; and
 - d. The agency's internal security practices; and
- (6) Take whatever actions may be necessary to carry out the mission of the District government in emergency situations.

NAGE's proposal does not impact OUC's sole right to perform any of the activities listed above, nor to seek redress from the Board when it believes its management rights have been violated. *See* D.C. Official Code § 1-605.02(3). Instead, Sections A and B it merely restate the rights guaranteed by D.C. Official Code § 1-617.08(a) and (b), and Section C recognizes longstanding Board precedent that an exercise of management rights does not relieve the employer of its obligation to bargain over impact and effect of, and procedures concerning, the implementation of those rights. *See Int'l Brotherhood of Police Officers, Local 446 v. D.C. General Hospital*, 41 D.C. Reg. 2321, Slip Op. No. 312, PERB Case No. 91-U-06 (1994); *see also American Federation of Government Employees, Local 383 v. D.C. Dep't of Disability Services*, 59 D.C. Reg. 10771, Slip Op. No. 1284, PERB Case No. 09-U-56 (2012).

Article 23: Reductions in Force

Section A

The term reduction-in-force, as used in the agreement, means the separation of a permanent employee, his/her reduction in grade, pay or rank because of a reorganization, abolishment of his/her position, lack of work, lack of funds, new equipment, job consolidation or displacement by an employee with greater retention rights who was displaced because of the aforementioned.

Section B

The Agency agrees to consult in advance with the Union prior to reaching decisions that might lead to a reduction-in-force in the bargaining unit. The Agency further agrees to minimize the effect of such reduction-in-force on employees and to consult with the Union toward this end.

Section C

A reduction in force will be conducted in accordance with the provision set forth in the D.C. Code § 1-624.02.

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Section D

In the event of a reduction-in-force, the agency shall notify the union (30) days in advance and upon request, provide the Union with appropriate information to insure that the Union can engage in impact and effects bargaining over the reduction-in-force.

OUC contends that it is not required to negotiate over a reduction in force ("RIF") or to include language on RIF in the CBA that merely restates the law. (Response at 3). In support of its contention, OUC cites to the Omnibus Personnel Reform Amendment Act of 1997 ("Abolishment Act") codified in D.C. Official Code § 1-624.08(a), which in pertinent part states that "notwithstanding any other provision of law, regulation, or collective bargaining agreement, either in effect or to be negotiated while this legislation is in effect...each agency head is authorized, within the agency head's discretion, to identify positions for abolishment." (Response at 3). OUC states that the purpose of the Abolishment Act was to "eliminate the provision allowing RIF policies and procedures to be appropriate matters for collective bargaining," thus allowing DC Government agencies to avoid legal and contractual restrictions on terminations when seeking to abolish a position. (Response at 3; Response Ex. 1). Further, OUC points out that D.C. Official Code § 1-624.08(j) states: "Notwithstanding the provisions of § 1-617.08 or § 1-624.02(d), the provisions of this chapter shall not be deemed negotiable." (Request at 3). OUC contends that it cannot "bypass the laws of the District of Columbia to meet its own ends or the ends of the Union," and that the Board has previously ruled a proposal nonnegotiable based upon violation of the D.C. Code. (Request at 3; citing *American Federation of Government Employees, Local 3721 v. D.C. Fire and Emergency Medical Services Dep't*, 46 D.C. Reg. 7613, Slip Op. No. 390, PERB Case No. 94-N-04 (1999)).

To the contrary, NAGE asserts that its proposal does not interfere with OUC's right to conduct a RIF. (Appeal at 6). Instead, the proposal identifies ways NAGE and OUC can "negotiate and collaborate" on the implementation of RIFs. *Id.* Additionally, NAGE alleges that impact and effects bargaining is a clearly recognized legal right and is not prohibited by statute. *Id.*

The Board finds that sections B and D of the proposal are nonnegotiable. RIFs are a management right under D.C. Official Code § 1-617.08. *Doctors' Council of DC v. DC Dep't of Youth and Rehabilitation Services*, 60 D.C. Reg. 16255, Slip Op. No. 1432 at p. 8, PERB Case No. 11-U-22 (2013). Generally, a management right does not relieve management of the duty to bargain over the impact and effects of, and procedures concerning, the exercise of management rights decisions. *American Federation of Government Employees, Local 1403 v. D.C. Office of the Corporation Counsel*, Slip Op. No. 709 at p. 6, PERB Case No. 03-N-02 (July 25, 2003); *Int'l Brotherhood of Police Officers v. D.C. General Hospital*, 41 D.C. Reg. 2321, Slip Op. No. 312 at p. 3, PERB Case No. 91-U-06 (1992); *University of the District of Columbia Faculty Ass'n/NEA v. University of the District of Columbia*, 29 D.C. Reg. 2975, Slip Op. No. 43 at p. 4, PERB Case No. 82-N-01 (1982) (holding that procedures for implementing the decision to conduct a RIF and its impact and effects are negotiable). However, the Abolishment Act narrowed this duty as it relates to RIFs. *Washington Teachers' Union, Local 6 v. D.C. Public Schools*, 61 D.C. Reg. 1537, Slip Op. No. 1448 at p. 2, PERB Case No. 04-U-25 (2014). The

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Abolishment Act authorizes agency heads to identify positions for abolishment, establishes the rights of existing employees affected by the abolishment of a position, and establishes procedures for implementing and contesting an abolishment. D.C. Official Code § 1-624.08(a)-(i), (k). Further, the Abolishment Act provides: "Notwithstanding the provisions of § 1-617.08 or § 1-624.02(d), the provisions of this chapter shall not be deemed negotiable." D.C. Official Code § 1-624.08(j). As a result, a proposal that would alter RIF procedures is nonnegotiable. *American Federation of Government Employees v. D.C. Water and Sewer Authority*, 59 D.C. Reg. 5411, Slip Op. No. 982 at p. 6, PERB Case No. 08-N-05 (2009); *Fraternal Order of Police/Dep't of Corrections Labor Committee v. D.C. Dep't of Corrections*, 49 D.C. Reg. 11141, Slip Op. No. 692 at p. 5, PERB Case No. 01-N-01 (2002).¹

In the instant case, Article 23, Sections B and D of NAGE's proposal impose additional requirements on the Agency, beyond those required by the Abolishment Act. Section B requires the Agency to consult in advance with the Union prior to reaching decisions that may lead to a RIF, to minimize the effect of the RIF on employees, and to consult with the Union about the efforts to minimize the effect of a RIF on bargaining unit members. Section D requires the Union be given 30 days' advance notice before a RIF is carried out. *In American Federation of Government Employees, Local 631 and D.C. Water and Sewer Authority*, 59 D.C. Reg. 5411, Slip Op. No. 982 at p. 2, PERB Case No. 08-N-05 (2009), the Board considered the negotiability of a proposal by a union that would require the agency to first attempt "furloughs, reassignment, retaining or restricting recruitment" and/or "utilize attrition and other cost saving measures to avoid or minimize the impact on employees of a RIF." The Board found that the unions' proposal constituted an attempt to alter the agency's RIF procedures and was therefore nonnegotiable pursuant to the Abolishment Act. *Id.* at 6. Here, NAGE's proposal similarly attempts to minimize the effects of a RIF on bargaining unit employees by asking OUC to consult with the Union "prior to reaching decisions" that may lead to a RIF, to consult with the Union to minimize the effects of a RIF, and to provide additional advanced notice to the Union that is not required by the Abolishment Act. The Board finds that NAGE's proposal constitutes an attempt to alter or affect OUC's RIF procedures. *AFGE and WASA, supra*, Slip Op. No. 982. Additionally, the Board finds the proposal constitutes an attempt to frustrate OUC's purposes for conducting the RIF, as well as an attempt to interfere with OUC's rights to direct and assign employees, establish work priorities, and establish job requirements that fulfill the Agency's mission and functions. *American Federation of Government Employees, Local 1403 and D.C. Office of the Corporation Counsel*, Slip Op. No. 709, PERB Case No. 03-N-02 (July 25, 2003).

