

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council enacts Act 21-414, Fiscal Year 2017 Local Budget Act of 2016
- D.C. Council schedules a public hearing on Bill 21-0003, Rail Safety and Security Amendment Act of 2015
- D.C. Commission on the Arts and Humanities solicits applications for a Production Manager for Labor Day Weekend at the Lincoln Theatre Concerts
- Office of the Deputy Mayor for Planning and Economic Development solicits proposals for the development of the 1125 Spring Road, NW Site
- Department of Small and Local Business Development announces funding availability for the DC Main Streets Program and the DC Clean Team Program
- Office of the State Superintendent of Education solicits applications for the Fiscal Year 2016-17 Pre-Kindergarten Enhancement and Expansion Funding

# DISTRICT OF COLUMBIA REGISTER

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MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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AN ACT

**D.C. ACT 21-413**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JUNE 15, 2016**

To adopt, as a request to Congress for appropriation and authorization, the federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2017.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2017 Federal Portion Budget Request Act of 2016".

Sec. 2. Adoption of the federal portion of the Fiscal Year 2017 budget.

There is adopted, as a request to Congress for appropriation and authorization, the following federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2017.

**DISTRICT OF COLUMBIA FEDERAL FUNDS APPROPRIATION REQUEST**

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS**

For salaries and expenses for the District of Columbia Courts, \$274,681,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$14,414,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$125,961,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$75,585,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$58,721,000, to remain available until September 30, 2018, 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 program substantially similar to the program set forth in subchapter II of chapter 35 of title 5,

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United States Code, for employees of 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, D.C. 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, D.C. 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, D.C. Official Code, and payments authorized under section 21-2060, D.C. 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.

**FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

For a Federal payment for a school improvement program in the District of Columbia, \$43,200,000, to remain available until expended, for payments authorized

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under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10): Provided, That within funds provided for opportunity scholarships \$3,200,000 shall be for the for the activities specified in sections 3007(b) through 3007(d) and 3009 of such Act.

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

For a Federal payment to the District of Columbia Water and Sewer Authority, \$14,000,000, 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 percent match for this payment.

**FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL**

For a Federal payment to the Criminal Justice Coordinating Council, \$2,000,000, 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, 2018, to the Commission on Judicial Disabilities and Tenure, \$310,000, and for the Judicial Nomination Commission, \$275,000.

**FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD**

For a Federal payment to the District of Columbia National Guard, \$450,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

**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 THE FEDERAL CITY SHELTER**

For a Federal payment to the District of Columbia for activities to support the redevelopment of the site of the Federal City Shelter, including the development of a replacement shelter and permanent supportive housing, \$9,000,000.

**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, \$34,895,000, to remain available until expended, 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 in carrying out

**ENROLLED ORIGINAL**

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: Provided, That, of the amount provided under this heading, \$19,995,000 shall be used for costs associated with the Presidential Inauguration.

**APPROPRIATION OF CERTAIN INTEREST EARNED**

All interest earned 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 retained in the respective funds without reversion to the General Fund of the District of Columbia and shall be available to the District of Columbia for the purposes of such funds until expended.

**Sec. 3. Federal portion of the budget.**

The federal funds for which appropriation by Congress is requested by this act constitute the federal portion of the Fiscal Year 2017 annual budget for the District of Columbia government under section 446(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).


**Sec. 4. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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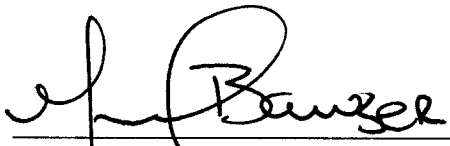
Sec. 5. Effective date.

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).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
June 15, 2016

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-414**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JUNE 15, 2016**

To adopt the local portion of the budget of the District of Columbia government for the fiscal year ending September 30, 2017.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2017 Local Budget Act of 2016".

Sec. 2. Adoption of the local portion of the Fiscal Year 2017 budget.

The following expenditure levels are approved and adopted as the local portion of the budget for the government of the District of Columbia for the fiscal year ending September 30, 2017.

**DISTRICT OF COLUMBIA BUDGET FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 2017**

**PART A--SUMMARY OF EXPENSES**

The following amounts are appropriated for the District of Columbia government for the fiscal year ending September 30, 2017 ("Fiscal Year 2017"), 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 22, 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 2017 shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$13,385,233,120 (of which \$7,600,401,547 shall be from local funds (including \$305,718,205 from dedicated taxes), \$1,036,219,177 shall be from Federal grant funds, \$2,228,446,882 shall be from Medicaid payments, \$609,941,985 shall be from other funds, and \$1,321,339 shall be from private funds, and \$122,930,000 shall be from funds requested to be appropriated by the Congress as Federal payments pursuant to the Fiscal Year 2017 Federal Portion Budget Request Act of 2016, 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), and \$1,785,972,190 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 General Fund balance; provided further, that of these