Therefore, based on the foregoing, and in accordance with Board Rule 532.7, the Board finds that Sections B and D of NAGE's proposal are nonnegotiable.

¹ While the decision to implement a RIF and the procedures for implementation are nonnegotiable, it should be noted that an employer violates its duty to bargain in good faith by refusing a request to bargain over the impact and effects of a RIF. *Doctors' Council of D.C.*, Slip Op. No. 1432 at p. 8; see also *AFSCME Council 20, Local 2921 v. D.C. Dep't of General Services*, 59 D.C. Reg. 12682, Slip Op. No. 1320 at p. 2, PERB Case No. 09-U-63 (2012); *Fraternal Order of Police/Dep't of Corrections Labor Committee v. D.C. Dep't of Corrections*, 52 D.C. Reg. 245, Slip Op. No. 722 at p. 5, PERB Case Nos. 01-U-21, 01-U-28, 01-U-21 (2003).

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Article 23, Section A of NAGE's proposal is nonnegotiable. D.C. Official Code § 1-624.08(a) provides as follows:

Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 2000, and each subsequent fiscal year, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment. (emphasis added).

In the instant case, the Union's proposal attempts to limit the agency head's discretionary authority to implement a RIF by defining what constitutes a RIF. The District Personnel Manual ("DPM"), which implements the CMPA, provides: "Each personnel authority shall follow these [RIF] regulations when releasing a competing employee from his or her competitive level when the release is required by any of the following: (a) Lack of work; (b) Shortage of funds; (c) Reorganization or realignment; or (d) The exercise of restoration rights as provided in 38 U.S.C. § 2021 *et seq.*" The proposed definition in Article 23, Section A is inconsistent with the definition of a RIF found in the DPM. The statutory provision expressly authorizes each agency head to identify positions for abolishment "notwithstanding any other provision of law, regulation, or collective bargaining agreement." D.C. Official Code § 1-624.08(a). Further, "when one aspect of a subject matter, otherwise generally negotiable in other respects, is fixed by law, e.g., the CMPA, that aspect is nonnegotiable." *Teamsters Local Unions No. 639 and 730 v. D.C. Public Schools*, 43 D.C. Reg. 7014, Slip Op. No. 403 at p. 4, PERB Case No. 94-N-06 (1994). Therefore, this portion of the proposal is nonnegotiable. *See American Federation of Government Employees, Local 631 v. D.C. Office of Property Management*, 59 D.C. Reg. 4968, Slip Op. No. 965 at p. 8-9, PERB Case No. 08-N-02 (2009) (finding union's proposal attempting to define "RIF" nonnegotiable).

Article 23, Section C is negotiable. NAGE's proposal merely states that RIFs will be conducted in accordance with the law. The proposal does not impact OUC's management rights pursuant to D.C. Official Code § 1-617.08, nor does it attempt to add to or detract from the procedures laid out in D.C. Official Code § 1-624.02. Restating provisions of law in a CBA is not prohibited by the CMPA. Therefore, this portion of the proposal is negotiable.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following proposals are negotiable:
 - a. Article 2, Sections A, B, and C
 - b. Article 23, Section C
2. The following proposal is nonnegotiable:
 - a. Article 23, Sections A, B, and D

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3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

May 13, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-N-01 was transmitted via File & ServeXpress to the following parties on this the 13th day of May, 2014.

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/s/ Erin E. Wilcox

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Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
International Federation of Professional)	
and Technical Engineers,)	
)	
Petitioner,)	
)	PERB Case No. 12-RC-03
and)	
)	Opinion No. 1469
District of Columbia Office of)	
Administrative Hearings,)	
)	
Agency.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

Seeking to represent a unit composed of administrative law judges (“ALJs”) in the Office of Administrative Hearings (“OAH”), the International Federation of Professional and Technical Engineers (“Petitioner” or “Union”) filed a recognition petition with the Board on July 27, 2012. The petition was accompanied by a showing of interest of employees in representation by the Petitioner.

On August 17, 2012, the Board issued a notice to all employees, labor organizations, and agencies associated with OAH, informing them of the petition filed by the Union. No comments or intervention petitions were filed. On September 10, 2012, OAH submitted an alphabetical list of ALJs in OAH. The Executive Director compared that alphabetical list with the showing of interest submitted by the Petitioner and determined pursuant to Rule 502.4 that the Petition was properly accompanied by a thirty percent (30%) showing of interest as required by D.C. Official Code Section 1-618.10(b)(2) and Rule 502.2.

The Petitioner subsequently filed an amended petition adding a roster of the Petitioner’s officers and representatives, as required by Rule 502.1(d), and a second amended petition correcting the caption. The Petitioner seeks to represent, for purposes of collective bargaining:

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Code §§ 2-1831.06 and 2-1831.08, excluding all

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management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

(Second Amended Recognition Petition at p. 1). The Petitioner alleges that “[n]o current collective bargaining agreement (‘CBA’) is in effect covering the proposed unit of employees or any part of it.” (*Id.* at 2).

On October 24, 2012, OAH filed comments regarding the recognition petition and filed a demand for an evidentiary hearing, adding that in OAH’s view any election must be by ballot at the workplace. In its comments, OAH asserted that D.C. Official Code § 1-617.09(b)(1) precludes the establishment of a unit containing management officials or supervisors and that the ALJs are by law managers and supervisors pursuant to section 2-1831.09(a)(5) and (6) of the D.C. Official Code. OAH also argued that a collective bargaining agreement for ALJs could not cover job tenure or pay because those matters are governed by statute. The Union filed a response to OAH’s comments in which it argued that the ALJs give only recommendations regarding management and supervision to the chief administrative law judge, who exercises managerial and supervisory authority. The Union further argued that the chief administrative judge has some discretion over discipline and pay.

An effort to resolve the case through mediation was unsuccessful. Following an informal conference conducted pursuant to Rule 502.10(c), the case was referred to Hearing Examiner Sean Rogers “to develop a full and factual record upon which the Board may make a decision.” Rule 502.11. A hearing was held on June 18, 21, 24, and 25, 2013. On the first day of the hearing, the Hearing Examiner denied motions to stay and for summary judgment. The Hearing Examiner granted a motion filed by Mayor Vincent C. Gray for leave to file a brief as *amicus curiae* in support of the petition.

The hearing examiner issued a Report and Recommendation November 12, 2013, recommending that the Union be certified and that a representation election be held. On December 13, 2013, OAH filed exceptions, which it later withdrew. On March 18, 2014, the parties filed a Joint Motion for Voluntary Recognition of Bargaining Unit without an Election. The Report and Recommendation and the joint motion are before the Board for disposition.

II. Hearing Examiner’s Report and Recommendation

A. Issues

The Hearing Examiner noted that D.C. Official Code § 1-617.09(b)(1) provides, “[a] unit shall not be established if it includes . . . any management official or supervisor” and further noted that OAH contended that the ALJs were management officials and supervisors. (Report and Recommendation 24.) The Hearing Examiner found that OAH raised the following issues concerning the status of ALJs as management officials and supervisors:

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OAH has challenged IFPTE's Recognition Petition contending that: ALJs cannot be included in the petitioned for bargaining unit because the *Establishment Act* precludes ALJ inclusion in a bargaining unit; ALJs are actively engaged in day-to-day OAH management and supervise OAH personnel which excludes them from a bargaining unit; and ALJ-association with and representation by IFPTE would violate OAH's Ethics Code and create a conflict of interest.

(*Id.* at 23.)

OAH also raised issues related to the ALJs' excepted service status:

OAH asserts [that] DC Code § 1-609.08(15) ALJs are deemed to be Excepted Service and the DC Council has linked ALJs to the Senior Executive Attorney Service (SEAS) in DC Code § 2-1831.05(11) applying an equivalent pay scale and retention allowances to the ALJ position. OAH argues ALJs' Excepted Service status and their SEAS pay exclude their participation in a bargaining unit.

(*Id.* at 12.)