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funds the intra-District authority shall be \$728,693,228; in addition, for capital construction projects, an increase of \$1,941,189,000 of which \$1,613,045,000 shall be from local funds, \$102,786,000 is from the Local Transportation Fund, \$9,000,000 is from Federal Payment funds, \$57,193,000 is from the District of Columbia Highway Trust Fund, and \$159,165,000 is from Federal grant funds, and a rescission of \$635,202,000 of which \$551,369,000 is from local funds, \$62,753,000 is from the Local Transportation Fund, \$14,553,000 is from the District of Columbia Highway Trust Fund, and \$6,527,000 is from Federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,305,987,000, to remain available until expended; in addition, provided, that all funds provided by this act shall be available only for the specific projects and purposes intended; provided further, that amounts appropriated under this act may be increased by the amount transferred from funds appropriated in this act as Pay-As-You-Go Capital funds; provided further, that amounts provided under this heading are to be available, allocated, and expended at the rates and subject to the provisions set forth under the heading "Division of Expenses"; 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.*); provided further, that this amount may be further increased by 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 and such sums may be paid from the applicable or available funds of the District of Columbia; provided further, local funds are appropriated, without regard to fiscal year, in such amounts as may be necessary to pay vendor fees, including legal fees, that are obligated in this fiscal year, to be paid as a fixed percentage of District revenue recovered from third parties on behalf of the District under contracts that provided for payment of fees based upon and from such District revenue as may be recovered by the vendor; provided further, that amounts appropriated pursuant to this act as operating funds may be transferred to enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this act; provided further, that there may be reprogrammed or transferred 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, except, that there may not be reprogrammed for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects; provided further, that the local funds (including dedicated tax) and other funds appropriated by this act may be reprogrammed and transferred as provided in subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code, or as otherwise provided by law, through November 15, 2017; provided further, that the Chief Financial Officer shall take such steps as are necessary to assure that the foregoing requirements are met, including the apportioning by the Chief Financial Officer of the appropriations and funds made available during Fiscal Year 2017.



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**PART B - - DIVISION OF EXPENSES****GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$819,065,644 (including \$718,345,346 from local funds, \$29,769,819 from Federal grant funds, \$70,494,248 from other funds, and \$456,232 from private funds): provided, 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. – \$24,002,435 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 section 26 of 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, without regard to fiscal year, into the Council Technology Projects Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;
- (2) Office of the District of Columbia Auditor. – \$5,201,985 from local funds;
- (3) Advisory Neighborhood Commissions. – \$958,661 from local funds; provided, that all funds deposited, without regard to fiscal year, into the Agency Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;
- (4) Uniform Law Commission. – \$50,000 from local funds;
- (5) Office of the Mayor. – \$12,679,593 (including \$9,144,175 from local funds and \$3,535,417 from Federal grant funds); provided, that not to exceed \$25,000 of such amount, from local funds, shall be available for the Mayor for official reception and representation expenses and for purposes consistent with section 26 of 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, without regard to fiscal year, into the Emancipation Day Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;
- (6) Mayor's Office of Legal Counsel. – \$1,641,664 from local funds;
- (7) Office of the Senior Advisor. – \$2,199,908 from local funds;
- (8) Office of the Secretary. – \$3,749,426 (including \$2,649,426 from local funds and \$1,100,000 from other funds);
- (9) Office of the City Administrator. – \$7,399,326 (including \$7,069,326 from local funds and \$330,000 from other funds); provided, that not to exceed \$10,600 of such amount, from local funds, shall be available for the City Administrator for official reception and representation expenses and for purposes consistent with section 26 of the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10);
- (10) Deputy Mayor for Greater Economic Opportunity. – \$2,946,433 from local funds;
- (11) Office of Risk Management. – \$3,973,395 from local funds;
- (12) Department of Human Resources. – \$8,906,915 (including \$8,427,785 from local funds and \$479,130 from other funds);

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(13) Office of Disability Rights. – \$1,625,331 (including \$1,103,158 from local funds and \$522,173 from Federal grant funds);

(14) Captive Insurance Agency. – \$2,308,123 (including \$2,071,533 from local funds and \$236,590 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Agency Fund (Free Standing Clinics/Insurance Fund) are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Captive Insurance Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(15) Office of Finance and Resource Management. – \$23,787,099 (including \$23,379,659 from local funds and \$407,440 from other funds);

(16) Office of Contracting and Procurement. – \$23,820,649 (including \$23,445,649 from local funds and \$375,000 from other funds);

(17) Office of the Chief Technology Officer. – \$77,804,943 (including \$65,603,491 from local funds, \$48,200 from Federal grant funds, and \$12,153,253 from other funds); provided, that all funds deposited, without regard to fiscal year, into the DC-NET Services Support Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(18) Contract Appeals Board. – \$1,492,391 from local funds;

(19) Department of General Services. – \$321,717,168 (including \$314,156,024 from local funds and \$7,561,144 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Eastern Market Enterprise Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(20) Board of Elections. – \$7,623,411 from local funds;

(21) Office of Campaign Finance. – \$2,833,463 from local funds;

(22) Public Employee Relations Board. – \$1,317,934 from local funds;

(23) Office of Employee Appeals. – \$1,815,293 from local funds;

(24) Metropolitan Washington Council of Governments. – \$494,825 from local funds;

(25) Board of Ethics and Government Accountability. – \$2,059,619 (including \$1,909,619 from local funds and \$150,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Lobbyist Administration and Enforcement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Board of Ethics and Government Accountability Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(26) Office of the Attorney General for the District of Columbia. – \$88,694,684 (including \$61,459,260 from local funds, \$22,570,451 from Federal grant funds, \$4,208,741 from other funds, and \$456,232 from private funds); provided, that not to exceed \$10,600 of such amount, from local funds, shall be available for the Attorney General for official reception and representation expenses; provided further, that all funds deposited, without regard to fiscal

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year, into the Child SPT - TANF/AFDC Collections Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Child SPT - Reimbursements and Fees Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Child SPT - Interest Income Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Litigation Support Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(27) Statehood Initiatives Agency. – \$234,298 from local funds; provided, that all funds deposited, without regard to fiscal year, into the New Columbia Statehood Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(28) Office of the Inspector General. – \$18,722,457 (including \$16,153,879 from local funds and \$2,568,578 from Federal grant funds); and

(29) Office of the Chief Financial Officer. – \$169,004,216 (including \$124,986,266 from local funds, \$525,000 from Federal grant funds, and \$43,492,950 from other funds); provided, that not to exceed \$10,600 of such amount, from local funds, 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, without regard to fiscal year, into the OFT Central Collection Unit Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Recorder of Deeds Surcharge Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017.