B. Facts

OAH has a chief judge, a deputy chief judge, and thirty-two ALJs. (*Id.* at 8.) The Hearing Examiner found that the record established that

OAH's Chief Judge is the principal policy-maker and supervises and manages all OAH employees. (Tr 70, 85-86; Px 1; Px 3). Specific to the OAH ALJs, the Chief Judge assigns cases, monitors and supervises the quality of administrative adjudication, develops and implements rules, procedures, performance standards, training programs, contracts on behalf of OAH, approves forms and documents, and exercises all other duties consistent with the *Establishment Act*. (Tr 85-86; Px 3 and 5; DC Code § 2-1831.05(a)(5)). However, only the Commission on Selection and Tenure (COST) has the authority to appoint, reappoint, discipline and remove OAH ALJs. (Tr 71-2 and DC Code § 2-1831.06).

(*Id.*)

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OAH has four departments—trials and appeals, the office of general counsel, clerk of court, and agency administrative staff. The deputy chief judge heads the trials and appeals department. (*Id.* at 8; Tr. 525.) ALJs serve on ten management committees, namely, Case Management and Quality Control, Ethics, Events, Mediation, Performance Measures, Recruiting, Risk Assessment and Control, Rules, Training and Education, and Website. (Report and Recommendation 10.) All ALJs serve, or have served, on a committee, and some ALJs serve or have served on more than one committee. (*Id.*) The Hearing Examiner found that the committees make non-binding recommendations to the chief judge.

ALJs decide cases appealed to OAH from over forty D.C. administrative agencies, boards, and commissions. The cases are grouped by subject matter into twenty-three jurisdictions, which in turn are grouped into jurisdictional clusters. The jurisdictional clusters are overseen by six principal ALJs. The principal ALJs hear cases like the other ALJs but undertake some additional administrative duties concerning the jurisdictions and jurisdictional clusters that they oversee. They do not supervise the other ALJs. (*Id.* at 9.)

The chief judge adopted an Ethics Code for OAH in 2004. (*Id.* at 10.) The Ethics Code requires ALJs to avoid the appearance of impropriety and to recuse themselves in any proceeding in which their impartiality might reasonably be questioned. The Ethics Code advises that an ALJ should not serve as an officer, director, trustee, or advisor of an organization that will engage in proceedings that would ordinarily come before the ALJ or that will regularly engage in proceedings before OAH. The Ethics Code prohibits partisan political activity by ALJs. (*Id.* at 11.)

C. Conclusions and Recommendations

OAH argued, in effect, that ALJs are *de jure* and *de facto* management officials and supervisors. In view of the right of employees to organize and join labor organizations, D.C. Official Code § 1-617.06(a), the Hearing Examiner found that “in determining whether ALJs are management officials or supervisors under the CMPA, their actual duties and responsibilities control.” (*Id.* at 25.) The Hearing Examiner found that the duties and responsibilities of ALJs did not make them supervisors or managers. (*Id.* at 25-28.)

In addition, the Hearing Examiner found OAH’s objections related to the Ethics Code to be speculative and its argument that the ALJs are excepted service attorneys to be without basis in fact. (*Id.* at 33.) He also rejected OAH’s argument related to the ALJs’ senior executive attorney service pay on the ground that “[n]othing in the CMPA set[s] salary as the basis for denying an employee the right to form, join or assist a labor organization.” (*Id.* at 33.)

The Hearing Examiner made the following recommendations:

1. The description of the bargaining unit which IFPTE seeks to be certified as the exclusive representative be defined as:

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All Administrative Law Judges and Principal Administrative Law Judges in the District of Columbia Office of Administrative Hearings appointed pursuant to DC Code §§ 2.1831.06 and 2.1831.08, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. The PERB order a representation election in accordance with its Rules.

III. Discussion

A. The Report and Recommendation

OAH has manifested its lack of opposition to the recognition petition and to the Report and Recommendation by withdrawing its exceptions to the Report and Recommendation and by joining in a motion for voluntary recognition without an election. In view of OAH's lack of opposition, the Board accepts the recommendations of the Hearing Examiner, finds the proposed unit to be appropriate, and orders a representation election.

B. The Joint Motion for Voluntary Recognition of Bargaining Unit Petition without an Election

As noted, the parties moved for voluntary recognition without an election. Rule 502.12 sets forth the elements for recognition of a unit without an election:

If the choice available to employees in an appropriate unit is limited to the selection or rejection of a single labor organization, the Board may permit the employing agency to recognize the labor organization without an election on the basis of evidence that demonstrates majority status (more than 50%), such as documentary proof not more than one (1) year old, indicating that employees wish to be represented by the petitioning labor organization. In case of voluntary recognition by the employer, the Executive Director shall review the evidence of majority status and shall recommend to the Board whether certification should be granted without an election.

Two of the elements required to support a motion for recognition without an election are not present. First, the documentary proof of interest is more than one year old. Second, the Executive Director has reviewed the showing of interest, determined that the evidence does not demonstrate majority status, and accordingly recommended that the motion for certification without an election be denied. For those reasons, the motion is denied.

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ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All administrative law judges and principal administrative law judges in the District of Columbia Office of Administrative Hearings appointed pursuant to D.C. Official Code §§ 2.1831.06 and 2.1831.08, excluding all other employees, management officials, supervisors, confidential employees, employees engaged in personnel work, and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

2. An on-site election shall be held by the Board in accordance with the provisions of D.C. Official Code § 1-617.10 and Board Rules 510, 511, 513, 514, and 515 in order to determine whether a majority of eligible employees in above-described unit desire to be represented for bargaining on terms and conditions of employment by either the International Federation of Professional and Technical Engineers or no union.
3. The Joint Motion for Voluntary Recognition of Bargaining Unit Petition without an Election is denied.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Members Donald Wasserman and Ann Hoffman

Washington, D.C.

June 4, 2014

Decision and Order
PERB Case No. 12-RC-03
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CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 12-RC-03 was transmitted via File & ServeXpress to the following parties on this the 4th day of June 2014.

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/s/ David McFadden

David McFadden

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
Fraternal Order of Police/Metropolitan)	
Police Department Labor Committee,)	
)	PERB Case No. 11-U-53
Complainant,)	
)	Opinion No. 1470
v.)	
)	
District of Columbia)	
Metropolitan Police Department,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER ON REMAND

I. Statement of the Case

This matter comes before the Board on remand from the Superior Court of the District of Columbia, pursuant to its order reversing and remanding the decision of the Board in *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. D.C. Metropolitan Police Department*, 59 D.C. Reg. 6952, Slip Op. No. 1223, PERB Case No. 11-U-53 (2011).

The case was brought by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”), which alleged in its Unfair Labor Practice Complaint (“Complaint”) that the Metropolitan Police Department (“MPD”) violated D.C. Official Code § 1-617.04(a) by retaliating against then-FOP Chairman Kristopher Baumann for his protected representational activities. (Complaint at 5-6). MPD opposed the allegations.

The issue before the Board was whether MPD violated the Comprehensive Merit Personnel Act (“CMPA”) by exhibiting anti-union animus against then-Chairman Baumann. Upon consideration of the Complaint, the Board found that FOP failed to make allegations which, if proven, would establish a violation of the CMPA. (Slip Op. No. 1223 at p. 3). Therefore, FOP’s Complaint was dismissed.

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FOP appealed the Board's decision to the District of Columbia Superior Court. Superior Court Judge Todd Edelman reversed the Board's Decision and Order in part and remanded the case to the Board. The case is now before the Board for a decision consistent with Judge Edelman's order.

II. Discussion

The Complaint arose from the following facts: on or about May 16, 2011, MPD employee Celia Taylor witnessed then-Chairman Baumann stopped on the side of the road, either assisting a motorist or engaged in a traffic stop. (Slip Op. No. 1223 at p. 2). Later that day, the MPD employee mentioned her observation to her supervisor. *Id.* The supervisor communicated the observation to the head of the MPD Internal Affairs Division, who initiated an investigation of then-Chairman Baumann's actions. *Id.* The investigative report ultimately concluded that "Ms. Taylor's e-mail concerning her observation of the incident contains no allegations or evidence of any violation of any District of Columbia or MPD rules, regulations, or laws." *Id.*

FOP filed the Complaint with PERB, alleging that MPD and several individually-named MPD employees had engaged in unfair labor practices by interfering, restraining, coercing, or retaliating against the exercise of rights guaranteed by the CMPA. (Complaint at 5). Specifically, FOP contended that then-Chairman Baumann was engaged in protected union activities through his representational duties as Chairman of the FOP, MPD knew of the protected union activities, MPD exhibited express anti-union animus by "the imposition of a[n] unwarranted, improper, and retaliatory investigation in which there was no allegation or evidence against then-Chairman Baumann of any violation of any District of Columbia or MPD rules, regulations or law," and MPD attempted to interfere, restrain, coerce, and retaliate against the FOP by imposing an "unwarranted, improper, and retaliatory investigation." (Complaint at 5-6).

In its Answer, MPD admitted that an investigation into the traffic stop took place, but denied that the investigation was improper or retaliatory. (Answer at 2-4).

After reviewing the pleadings, the Board found FOP provided no evidence to support its claims that then-Chairman Baumann was engaged in union activities when he stopped or assisted the motorist, that MPD knew of those activities, or that MPD demonstrated anti-union animus. (Slip Op. No. 1223 at p. 3). As a result, the Board dismissed the Complaint for failure to state a cause of action. *Id.* Additionally, the Board dismissed the individually-named respondents from the Complaint. *Id.* at p. 1, fn. 1.

FOP appealed the Board's decision to the District of Columbia Superior Court. Superior Court Judge Edelman upheld the portion of the Board's Decision and Order pertaining to the dismissal of the individually-named respondents, and reversed the Board's dismissal of FOP's retaliation allegations, stating that the Board did not address the specific argument made by FOP in its Complaint. Judge Edelman found that the Board "simply misconstrued the allegations of [FOP's] Complaint, and based its dismissal of the Complaint on the lack of evidence supporting a claim or theory never advanced by [FOP]." *Fraternal Order of Police Metropolitan Police Department Labor Committee v. District of Columbia Public Employee Relations Board*, 2011

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CA 009828 P(MPA), Slip Op. at 7 (Nov. 27, 2012). Specifically, FOP did not claim that then-Chairman Baumann was engaged in union activities during the traffic stop, but rather that the investigation arose “because of and in retaliation for his general conduct as the FOP Chairman.” *Id.* at 8. Because he found that the Board’s Decision and Order did not address the specific allegations contained in FOP’s Complaint, the Board erred in making its determination. *Id.* at 8. The case was remanded to the Board for entry of an order consistent with Judge Edelman’s decision. *Id.* at 11.

In view of the above, the Board must reverse its dismissal of FOP’s claim of retaliation, and reconsider this allegation. In the Complaint, FOP asserts that the investigation into then-Chairman Baumann “was nothing more than retaliation and interference against [then] Chairman Baumann,” and that “members of the MPD breached the confidentiality required of Internal Affairs investigations by making improper disclosures and spreading rumors about [then] Chairman Baumann being under investigation, but the existence of the investigation was never confirmed by the MPD until on or about July 27, 2011.” (Complaint at 4-5). FOP contends that then-Chairman Baumann was engaged in protected union activities through his representational duties as Chairman of the FOP, MPD knew of the protected union activities, there was express anti-union animus by MPD demonstrated by “the imposition of a[n] unwarranted, improper, and retaliatory investigation,” and MPD attempted to interfere, restrain, coerce, and retaliate against FOP through the investigation of then-Chairman Baumann. (Complaint at 5-6). In its Answer, MPD denies that it retaliated against then-Chairman Baumann for his representational activities. (Answer at 4).

To establish a *prima facie* case that MPD retaliated against then-Chairman Baumann for engaging in protected union activities, FOP must show that (1) then-Chairman Baumann engaged in the protected activity; (2) MPD knew about then-Chairman Baumann’s protected activity; (3) MPD exhibited anti-union or retaliatory animus; and (4) as a result, MPD took adverse employment actions against then-Chairman Baumann. See *FOP/MPD Labor Committee v. MPD*, 60 D.C. Reg. 9212, Slip Op. No. 1391 at p. 24, PERB Case Nos. 09-U-52 and 09-U-53 (2013). The Board has held that an investigation of an employee can be an adverse action giving rise to a claim of retaliation. *FOP/MPD Labor Committee v. MPD*, 59 D.C. Reg. 5461, Slip Op. No. 988 at p. 8, PERB Case No. 08-U-41 (2009).

In the instant case, issues of fact exist concerning whether MPD’s actions were intended to interfere with, restrain, coerce, or retaliate against then-Chairman Baumann or the FOP in the exercise of protected activities. Whether MPD’s actions rise to the level of a violation of the CMPA is a matter best determined after the establishment of a factual record through an unfair labor practice hearing. See *FOP/MPDLC v. MPD*, 60 D.C. Reg. 12080, Slip Op. No. 1403 at p. 3, PERB Case No. 08-U-26 (2013); see also *Karim v. D.C. Public Schools*, 59 D.C. Reg. 12655, Slip Op. No. 1310 at p. 6, PERB Case No. 10-U-17 (2012).

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ORDER

IT IS HEREBY ORDERED THAT:

1. The portion of the Decision and Order in *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. D.C. Metropolitan Police Department*, 59 D.C. Reg. 6952, Slip Op. No. 1223, PERB Case No. 11-U-53 (2011) dismissing the Fraternal Order of Police/Metropolitan Police Department Labor Committee's allegations regarding the investigation into then-Chairman Baumann is vacated.
2. PERB's Executive Director will refer the Fraternal Order of Police/Metropolitan Police Department Labor Committee's Unfair Labor Practice Complaint to a hearing examiner for an unfair labor practice hearing. The dispute will first be submitted to the Board's mediation program to allow the parties the opportunity to reach a settlement with the assistance of a Board-appointed mediator.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

June 4, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 11-U-53 was transmitted to the following parties on this the 6th day of June, 2014.

Mr. Anthony M. Conti, Esq.
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FILE & SERVEXPRESS

/s/ Erin E. Wilcox

Erin E. Wilcox, Esq.
Attorney-Advisor

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PERB Case No. 11-A-06
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found that DCRA did not establish a statutory basis for review. (Slip Op. No. 1298 at p. 4-5). Therefore, pursuant to Board Rule 538.4, DCRA's Request was denied.

DCRA appealed a portion of the Board's decision to the District of Columbia Superior Court. Superior Court Judge Anthony Epstein reversed the Board's Decision and Order and remanded the case to the Board for entry of an order reversing the Arbitrator's Award. As a result, this case is before the Board for a decision consistent with Judge Epstein's order.

II. Discussion

The Award at issue in this case resulted from a group grievance filed on behalf of commercial and residential housing inspectors employed by DCRA. (Award at 7). DCRA terminated approximately 30 employees who, after a change in certification requirements, failed to obtain the required certification. (Award at 27). AFGI filed a group grievance on behalf of 59 commercial and residential housing inspectors who had been adversely impacted by the change in certification requirements, including the 30 terminated inspectors. (Award at 24). Of the group of terminated inspectors, 19 employees sought redress through the OEA. *Id.* Their appeals were denied by OEA Administrative Judge Eric Robinson, who dismissed the appeals for lack of jurisdiction. (Award at 27-28).

Meanwhile, in the grievance arbitration proceedings, the Arbitrator found that the adversely-affected inspectors must be made whole, including reinstatement for all of the terminated inspectors. (Award at 47). The 19 employees whose cases were dismissed by the OEA were included in the make-whole remedy, and they were ordered to be reinstated. *Id.*

DCRA appealed the Award to PERB, asserting in part that the Arbitrator exceeded his jurisdiction and violated law and public policy by reinstating the 19 employees who had appealed their terminations through the OEA, notwithstanding the election of remedies language in the parties' collective bargaining agreement ("CBA"). (Request at 7-9). DCRA contended that the election of remedies provision in the parties' CBA is conclusive, holding that "[a]n employee shall elect either of these procedures in writing and the selection once made cannot be changed." (Request at 7). DCRA also argued that the same outcome is provided by the District Personnel Manual, which provides:

1601.3 If an employee is authorized to choose between the negotiated grievance process set forth in a collective bargaining agreement and the grievance or appellate process provided in these rules, the employee may elect, at his or her discretion, to do one (1) of the following:

- (a) Grieve through the negotiated grievance procedure; or
- (b) Appeal to the Office of Employee Appeals or file a disciplinary grievance, each as provided in these rules.