**ECONOMIC DEVELOPMENT AND REGULATION**

Economic development and regulation, \$586,261,049 (including \$284,711,352 from local funds (including \$1,170,000 from dedicated taxes), \$93,206,914 from Federal grant funds, \$208,309,783 from other funds, and \$33,000 from private funds), to be allocated as follows:

(1) Office of the Deputy Mayor for Planning and Economic Development. – \$36,532,392 (including \$13,800,964 from local funds, \$1,756,490 from Federal grant funds, and \$20,974,938 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Industrial Revenue Bond program are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the H Street Retail Priority Area Grant Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Soccer Stadium Financing

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Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(2) Office of Planning. – \$10,094,248 (including \$9,459,248 from local funds, \$525,000 from Federal grant funds, \$100,000 from other funds, and \$10,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the Historic Landmark and Historic District Filing Fees (Local) Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Historical Landmark and Historic District Filing Fees (O-Type) Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(3) Department of Small and Local Business Development. – \$11,735,519 (including \$11,156,857 from local funds and \$578,662 from Federal grant funds); provided, that all funds deposited, without regard to fiscal year, into the Small Business Capital Access Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Streetscape Loan Relief Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(4) Office of Cable Television, Film, Music, and Entertainment. – \$11,964,082 (including \$1,624,586 from local funds and \$10,339,496 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Film, Television and Entertainment Rebate Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Cable Franchise Fees Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(5) Office of Zoning. – \$2,915,088 from local funds;

(6) Department of Housing and Community Development. – \$69,720,548 (including \$10,084,432 from local funds, \$53,753,868 from Federal grant funds, and \$5,882,249 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Compensation Units 1 and 2 Affordable Housing Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Department of Housing and Community Development Unified Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Land Acquisition for Housing Development Opportunities (LAHDO) Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the RLF Escrow Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Rehab Repay Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Home Again Revolving Fund are authorized for expenditure and shall remain available

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for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the HPAP - Repay Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(7) Department of Employment Services. – \$143,225,202 (including \$63,769,697 from local funds, \$35,349,506 from Federal grant funds, \$44,104,999 from other funds, and \$1,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the Workers' Compensation Administration Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the UI Administrative Assessment Tax Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the UI Interest/Penalties Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Workers' Compensation Special Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Reed Act Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(8) Real Property Tax Appeals Commission. – \$1,702,654 from local funds;

(9) Department of Consumer and Regulatory Affairs. – \$55,506,179 (including \$19,988,252 from local funds and \$35,517,927 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Basic Business License Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Green Building Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Real Estate Guaranty and Education Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Nuisance Abatement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the OPLA – Special Account are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Board of Engineers Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Corporate Recordation Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(10) Office of the Tenant Advocate. – \$2,982,566 from local funds;

(11) Commission on the Arts and Humanities. – \$21,947,123 (including \$21,055,223 from local funds, \$691,900 from Federal grant funds, and \$200,000 from other funds), to fund competitively awarded grants for nonprofit fine and performing arts organizations based in and primarily serving the District; provided, that all funds deposited, without regard to

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fiscal year, into the Special Purpose Revenue Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(12) Alcoholic Beverage Regulation Administration. – \$8,268,024 (including \$1,170,000 from local funds (including \$1,170,000 from dedicated taxes) and \$7,098,024 from other funds); provided, that all funds deposited, without regard to fiscal year, into the ABC - Import And Class License Fees Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(13) Public Service Commission. – \$13,889,207 (including \$551,489 from Federal grant funds, \$13,315,718 from other funds, and \$22,000 from private funds); provided, that all funds deposited, without regard to fiscal year, into the Operating - Utility Assessment Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the PJM Settlement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(14) Office of the People’s Counsel. – \$7,497,285 from other funds; provided, that all funds deposited, without regard to fiscal year, into the Advocate for Consumers Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(15) Department of Insurance, Securities, and Banking. – \$26,279,148 from other funds; provided, that all funds deposited, without regard to fiscal year, into the Insurance Regulatory Trust Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Foreclosure Mediation Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Capital Access Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(16) Housing Authority Subsidy. – \$69,947,560 from local funds; provided, that all funds deposited, without regard to fiscal year, into the DCHA Rehabilitation and Maintenance Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(17) Housing Production Trust Fund Subsidy. – \$55,054,224 from local funds;  
and

(18) Business Improvement Districts Transfer. – \$37,000,000 from other funds.