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1601.4 An employee shall be deemed to have elected his or her remedy pursuant to § 1601.3 when he or she files a disciplinary grievance or an appeal under the provisions of this chapter or files a grievance in writing in accordance with the provisions of the negotiated grievance procedure applicable to the parties, whoever event occurs first. This section shall not be construed to toll any deadlines for filing.

(Request at 7-8). In issuing an Award which included the 19 employees who sought redress through OEA, DCRA alleged that the Arbitrator violated the CBA's provision against adding to, subtracting from, or modifying the provisions of the CBA through an award, effectively attempting to "rescue [the 19 employees] from a poor election of forum." (Request at 9; citing CBA Article 10, Section E 11).

In its Opposition to the Request ("Opposition"), AFGE alleged that DCRA's Request was based upon a mischaracterization of the nature of the grievance, and essentially attempted to "retroactively convert a contractual grievance about the employer's failure to negotiate with the Union over changes affecting the terms and conditions of employment of bargaining unit members into a group grievance challenging 19 terminations." (Opposition at 3). AFGE noted that the Arbitrator concluded that DCRA failed to satisfy its contractual duty to bargain with the Union, and did not address the question of whether DCRA had just cause to terminate any individual employee, nor did DCRA present such a case. (Opposition at 6). Further, AFGE contended that DCRA specifically agreed to submit the question of remedy to the Arbitrator, and that nothing in the parties' CBA specifically restricts an arbitrator's authority to craft an equitable remedy if the parties request him to do so. *Id.* Pursuant to Board law, an arbitrator does not exceed his or her jurisdiction by exercising equitable powers if the parties' CBA does not specifically limit the use of such powers. *Id.*; citing *Metropolitan Police Dep't v. Fraternal Order of Police/Metropolitan Police Dep't Labor Committee*, Slip Op. No. 933 at p. 8, PERB Case No. 07-A-08 (March 12, 2008). AFGE asserted that the Arbitrator ordered a "restoration of the status quo pending DCRA's compliance with the contract," and that the overlap between the remedies requested in the withdrawn termination grievances and the grievance alleging a failure to bargain in good faith "is not complete and does not equate to a violation of the provisions requiring an election of remedies." (Opposition at 6-7).

After reviewing the pleadings, the Board found that no statutory basis existed for setting aside the Award. (Slip Op. No. 1298 at p. 4-5). Acknowledging its precedent that by submitting the matter to arbitration, the parties agreed to be bound by the arbitrator's interpretation of the CBA, as well as that the Board will not substitute its own interpretation for that of the Arbitrator, the Board concluded that "[n]either the Agency's disagreement with the Arbitrator's interpretation of Article 10, Section E 11 of the CBA, nor the Agency's disagreement with the Arbitrator's findings and conclusions, are grounds for reversing the Award." (Slip Op. No. 1298 at p. 5). As a result, DCRA's Request was denied.

DCRA appealed the portion of the Board's decision pertaining to the reinstatement of the 19 employees to the District of Columbia Superior Court. Superior Court Judge Anthony

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Epstein reversed the Board's Decision and Order and remanded the case to the Board for entry of an order reversing the Award as to the 19 employees who had appealed their terminations through the OEA. In reaching his decision, Judge Epstein concluded that "the Arbitrator's approach allowed the 19 employees to have it both ways," conflicting with the CBA's election of remedies provision. *Government of the District of Columbia v. District of Columbia Public Employee Relations Board*, No. 2012 CA 006983P MPA, Slip Op. at p. 7-8 (Super. Ct. Feb. 27, 2013). Judge Epstein stated that the election of remedies provision "requires employees to make an election, and it denies employees the option to pursue relief from an adverse action from an arbitrator after it has elected in writing to seek relief from the same adverse action through an OEA appeal." *Id.* at 11. Further, when the 19 employees filed the OEA appeal challenging their terminations, "they lost the option to seek through the group grievance the remedy that they now sought from OEA: reinstatement undoing their terminations." *Id.* at 12. In rejecting the theory that an employee may pursue some claims that would lead to reinstatement before an arbitrator, and pursue other claims that would lead to reinstatement before OEA, Judge Epstein concluded that Article 9 § B of the CBA "would not require a true election of remedies if it allowed employees to pursue in one forum arguments that that forum has jurisdiction to consider, and to pursue in the other forum arguments that that forum has jurisdiction to consider." *Id.* at 11. Thus, the Arbitrator exceeded express limits on his authority imposed by the parties' CBA when he awarded reinstatement to the 19 employees who sought relief through an OEA appeal. *Id.* at 12.

The Board believes the Court erroneously construed the Union's pursuit of a grievance for the Agency's refusal to bargain regarding the change in qualifications for certain positions as a challenge to their terminations by the 19 employees. The Board continues to believe that the two actions are separate. However, the Board concedes that the Arbitrator's reinstatement of the 19 employees who appealed their terminations through the OEA exceeded the express limits imposed upon the Arbitrator's authority by the parties' collective bargaining agreement. Therefore, this portion of the Award is reversed, and the reinstatement of the 19 employees is rescinded. D.C. Official Code § 1-605.02(6).

ORDER

IT IS HEREBY ORDERED THAT:

1. The portion of the D.C. Department of Consumer and Regulatory Affairs' Arbitration Review Request challenging the reinstatement of the 19 former residential and commercial building inspectors who appealed their terminations through the Office of Employee Appeals is granted.
2. The portion of Slip Op. No. 1298 denying the corresponding portion of the D.C. Department of Consumer and Regulatory Affairs' Arbitration Review Request challenging the reinstatement of the 19 former residential and commercial building inspectors is vacated.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

June 4, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 11-A-06 was transmitted via U.S. Mail and e-mail to the following parties on this the 5th day of June, 2014.

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/s/ Erin E. Wilcox

Erin E. Wilcox, Esq.
Attorney-Advisor

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
Brenda V. Johnson,)	
)	
Complainant)	PERB Case No. 07-U-07
)	
)	Opinion No. 1472
v.)	
)	Motion for Reconsideration
District of Columbia Public Schools)	
)	
and)	
)	
Teamsters Local Union No. 639 ¹ ,)	
)	
Respondents)	
_____)	

DECISION AND ORDER

I. Statement of the Case

On November 7, 2006, Complainant Brenda V. Johnson filed an Unfair Labor Practice Complaint (“Complaint”) against Respondents District of Columbia Public Schools (“DCPS”) and Teamsters Local Union No. 639 (“Teamsters”). In her Complaint, Ms. Johnson alleged that she was improperly terminated from her position as an attendance counselor at Roosevelt High School, and was not paid the proper amount for her work prior to her termination. (Complaint at 2-3). Additionally, Ms. Johnson alleged that the Teamsters did not properly represent her during the grievance proceedings related to her termination, and that she was “sold an illegal membership” in the Union. (Complaint at 5).