**PUBLIC SAFETY AND JUSTICE**

Public safety and justice, \$1,365,534,618 (including \$1,154,200,540 from local funds, \$159,573,472 from Federal grant funds, \$60,000 from Medicaid payments, \$48,665,607 from other funds, \$450,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for the District of Columbia National Guard” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016, \$2,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment to the Criminal Justice Coordinating Council” in the Fiscal Year 2017 Federal Portion Budget Request

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Act of 2016, and \$585,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Judicial Commissions" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016), to be allocated as follows:

(1) Metropolitan Police Department. – \$527,563,428 (including \$516,469,990 from local funds, \$3,229,460 from Federal grant funds, and \$7,863,978 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Asset Forfeiture Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(2) Fire and Emergency Medical Services Department. – \$253,887,508 (including \$249,840,363 from local funds, \$3,022,145 from Federal grant funds, and \$1,025,000 from other funds);

(3) Police Officers' and Firefighters' Retirement System. – \$146,456,000 from local funds;

(4) Department of Corrections. – \$146,572,113 (including \$126,404,140 from local funds and \$20,167,973 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Correction Trustee Reimbursement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Welfare Account are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Correction Reimbursement-Juveniles Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(5) District of Columbia National Guard. – \$13,302,616 (including \$5,139,621 from local funds, \$7,712,995 from Federal grant funds, and \$450,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for the District of Columbia National Guard" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016); 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. – \$136,498,075 (including \$4,667,223 from local funds and \$131,830,852 from Federal grant funds);

(7) Commission on Judicial Disabilities and Tenure. – \$310,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Judicial Commissions" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016;

(8) Judicial Nomination Commission. – \$275,000 from Federal payment funds

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requested to be appropriated by the Congress under the heading "Federal Payment for Judicial Commissions" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016;

(9) Office of Police Complaints. – \$2,449,188 from local funds;

(10) District of Columbia Sentencing Commission. – \$1,086,544 from local funds;

(11) Office of the Chief Medical Examiner. – \$11,422,664 from local funds;

(12) Office of Administrative Hearings. – \$8,986,440 (including \$8,926,440 from local funds and \$60,000 from Medicaid payments);

(13) Criminal Justice Coordinating Council. – \$2,630,068 (including \$630,068 from local funds, and \$2,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment to the Criminal Justice Coordinating Council" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016);

(14) Office of Unified Communications. – \$49,735,696 (including \$31,924,557 from local funds, and \$17,811,139 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Emergency and Non-Emergency Number Telephone Calling Systems Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(15) Department of Forensic Sciences. – \$23,255,124 (including \$22,879,234 from local funds and \$375,890 from Federal grant funds);

(16) Office of the Deputy Mayor for Public Safety and Justice. – \$1,275,002 from local funds;

(17) Corrections Information Council. – \$497,297 from local funds;

(18) Office of Victim Services and Justice Grants. – \$38,630,950 (including \$23,431,304 from local funds, \$13,402,130 from Federal grant funds, and \$1,797,516 from other funds); provided, that \$5,028,000 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 of which not less than \$200,000 shall be available to fund the District of Columbia Poverty Lawyer Loan Repayment Assistance Program, established by section 401 of the Access to Justice Initiative Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1704.01); provided further, that all funds deposited, without regard to fiscal year, into the Crime Victims Assistance Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Domestic Violence Shelter and Transitional Housing Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Community-Based Violence Reduction Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Private Security Camera Incentive Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; and

(19) Criminal Code Reform Commission. – \$700,905 from local funds.



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## PUBLIC EDUCATION SYSTEM

Public education system, including the development of national-defense education programs, \$2,361,127,337 (including \$1,996,075,891 from local funds (including \$4,282,274 from dedicated taxes), \$268,541,858 from Federal grant funds, \$16,271,732 from other funds, \$237,855 from private funds, \$40,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for Resident Tuition Support” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016, and \$40,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for School Improvement” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016), to be allocated as follows:

(1) District of Columbia Public Schools. – \$804,156,985 (including \$756,389,181 from local funds, \$21,647,522 from Federal grant funds, \$5,900,727 from other funds, \$219,555 from private funds, and \$20,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for School Improvement” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016); provided, that not to exceed \$10,600 of such local funds shall be available for the Chancellor 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, 2017, an amount equal to 10 percent of the total amount of the local funds appropriations provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for Fiscal Year 2018 (as transmitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools for Fiscal Year 2018; provided further, that all funds deposited, without regard to fiscal year, into the E-Rate Education Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the ROTC Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the DHHS Afterschool Program-Copayment Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the At-Risk Supplemental Allocation Preservation Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into assigned local fund balance from the settlement in *United States ex rel. Mills v. Compass Group North America et al.*, 2013 CAB SLD 004626, are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that the District of Columbia Public Schools (“DCPS”) is authorized to spend appropriated funds to pay for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities in accordance with rules promulgated by the Chancellor pursuant to section 105(c)(5) of the District of Columbia Public Education Reform Amendment

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Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)); provided further, that such travel be related to the students' curriculum or for the purpose of rewarding student curricular or extra-curricular achievement.

(2) Teachers' Retirement System. – \$56,781,000 from local funds;

(3) Office of the State Superintendent of Education. – \$457,504,103 (including \$150,486,807 from local funds (including \$4,282,274 from dedicated taxes), \$245,970,278 from Federal grant funds, \$1,047,018 from other funds, \$40,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for Resident Tuition Support" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016, and \$20,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment for School Improvement" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016); 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, 2017, 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, without regard to fiscal year, into the Blackman and Jones Consent Decree Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Charter School Credit Enhancement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Student Residency Verification Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the State Athletic Acts Program and Office Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Community Schools Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(4) District of Columbia Public Charter Schools. – \$723,717,252 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 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, 2017, an amount equal to 35 percent, or

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for new charter school Local Education Agencies that opened for the first time after December 31, 2016 an amount equal to 45 percent, of the total amount of the local funds appropriations provided for payments to public charter schools in the proposed budget of the District of Columbia for Fiscal Year 2018 (as transmitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments for Fiscal Year 2018; 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 Account. – \$76,680,000 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, 2017, a tuition-rate schedule that establishes 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, 2017, an amount equal to 10 percent of the total amount of the local funds appropriations provided for the University of the District of Columbia in the proposed budget of the District of Columbia for Fiscal Year 2018 (as transmitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia for Fiscal Year 2018; provided further, that not to exceed \$10,600 of the amount provided for the University of the District of Columbia Subsidy Account shall be available for the President of the University of the District of Columbia for official reception and representation expenses;

(6) District of Columbia Public Library. – \$60,257,866 (including \$58,023,808 from local funds, \$924,058 from Federal grant funds, and \$1,310,000 from other funds); provided, that not to exceed \$8,500 of such amount, from local funds, shall be available for the Public Librarian for official reception and representation expenses; provided further, that all funds deposited, without regard to fiscal year, into the Copies and Printing Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the SLD E-Rate Reimbursement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Library Collections Account are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(7) District of Columbia Public Charter School Board. – \$8,013,987 from other funds;

(8) Non-Public Tuition. – \$74,460,953 from local funds;

(9) Special Education Transportation. – \$94,314,009 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, 2017, an amount

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equal to 10 percent of the total amount of the local funds appropriations provided for the Special Education Transportation agency in the proposed budget for the District of Columbia for Fiscal Year 2018 (as transmitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency for Fiscal Year 2018; provided further, that amounts appropriated under this paragraph may be used to offer financial incentives as necessary to reduce the number of routes serving 2 or fewer students;

(10) State Board of Education. – \$1,498,516 (including \$1,480,216 from local funds and \$18,300 from private funds); and

(11) Office of the Deputy Mayor for Education. – \$3,742,667 from local funds; provided, that all funds deposited, without regard to fiscal year, into the Common Lottery Board Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017.

**HUMAN SUPPORT SERVICES**

Human support services, \$4,599,320,135 (including \$1,898,831,671 from local funds (including \$81,907,017 from dedicated taxes), \$427,233,229 from Federal grant funds, \$2,228,386,882 from Medicaid payments, \$39,274,101 from other funds, \$594,252 from private funds, and \$5,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for Testing and Treatment of HIV/AIDS” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016; to be allocated as follows;

(1) Department of Human Services. – \$500,810,454 (including \$298,901,140 from local funds, \$172,627,662 from Federal grant funds, \$26,806,652 from Medicaid payments, and \$2,475,000 from other funds; provided, that all funds deposited, without regard to fiscal year, into the SSI Payback Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(2) Child and Family Services Agency. – \$231,572,145 (including \$166,553,240 from local funds, \$63,778,428 from Federal grant funds, \$1,200,000 from other funds, and \$40,477 from private funds);

(3) Department of Behavioral Health. – \$255,014,333 (including \$226,757,748 from local funds, \$20,012,409 from Federal grant funds, \$3,430,545 from Medicaid payments, \$4,269,856 from other funds, and \$543,775 from private funds); provided, that all funds deposited, without regard to fiscal year, into the APRA - Choice in Drug Treatment (HCSN) Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; 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 2015, Fiscal Year 2016, or Fiscal Year 2017 to compensate the District for care previously provided by the District to patients at St. Elizabeth’s Hospital and are not otherwise appropriated under this act; provided further, that the availability of the funds be 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

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## Behavioral Health;

(4) Department of Health. – \$228,129,476 (including \$76,856,609 from local funds, \$128,204,619 from Federal grant funds, \$18,068,249 from other funds, and \$5,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for Testing and Treatment of HIV/AIDS” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016); provided, that all funds deposited, without regard to fiscal year, into the Health Professional Recruitment Fund (Medical Loan Repayment) are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Board of Medicine Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Pharmacy Protection Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the SHPDA Fees Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Civic Monetary Penalties Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the SHPDA Admission Fee Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the ICF/MR Fees and Fines are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Human Services Facility Fee Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Communicable and Chronic Disease Prevention and Treatment Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(5) Department of Parks and Recreation. – \$48,563,071 (including \$45,963,071 from local funds and \$2,600,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Department of Recreation Enterprise Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(6) Office on Aging. – \$39,032,550 (including \$30,263,426 from local funds, \$7,731,645 from Federal grant funds, and \$1,037,479 from Medicaid payments);

(7) Unemployment Compensation Fund. – \$6,887,000 from local funds;

(8) Employees’ Compensation Fund. – \$21,521,002 from local funds; provided, that all funds deposited, without regard to fiscal year, into the Worker’s Compensation Rev-Settlement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Agency Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(9) Office of Human Rights. – \$4,380,225 (including \$4,058,275 from local funds and \$321,950 from Federal grant funds);

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(10) Office on Latino Affairs. – \$2,811,873 from local funds;

(11) Children and Youth Investment Collaborative. – \$4,920,000 from local funds;

(12) Office on Asian and Pacific Islander Affairs. – \$854,987 from local funds;

(13) Office of Veterans' Affairs. – \$413,399 (including \$408,399 from local funds and \$5,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Office of Veterans Affairs Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(14) Department of Youth Rehabilitation Services. – \$101,528,794 from local funds; provided, 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. – \$166,557,744 (including \$118,738,285 from local funds, \$31,640,389 from Federal grant funds, \$9,005,813 from Medicaid payments, \$7,163,257 from other funds, and \$10,000 from private funds); provided that all funds deposited, without regard to fiscal year, into the Randolph Shepherd Unassigned Facilities Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Cost of Care-Non-Medicaid Clients Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Contribution to Costs of Supports Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(16) Department of Health Care Finance. – \$2,982,027,908 (including \$787,512,649 from local funds (including \$81,907,017 from dedicated taxes), \$2,916,127 from Federal grant funds, \$2,188,106,393 from Medicaid payments, and \$3,492,739 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Healthy DC Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Nursing Homes Quality of Care Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Stevie Sellows Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Medicaid Collections-3rd Party Liability Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Bill of Rights (Grievance and Appeals) Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Hospital Provider Fee Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Hospital Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(17) Not-for-Profit Hospital Corporation Subsidy. – \$2,000,000 from local funds;

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and

(18) Office of the Deputy Mayor for Health and Human Services. – \$2,295,172 from local funds.