¹ The Complaint also named Thomas E. Ratliff, President, Teamsters Local Union No. 639, as a Respondent. In the Administrative Dismissal, the Executive Director removed the name of the individually-named respondent from the caption, consistent with Board precedent requiring individual respondents named in their official capacities to be removed from the complaint. See *Fraternal Order of Police/Metropolitan Police Dep’t Labor Committee v. D.C. Metropolitan Police Dep’t*, 59 D.C. Reg. 6579, Slip Op. No. 1118 at p. 4-5, PERB Case No. 08-U-19 (2011), *aff’d sub nom. Fraternal Order of Police/Metropolitan Police Dep’t Labor Committee v. D.C. Public Employee Relations Board*, Civ. Case No. 2011 CA 007396 P(MPA) (D.C. Super. Ct. Jan. 9, 2013)

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On December 1, 2006, PERB sent a letter to Ms. Johnson listing multiple deficiencies in the Complaint, and affording Ms. Johnson an opportunity to correct the deficiencies within ten (10) days from the date of the letter. (Letter from Julio A. Castillo (Dec. 1, 2006)). The deficiencies included a failure to include: (1) the Complainant's signature (Board Rule 520.3); (2) the name, address, and telephone number of the person, agency, or labor organization filing the request (Board Rule 520.3(a)); (3) the name, address, and telephone number of the person, agency, or organization against whom the unfair labor practice complaint is made (Board Rule 520.3(b)); (4) a clear and concise statement of the facts constituting the alleged violation, including the date and the place of the occurrence and a citation to the provisions of D.C. Law 2-139 alleged to have been violated (Board Rule 520.3(d)); (5) the effective date and duration of the negotiated labor-management agreement between the parties, or a statement that no such agreement exists; (6) six (6) legible copies of every document filed with the Board, in addition to the original (Board Rule 510.10)²; and (7) a certificate of service (Board Rule 501.12). (Letter from Julio A. Castillo (Dec. 1, 2006)).

The deficiencies were not cured, and due to Ms. Johnson's failure to serve Respondents DCPS and the Teamsters, no responsive pleadings were filed.

No further action was taken in this case until July 16, 2012, when PERB sent Ms. Johnson a letter stating:

To aid PERB in expeditiously resolving this case and to eliminate it from our backlog, we need the following information:

- (1) Are you still the representative of Record for the Complainant; and
- (2) Have the Complainant's matters been resolved.

(Letter from Ondray T. Harris (July 16, 2012)).

The letter instructed Ms. Johnson that if no response was received within ten (10) business days, the case would be closed. *Id.* Ms. Johnson promptly notified PERB that the case had not been resolved.

On August 30, 2012, Ms. Johnson sent a letter to PERB stating: "Pursuant to our conversation on the ninth business day, I expressed an interest in closure or resolution to Ms. Waller. I'm looking forward to a hearing date." (Letter from Brenda V. Johnson (Aug. 30, 2012)). On December 6, 2013, Ms. Johnson sent a letter to PERB and its Executive Director stating that she had "returned the form included with the letter of July 12, 2012, for a hearing."³ (Letter from Brenda V. Johnson (Dec. 6, 2013)).

On March 25, 2014, Executive Director Clarene Martin administratively dismissed the Complaint for a failure to cure deficiencies, pursuant to Board Rule 501.13. (Administrative

² This Board Rule has since been repealed.

³ The letter from the Board was sent on July 16, 2012, and no form was included with the letter. (Letter from Ondray T. Harris (July 16, 2012)).

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Dismissal at p. 2-3). Additionally, Director Martin found that even had Ms. Johnson cured the deficiencies, the allegations against DCPS must be dismissed as untimely⁴. (Administrative Dismissal at 3). Similarly, Director Martin held that the allegations against the Teamsters must be dismissed due to a failure to state a claim upon which relief may be granted. (Administrative Dismissal at p. 3-4).

On April 9, 2014, Ms. Johnson filed a Motion for Reconsideration ("MFR"), asking the Board to review the Administrative Dismissal. The MFR is before the Board for disposition.

II. Discussion

A. Motion for Reconsideration

In her MFR, Ms. Johnson states that she seeks to resolve the issues of "improper or illegal union membership, job termination, [and] the disparity in the salaries of attendance counselors." (MFR at 5).

Ms. Johnson alleges the following facts:

In the year 2003 I was hired by Principal Tilgman of Minor Elementary School as an attendance counselor. She did not inform me the position was a wage as earn job. All other attendance counselors were hired as a full time position in other schools. Therefore the salary was not the same as other attendance counselors. The [Teamsters] came to Minor School to obtain membership in Teamsters Local Union 639, which was other attendance counselors and other jobs in the school system. The Teamsters [were] located off Bladensburg Road N.E. I became a member of the Union. I did not understand or was aware a wage as earn could not be a member of the union. The membership was considered illegal. After numerous meetings with the [Teamsters] the fact that my union membership was illegal was mention[ed]. I went to the [Teamsters] for improper termination of my attendance counselor position. When my case came before the Board of Education, the union representative that went to the case meeting was not the union people I was meeting with about my termination. I had to represent myself. After the Board of Education meeting there wasn't any further communication on the case from the Board of Education or the Union. I had documentation of my excellent work at Minor Elementary School [and] the difference in my salary and the other attendance counselors. There was never any indication of termination of my position. At present, I am a licensed attendance officer.

⁴ Director Martin found that the Complaint was filed over two and a half years after Ms. Johnson's termination from DCPS became effective. (Administrative Dismissal at 3).

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After Minor Elementary School, I obtained a position as an attendance counselor in Roosevelt High School under Mr. Phillips, Principal. I worked a year improving the school's attendance. I was terminated because of under enrollment of the students. I have documented in my file the enrollment at Roosevelt High School never declined. There was no communication about these above matters until I heard from the Public Employee Relations Board on July 12, 2012. The letter from [the] Public Employee Relations Board sent a form requesting a hearing. There was other communication from the agency. I [made] numerous calls inquiring about the status. I would never get [an] appropriate response from the Public Employee Relations Board. I finally located Mr. Derrick Gorman, Director of the Board of Commission[s]. I sent him letters I had written to the Public Employee Relations Board. I never received a response. Mr. Gorman sent me a letter to reach someone at the Public Employee Relations Board. I call[ed] the number Mr. Gorman suggested. I received communication from the agency since July 12, 2012.

I am requesting a Motion for Reconsideration to resolve the issues of improper illegal union membership, job termination, [and] the disparity in the salaries of attendance counselor.

(MFR at 1-5).

B. Analysis

When filing a complaint with PERB, a complainant must clear certain procedural hurdles before the substance of the complaint may be considered. For example, a complainant must file his or her unfair labor practice complaint within 120 days of the date on which the alleged violations occurred. Board Rule 520.4. Additionally, Board Rule 501 lists multiple items that must be present in any pleading filed with PERB. Board Rule 501.13 sets out the consequences of a failure to comply with the requirements of the CMPA or the Board Rules when filing a complaint: "Failure to cure deficiencies shall result in dismissal without further notice." Board Rule 501.13.

PERB reviewed Ms. Johnson's Complaint and found that it had not met several of these procedural requirements, and therefore had to be administratively dismissed. (Administrative Dismissal at 2-4). Because the Complaint did not clear the procedural hurdles, PERB could not move on to consider the merits of Ms. Johnson's claims against the Teamsters and DCPS. See Board Rule 520.4, 501.13.

Additionally, even if Ms. Johnson had cured the deficiencies in her Complaint, the allegations against DCPS would still have been dismissed as untimely. The Complaint alleges

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that Ms. Johnson was terminated from her employment at DCPS on January 29, 2004. (Complaint at 3). The Complaint was filed on November 7, 2006, over two and a half years after Ms. Johnson's termination became effective. The 120-day time period in Board Rule 520.4 is mandatory and jurisdictional. *See Hoggard v. D.C. Public Schools and American Federation of State, County and Municipal Employees, District Council 20, Local 1959*, 43 D.C. Reg. 1297, Slip Op. No. 352, PERB Case No. 93-U-10 (1993), *aff'd sub nom. Hoggard v. Public Employee Relations Board*, MPD-93-33 (D.C. Super. Ct. 1994), *aff'd* 655 A.2d 320 (D.C. 1995). Therefore, because the Board lacks jurisdiction over the allegations against DCPS, it must be dismissed.