**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, \$782,895,164 (including \$579,003,663 from local funds (including \$66,670,000 from dedicated taxes), \$39,631,708 from Federal grant funds, and \$164,259,793 from other funds), to be allocated as follows:

(1) Department of Public Works. – \$145,057,202 (including \$137,496,202 from local funds and \$7,561,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Solid Waste Disposal Fee Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Super Can Program Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(2) Department of Transportation. – \$111,517,390 (including \$75,404,779 from local funds, \$11,695,000 from Federal grant funds, and \$24,417,610 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Bicycle Sharing Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Performance Parking Program Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Tree Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the DDOT Enterprise Fund-Non Tax Revenues Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Sustainable Transportation Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that, in addition, there are appropriated any amounts received, or to be received, from the Potomac Electric Power Company, or any of its related companies, successors, or assigns, for the purpose of paying or reimbursing the District Department of Transportation for the costs of designing, constructing, acquiring, and installing facilities, infrastructure, and equipment for use and ownership by the Potomac Electric Power Company, or any of its related companies, successors, or assigns, related to or associated with the undergrounding of electric transmission lines in the District of Columbia, and any interest earned on those funds, which amounts and interest shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, but shall be continually available for expenditure until September 30, 2017 for the designated purposes; provided further, that all funds deposited, without regard to fiscal year, into the Vision Zero Pedestrian and Bicycle Safety Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

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provided further, that all funds deposited, without regard to fiscal year, into the Transportation Infrastructure Project Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(3) Department of Motor Vehicles. – \$40,062,925 (including \$30,199,232 from local funds and \$9,863,693 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Motor Vehicle Inspection Station Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(4) Department of Energy and Environment. – \$107,037,918 (including \$18,126,168 from local funds, \$27,936,708 from Federal grant funds, and \$60,975,042 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Storm Water Permit Review Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, all funds deposited, without regard to fiscal year, into the Sustainable Energy Trust Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Brownfield Revitalization Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Anacostia River Clean Up and Protection Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Wetlands Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Energy Assistance Trust Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the LUST Trust Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Soil Erosion/Sediment Control Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the DC Municipal Aggregation Program Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Fishing License Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Renewable Energy Development Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Special Energy Assessment Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Air Quality Construction Permits Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the WASA Utility Discount Program Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;



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(5) Department of For-Hire Vehicles. – \$11,909,966 (including \$4,067,518 from local funds, and \$7,842,448 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Taxicab Assessment Act Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Public Vehicles for Hire Consumer Service Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(6) Washington Metropolitan Area Transit Commission. – \$139,038 from local funds; and

(7) Washington Metropolitan Area Transit Authority. – \$367,170,726 (including \$313,570,726 from local funds (including \$66,670,000 from dedicated taxes) and \$53,600,000 from other funds); provided, that all funds deposited, without regard to fiscal year, into the Dedicated Taxes Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017; provided further, that all funds deposited, without regard to fiscal year, into the Parking Meter WMATA Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017.

**FINANCING AND OTHER**

Financing and Other, \$1,085,056,983 (including \$969,233,085 from local funds (including \$151,688,914 from dedicated taxes), \$18,262,177 from Federal grant funds, \$62,666,721 from other funds, and \$34,895,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016), to be allocated as follows:

(1) Repayment of Loans and Interest. – \$642,681,238 (including \$619,100,061 from local funds, \$18,262,177 from Federal grant funds, and \$5,319,000 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) Repayment of Interest on Short-Term Borrowings. – \$1,250,000 from local funds for payment of interest on short-term borrowing;

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

(4) Schools Modernization Fund. – \$13,522,513 from local funds 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);

(5) Repayment of Revenue Bonds. – \$7,835,339 from local funds (including \$7,835,339 from dedicated taxes) for the repayment of revenue bonds;

(6) Settlements and Judgments. – \$21,292,448 from local funds for making refunds and for the payment of legal settlements or judgments that have been entered against the

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District of Columbia government; provided, that this amount may be increased by 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 and such sums may be paid from the applicable or available funds of the District of Columbia;

(7) John A. Wilson Building Fund. –\$4,369,093 from local funds for expenses associated with the John A. Wilson building;

(8) Workforce Investments. – \$18,025,000 from local funds for workforce investments; provided, that all funds deposited, without regard to fiscal year, into the Compensation Units 1 and 2 Compensation and Classification Reform Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2017;

(9) Non-Departmental. – \$7,223,786 (including \$3,804,080 from local funds and \$3,419,706 from other funds), to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this act, to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget;

(10) Emergency Planning and Security Fund. – \$34,895,000 from Federal payment funds requested to be appropriated by the Congress under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia” in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016; provided, that, notwithstanding any other law, obligations and expenditures that are pending reimbursement under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia” may be charged to this appropriations heading;

(11) Master Equipment Lease/Purchase Program. – \$29,380,873 from local funds;

(12) Pay-As-You-Go Capital Fund. – \$120,541,890 (including \$66,613,875 from local funds and \$53,928,015 from other funds) to be transferred to the Capital Fund, in lieu of capital financing;

(13) District Retiree Health Contribution. – \$31,000,000 from local funds for a District Retiree Health Contribution;

(14) Highway Transportation Fund - Transfers. – \$24,753,575 from local funds (including \$24,753,575 from dedicated taxes); and

(15) Convention Center Transfer. – \$122,286,228 from local funds (including \$119,100,000 from dedicated taxes).