Similarly, even had Ms. Johnson cured the deficiencies in her Complaint, the allegations against the Teamsters would have been dismissed for a failure to state a claim upon which relief could be granted. Though a complainant need not prove their case on the pleadings, they must plead or assert allegations that, if proven, would establish the alleged statutory violations. *Dade v. National Association of Government Employees, Service Employees Int'l Union, Local R3-06*, 46 D.C. Reg. 6876, Slip Op. No. 491 at p. 4, PERB Case No. 96-U-22 (1996). The Complaint alleges that Ms. Johnson was "never represented by [the Union] properly as well as sold an illegal membership." (Complaint at 5). According to documents submitted with the Complaint, a step 3 grievance proceeding challenging Ms. Johnson's termination from DCPS was held on August 9, 2005. (Step 3 Grievance Report (January 4, 2006)). On January 4, 2006, the Hearing Officer at the step 3 grievance proceeding determined that Ms. Johnson failed to prove that she was terminated from DCPS in violation of the parties' collective bargaining agreement. *Id.* at 2. Ms. Johnson also submitted a letter from the Teamsters, dated February 13, 2006, informing her that her grievance was scheduled to come before the Union's Executive Board at its March 2006 meeting for review and consideration for arbitration. (Letter from Larry D. Hawkins (February 13, 2006)). Finally, Ms. Johnson submitted another letter from the Teamsters, dated August 16, 2006, stating that the grievance had been reviewed by the Union's Executive Board and would not be advanced to arbitration. (Letter from Thomas Ratliff (August 16, 2006)).

The duty of fair representation does not require a union to pursue every grievance to arbitration. *See Freson v. Fraternal Order of Police/Metropolitan Police Dep't Labor Committee*, 31 D.C. Reg. 2290, Slip Op. No. 74, PERB Case No. 83-U-09; *see also Owens v. American Federation of State, County and Municipal Employees, Local 2095 and Nat'l Union of Hospital and Healthcare Employees, District 1199*, 52 D.C. Reg. 1645, Slip Op. No. 750, PERB Case No. 02-U-27 (2004). To show that a union has breached its duty of fair representation, a complainant must demonstrate that the union's decision not to file for arbitration was arbitrary, discriminatory, or the product of bad faith. *Goodine v. Fraternal Order of Police/Dep't of Corrections Labor Committee*, 43 D.C. Reg. 5163, Slip Op. No. 476, PERB Case No. 96-U-16 (1996). In addition, the complainant must allege facts that, if proven, would tie the union's actions to the alleged violation. *Id.* Moreover, a union's handling of an employee's grievance, including its decision on whether to pursue arbitration, is not arbitrary, discriminatory, or the product of bad faith simply because the grievant disagrees with the union's judgment. *See Beeton v. D.C. Dep't of Corrections and Fraternal Order of Police/Dep't of Corrections Labor Committee*, 45 D.C. Reg. 2078, Slip Op. No. 538, PERB Case No. 97-U-26 (1998).

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Page 6 of 6

In the instant case, Ms. Johnson failed to allege any facts that tie the Teamsters' actions to a breach of its duty of fair representation. Accordingly, the allegations against the Teamsters must be dismissed.

The Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision." See, e.g., *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009) (citing *American Federation of Government Employees, Local 2725 v. D.C. Dep't of Consumer and Regulatory Affairs and Office of Labor Relations and Collective Bargaining*, 59 D.C. Reg. 5041, PERB Case Nos. 06-U-43 and 02-A-05 (2003)). Ms. Johnson's Motion for Reconsideration does not provide any authority which compels reversal of the Executive Director's decision. A simple disagreement with the Executive Director's findings does not merit reconsideration of the Administrative Dismissal. Therefore, we conclude that Ms. Johnson's Motion for Reconsideration must be dismissed.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

June 4, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 07-U-07 was transmitted via U.S. Mail to the following party on this the 5th day of June, 2014.

Ms. Brenda V. Johnson
1400 Fairmont St., NW
Apt. 318
Washington, DC 20009

U.S. MAIL

/s/ Erin E. Wilcox

Erin E. Wilcox, Esq.
Attorney-Advisor

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

Government of the District of Columbia

Public Employee Relations Board

_____)	
In the Matter of:)	
)	
District of Columbia Metropolitan Police)	
Department,)	
)	PERB Case No. 14-A-05
	Petitioner,)	
)	Opinion No. 1473
	v.)	
)	
Fraternal Order of Police/Metropolitan Police)	
Department Labor Committee (on behalf of)	
DeVon Goldring),)	
	Respondent.)	
_____)	

DECISION AND ORDER

The D.C. Metropolitan Police Department (“MPD”) appeals an award issued in a grievance arbitration brought by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”) on behalf of Officer DeVon Goldring (“Grievant”). MPD contends that (1) the Arbitrator’s finding regarding the deciding official’s authority to increase a disciplinary penalty was contrary to law and public policy and (2) the award of attorneys’ fees was beyond his jurisdiction.

I. Statement of the Case

In his findings of fact, the Arbitrator found that on December 21, 2009, MPD served the Grievant a notice of proposed adverse action arising out of a domestic altercation that took place on August 16, 2009. The notice charged Grievant with committing an act that constituted a crime and conduct unbecoming an officer in violation of General Order 120.21 attachment A, parts A(7) and A(12) The notice proposed his termination.

Grievant requested a hearing before an adverse action panel.¹ The adverse action panel hearing this case (“Panel”) found that the testimony, though inconsistent, established that the Grievant allowed an argument with his son’s mother, Bianca Warren, and her sister at Warren’s home to escalate into a physical altercation in which an assault occurred. When the Grievant

¹ An adverse action panel is also referred to as a departmental hearing panel, a hearing panel, a hearing board, a trial board, and a hearing tribunal. (Award 6, 41.)

Decision and Order

PERB Case No. 14-A-05

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drove away from the altercation, he did not notice that Warren was near his car, and he drove over her leg. The Panel found the Grievant guilty of the charges and proceeded to consider and weigh the relevant Douglas factors in relation to the charges. The Panel concluded that termination was not warranted and recommended a twenty-one-day suspension without pay. (Award 12-14.)

The Director of the Human Resources Management Division ("Director" or "HRD") agreed with the findings of guilt but disagreed with the penalty. The Director wrote in the final notice of adverse action that she issued to the Grievant, "The penalty is not consistent with the Disciplinary Procedures and Processes Table of Offenses and Penalties and does not take into account the egregious nature of your conduct." (Arbitration R. (pt. 1) at 209.) The final notice of adverse action concluded, "I hereby affirm the original penalty as proposed in the Notice of Proposed Adverse Action. . . . For the cited violation you will be removed from the force effective December 28, 2010." (*Id.* at 212; Award 14.) The chief of police denied the Grievant's appeal from the final notice of adverse action. (Award 20.)

The Grievant then appealed to arbitration as provided in the collective bargaining agreement ("CBA"). The issues posed to the Arbitrator were:

1. Whether HRD has the authority to increase the Panel's penalty?
2. Is there sufficient evidence to support a finding of guilt for the Charges and Specifications?
3. If so, what is the appropriate penalty?

(Award 20.)

Summarizing the arguments made regarding the authority of the Director to increase the Panel's penalty, the Arbitrator stated, "Each party expends considerable effort to interpret, explain, and rationalize to their advantage the statutory and regulatory changes and modifications that constitute an unbecoming labyrinth, confounding common understanding and acceptance." (Award 40.) MPD relied upon General Order 120.21 (formerly 1202.1) for the Director's authority. Part VI(K)(8) of General Order 120.21 provides:

After reviewing the Hearing Tribunals proposed decision, the Assistant Chief, OHS [Office of Human Services], may remand the case to the same, or a different tribunal, or issue a decision (Final Notice of Adverse Action) affirming, reducing, or setting aside the action, as originally proposed in the Notice of Proposed Adverse Action.

(Award 16.) The chief of police asserted in her denial of the Grievant's appeal that the Director is "equivalent to the role of Assistant Chief, OHS that existed when G.O. was promulgated." FOP did not challenge that assertion. (Award 26.)

The Arbitrator averred that General Orders are not adopted in accordance with the Administrative Procedures Act and that municipal regulations take precedence over General

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Orders. (Award 42, 44.) In particular, General Order 120.21 part VI(K)(8) is superseded by 6A DCMR 1001.5, which the Award also cites as CDCR-1001.5, (“Section 1001.5”). Section 1001.5 provides:

Upon receipt of the Trial Boards findings and recommendations, and no appeal to the Mayor has been made, The Chief of Police may either confirm the findings and impose the penalty recommended, reduce the penalty or may declare the board’s proceedings void and refer the case to another regularly appointed trial board.