**ENTERPRISE AND OTHER FUNDS**

The amount of \$1,785,972,190 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 General Fund budget authority may be increased as needed to transfer all such revenues, pursuant to local law, to the Highway Trust Fund, the Washington Convention Center and Sports Authority, and the Washington Metropolitan Area Transit Authority.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

For operation of the District of Columbia Water and Sewer Authority, \$535,825,000 from

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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, \$3,111,561,000, to be distributed as follows: \$628,523,000 for Wastewater Treatment; \$473,150,000 for the Sanitary Sewer System; \$574,118,000 for the Water System; \$62,060,000 for Non Process Facilities; \$1,107,275,000 for the Combined Sewer Overflow Program; \$97,371,000 for the Washington Aqueduct; \$20,133,000 for the Stormwater Program; and \$148,931,000 for the capital equipment program; in addition, \$14,000,000 from Federal payment funds requested to be appropriated by the Congress under the heading "Federal Payment to the District of Columbia Water and Sewer Authority" in the Fiscal Year 2017 Federal Portion Budget Request Act of 2016; 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, \$59,769,966 from enterprise and other funds.

**D.C. LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

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), \$215,000,000 from enterprise and other funds; provided, 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.

**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), \$39,095,618 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 the Congress and the Mayor 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.

**ENROLLED ORIGINAL****WASHINGTON CONVENTION AND SPORTS AUTHORITY**

For the Washington Convention Center Enterprise Fund, including for functions previously performed by the District of Columbia Sports and Entertainment Commission, \$146,958,776 from enterprise and other funds.

**HOUSING FINANCE AGENCY**

For the Housing Finance Agency, \$11,740,000 from enterprise and other funds.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA**

For the University of the District of Columbia, \$162,543,336 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.

**D.C. PUBLIC LIBRARY AGENCY TRUST FUND**

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

**UNEMPLOYMENT INSURANCE TRUST FUND**

For the Unemployment Insurance Trust Fund, \$194,147,200 from enterprise and other funds.

**HOUSING PRODUCTION TRUST FUND**

For the Housing Production Trust Fund, \$100,000,000 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.

**TAX INCREMENT FINANCING (TIF) PROGRAM**

For Tax Increment Financing, \$54,755,587 from enterprise and other funds.

**BALLPARK REVENUE FUND**

For the Ballpark Revenue Fund, \$68,485,000 from enterprise and other funds.

**REPAYMENT OF PILOT FINANCING**

For Repayment of Payment in Lieu of Taxes Financing, \$31,113,441 from enterprise and other funds.

**NOT-FOR-PROFIT HOSPITAL CORPORATION**

For the Not-For-Profit Hospital Corporation, \$132,000,000 from enterprise and other funds.

**ENROLLED ORIGINAL****HEALTH BENEFIT EXCHANGE AUTHORITY**

For the District of Columbia Health Benefit Exchange Authority, \$34,521,266 from enterprise and other funds.

**CASH FLOW RESERVE ACCOUNT**

All funds deposited, without regard to fiscal year, into the Cash Flow Reserve Account, established pursuant to D.C. Official Code § 47-392.02(j-2) are authorized for expenditure and shall remain available for expenditure until September 30, 2017.

**FISCAL STABILIZATION RESERVE ACCOUNT**

All funds deposited, without regard to fiscal year, into the Fiscal Stabilization Reserve Account, established pursuant to D.C. Official Code § 47-392.02(j-1) are authorized for expenditure and shall remain available for expenditure until September 30, 2017.

**CAPITAL OUTLAY**

For capital construction projects, an increase of \$1,941,189,000 of which \$1,613,045,000 shall be from local funds, \$102,786,000 is from the Local Transportation Fund, \$9,000,000 is from Federal payment funds, \$57,193,000 is from the District of Columbia Highway Trust Fund, and \$159,165,000 is from Federal grant funds, and a rescission of \$635,202,000, of which \$551,369,000 is from local funds, \$62,753,000 is from the Local Transportation Fund, \$14,553,000 is from the District of Columbia Highway Trust Fund, and \$6,527,000 is from Federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,305,987,000, to remain available until expended; provided further, that all funds provided by this appropriation heading 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.

**Sec. 3. Local portion of the budget.**

The budget adopted pursuant to this act constitutes the local portion of the annual budget for the District of Columbia government under section 446(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).

**Sec. 4. Fiscal impact statement.**


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 5. Effective date.**

As provided in section 446(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(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


ENROLLED ORIGINAL

override the veto), a 30-day period of congressional review as provided in 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
June 15, 2016

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-415**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JUNE 15, 2016**

To adjust, on an emergency basis, certain allocations requested in the Fiscal Year 2016 Budget Request Act of 2015 pursuant to the Omnibus Appropriations Act, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2016 Second Revised Budget Request Emergency Adjustment Act of 2016".

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2016 budgets for the following agencies shall be adjusted by the following amounts:

**TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES**

\$39,971,000 is removed from local funds; and \$3,000,000 is increased in other funds; to be allocated as follows:

**Governmental Direction and Support**

The appropriation for Governmental Direction and Support is increased by \$25,000 in local funds; to be allocated as follows:

- (1) Office of the Secretary. – \$25,000 is added to be available in local funds.