(Award 16.) In view of this provision, the Arbitrator held that the Director “does not have the authority to increase the penalty recommended by the Adverse Action Panel. She, or other deciding officials, must adhere to the clear options provided in 6A DCMR 1001.5.” (Award 44.) The Arbitrator added that even if Section 1001.5 did not apply, then chapter 16 of title 6 of the D.C. Official Code governs the procedures. (*Id.*)

The Arbitrator also stated that he did not rely solely on the Director’s lack of authority to increase the penalty. He found that the Director abused whatever authority she did have by increasing the penalty on the basis of her unreasonable, arbitrary, capricious, and even malicious distortion of the facts found by the Panel. (Award 45-49.) Imposition of the penalty of removal was without reasoned decision and without cause. (Award 52.)

The Award upheld the grievance in “major part” and rejected it “in minor part in as much as the grievant requested that he be found not guilty of all charges and specifications.” (Award 52.) The Award further stated, “The termination (removal) of Officer DeVon Goldring (the grievant) shall not stand. Instead, as recommended b[y] the Adverse Action Panel, his penalty is hereby ordered to be a 21 day suspension without pay commencing on the date he was wrongfully terminated.” (Award 53.) The Arbitrator granted FOP’s request for attorneys’ fees and directed FOP to make a detailed request within thirty days.

MPD filed with the Board an arbitration review request and a “Memorandum of Points and Authorities in Support of Arbitration Review Request” (“Memorandum”). FOP filed an opposition to the arbitration review request.

II. Discussion

MPD invokes two of the of the statutory grounds for appeal from an arbitration award, namely, that the award is contrary to law public policy and that the arbitrator was without or exceeded his jurisdiction. *See* D.C. Official Code § 1-605.02(6). MPD does not establish the presence of either ground in this case.

A. Authority of the Director to Increase the Penalty

MPD contends that the Award is contrary to law and public policy insofar as it concluded that the Director acted without authority to increase the Panel’s recommended penalty. In its version of the history of the relevant laws, regulations, and orders, MPD begins with a statute, originally enacted by Congress and presently codified at D.C. Official Code § 5-133.06, that

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authorized trial boards to hear disciplinary charges against police officers. Rules governing trial boards, including Section 1001.5, were adopted in 1972. (Memorandum 5-6.) The Comprehensive Merit Personnel Act, enacted in 1979, provides that D.C. Official Code § 5-133.06 “shall not apply to police officers and fire fighters appointed after the date that this chapter becomes effective,” D.C. Official Code § 1-633.03(a)(1)(Z), which was January 1, 1980. (Memorandum 6.) MPD contends that D.C. Official Code § 5-133.06 as well as rules adopted pursuant thereto “including § 1001.5, do not apply to MPD officers, including [Grievant] hired after January 1, 1980.” (Memorandum 8.)

Instead, the Comprehensive Merit Personnel Act authorized the adoption of rules “to establish the disciplinary system.” D.C. Official Code § 1-616.51. The Memorandum sets forth two such rules, which are codified in title 6, chapter 16 of the DCMR.

1613.1 The deciding official, after considering the employee’s response and the report and recommendation of the hearing officer pursuant to § 1612, when applicable, shall issue a final decision.

1613.2 The deciding official shall either sustain the penalty proposed, reduce it, remand the action with instruction for further consideration, or dismiss the action with or without prejudice, but in no event shall he or she increase the penalty.

6B DCMR § 1613; Memorandum 7.

The Memorandum then notes that MPD issued a General Order relating to the same subject, General Order 120.21. The General Order is the basis for MPD’s contention that the Award is contrary to law and public policy. MPD asserts,

With respect to the Hearing Tribunal’s penalty recommendation, and in accordance with 6B DCMR § 1613, the Order provides that:

After reviewing the Hearing Tribunal’s proposed decision, the [HRD] may remand the case to the same, or a different tribunal, or issue a decision (Final Notice of Adverse Action) affirming, reducing, or setting aside the action, as originally proposed in the Notice of Proposed Adverse Action.

Thus, General Order 120.21 authorizes the HRD to impose the penalty that was originally imposed, i.e., termination, even if that penalty is greater than the penalty recommended by the Hearing Tribunal.

(Memorandum 8) (citations to the record omitted.) “Therefore,” MPD concludes, “6B DCMR § 1613.2 and General Order 120.21 applied to Employee and, in accordance with those provisions, the HRD had the proper authority to impose the original penalty of termination. The Arbitrator’s conclusion that HRD could not increase the penalty the Panel recommended is erroneous as a matter of law and must be vacated.” (Memorandum 9-10.)

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It is unnecessary to evaluate MPD's contentions that Section 1001.5 is inapplicable or that General Order 120.21 is "in accordance with 6B DCMR § 1613" in allowing the Director to impose the original penalty of termination.² Even if the Director had the authority to increase the penalty to one of termination, the Award must be sustained because the Arbitrator also found, based upon his review of the record, that the penalty of termination was not for cause as required by the CBA. (Award 44, 51-52.) MPD does not challenge this finding, nor could it. A dispute over the weight and significance of evidence leading the Arbitrator to conclude that the Grievant's termination was not for cause would not state a statutory basis for review. *See D.C. Hous. Auth. and AFGE, Local 2725*, 46 D.C. Reg. 10006, Slip Op. No. 598 at p. 3, PERB Case No. 99-A-06 (1999). Therefore, MPD has failed to show that the Award is contrary to law and public policy.

B. Award of Attorneys' Fees

MPD's argument regarding attorneys' fees begins with the premise that an arbitrator's authority is conferred by—and may be limited by—the collective bargaining agreement of the parties. MPD contends that FOP and MPD agreed in their CBA that each party is responsible for its own attorneys' fees. Article 19E, section 5(3) of the CBA provides that all parties to a hearing on a grievance or appeal "shall have the right at their own expense to legal and/or stenographic assistance at this hearing." On the basis of this provision, MPD asserts that "the Arbitrator's decision awarding attorney fees must be vacated." (Memorandum 10.) FOP responds that this provision does not relate to remedies.

MPD failed to raise its objection to an award of attorneys' fees during the arbitration. The Arbitrator set a briefing schedule whereby FOP would file an initial brief, and then MPD would file its brief, to be followed by a reply brief from FOP. (Award 1.) FOP's initial brief, dated December 29, 2011, requested attorneys' fees. (Arbitration R. (pt. 2) at 1703; Award 25.) MPD then filed its brief, dated March 5, 2012. MPD's brief does not object to the request for attorneys' fees. (Arbitration R. (pt. 3) at 2426-59.) The Arbitrator did not interpret article 19E, section 5(3) of the CBA as MPD did not suggest to him that the provision had a bearing on the remedy in this matter. An argument may not be raised for the first time in an arbitration review request. *AFGE Local 3721 (on behalf of Chasin) v. D.C. Fire & Emergency Med. Servs. Dep't*, 59 D.C. Reg. 7288, Slip Op. No. 1251 at p. 8, PERB Case No. 10-A-13 (2012).

Therefore, MPD has failed to show that the Award is contrary to law and public policy or that the Arbitrator was without or exceeded his jurisdiction. Accordingly, the Board sustains the Award.

² MPD assumes without explanation that the penalty 6B DCMR § 1613.2 bars from being increased is the penalty proposed by the notice of proposed adverse action and not the penalty recommended by the hearing officer. Yet these rules authorize administrative review by a hearing officer only in cases involving a proposed removal, 6B DCMR §§ 1611.1, 1612.1-1612.4, a penalty that cannot be increased anyway.

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ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration award is sustained.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Member Ann Hoffman. Member Donald Wasserman recused himself from the consideration of this Decision and Order.

Washington, D.C.

June 4, 2014

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CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-A-05 is being transmitted via File & ServeXpress to the following parties on this the 5th day of June 2014.

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District of Columbia REGISTER – July 18, 2014 – Vol. 61 - No. 30 007185 – 007393