**Economic Development and Regulation**

The appropriation for Economic Development and Regulation is decreased by \$35,000 in local funds and increased by \$3,000,000 in other funds; to be allocated as follows:

- (1) Department of Employment Services. – (\$100,000) is removed from local funds;
- (2) Office of the Deputy Mayor for Planning and Economic Development. – \$3,000,000 is added to be available in other funds; provided, that this amount shall be available for the Walter Reed Redevelopment Fund established by section 7 of the Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; 63 DCR 4678);
- (3) Office of Planning. – (\$110,000) is removed from local funds; and
- (4) Office of Zoning. – \$175,000 is added to be available in local funds.

## ENROLLED ORIGINAL

**Public Safety and Justice**

The appropriation for Public Safety and Justice is decreased by \$1,650,000 in local funds; to be allocated as follows:

- (1) Metropolitan Police Department. – (\$1,100,000) is removed from local funds;
- (2) Fire and Emergency Medical Services Department. – (\$375,000) is removed from local funds;
- (3) Criminal Justice Coordinating Council. – (\$75,000) is removed from local funds; and
- (4) Department of Forensic Sciences. – (\$100,000) is removed from local funds.

**Public Education System**

The appropriation for the Public Education System is decreased by \$768,000 in local funds; to be allocated as follows:

- (1) Office of the State Superintendent of Education. – \$144,000 is added to be available in local funds; provided, that of the total amount budgeted for the Office, \$2,300,000 shall be transferred from Nutrition Services (program D500/D501, index LD500, PCA LF501, object 0506) to Professional Development Assistance (program D800/D805, index LD800, PCA LF805, object 0409);
- (2) District of Columbia Public Library. – \$88,000 is added to be available in local funds;
- (3) Special Education Transportation. – (\$1,000,000) is removed from local funds;
- (4) District of Columbia Public Schools. – all funds deposited, without regard to fiscal year, into assigned local fund balance from the settlement in *United States ex rel. Mills v. Compass Group North America et al.*, 2013 CAB SLD 004624, are authorized for expenditure and shall remain available for expenditure until September 30, 2016; provided further, that the District of Columbia Public Schools (“DCPS”) is authorized to spend appropriated funds to pay for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities in accordance with rules promulgated by the Chancellor pursuant to section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)); provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement; and
- (5) District of Columbia Public Charter Schools. - there shall be appropriated to the District of Columbia public charter schools on July 1, 2016 an amount equal to 35% or, for new charter school Local Education Agencies that opened for operations for the first time after December 31, 2015 an amount equal to 45%, of the total amount of the local funds appropriation request provided for payments to public charter schools in the proposed budget of the District of Columbia for Fiscal Year 2017 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments in Fiscal Year 2017.



ENROLLED ORIGINAL

**Human Support Services**

The appropriation for Human Support Services is decreased by \$7,200,000 in local funds; to be allocated as follows:

- (1) Department of Youth Rehabilitation Services. – (\$5,000,000) is removed from local funds;
- (2) Unemployment Compensation Fund. – (\$1,000,000) is removed from local funds;
- (3) Child and Family Services Agency. – (\$350,000) is removed from local funds;
- (4) Department of Health Care Finance. – (\$200,000) is removed from local funds; and
- (5) Department of Parks and Recreation. – (\$650,000) is removed from local funds.

**Public Works**

The appropriation for Public Works is decreased by \$8,900,000 in local funds; to be allocated as follows:

- (1) Washington Metropolitan Area Transit Authority. – (\$8,900,000) is removed from local funds.

**Financing and Other**

The appropriation for Financing and Other is decreased by \$21,443,000 in local funds; to be allocated as follows:

- (1) Repayment of Loans and Interest. – (\$30,134,000) is removed from local funds;
- (2) Settlements and Judgments. – \$12,000,000 is added to be available in local funds;
- (3) Emergency and Contingency Reserve Funds. – \$65,591,000 is added to be available in local funds;
- (4) District Retiree Health Contribution. – (\$66,400,000) is removed from local funds; and
- (5) Repayment of Interest on Short-Term Borrowings. – (\$2,500,000) is removed from local funds.

Sec. 3. Remaining Fiscal Year 2016 unexpended revenue of \$92,658,000 shall be carried over into Fiscal Year 2017 as fund balance and shall be available as set forth in the approved Fiscal Year 2017 Budget and Financial Plan.

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Sec. 4. Of the Fiscal Year 2016 local funds included in the budget of the District of Columbia Housing Authority, \$15,000,000 shall be deposited in the DCHA Rehabilitation and Maintenance Fund established by the Fiscal Year 2017 Budget Support Emergency Act of 2016.

Sec. 5. Section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)), is amended by striking the semicolon and inserting the phrase “, including rules and regulations governing the use of DCPS funds for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities; provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement;” in its place.

Sec. 6. Capital project rescissions.

In Fiscal Year 2016, the Chief Financial Officer shall rescind capital project allotments as set forth in the following tabular array, with the savings to be used in accordance with the Fiscal Year 2017 Local Budget Act of 2016:

Owner Agency	Project No	Project Title	Impl Agency	Fund Detail	Existing Allotment Adjustments
AM0 - DEPARTMENT OF GENERAL SERVICES	N1401B	GOVERNMENT CENTERS	AM0	0300	(7,239.86)
	PL102C	ELEVATOR POOL	AM0	0300	(25,361.94)
	PL105C	ARCHIVES RECORDER OF DEEDS	AM0	0300	(356,004.03)
	PL603C	WINDOW REPAIR AND RENOVATION POOL	AM0	0300	(89,931.23)
AT0 - OFFICE OF THE CHIEF FINANCIAL OFFICER	BF301C	SOAR MODERNIZATION	AT0	0300	(6,000,000.00)
BD0 - OFFICE OF PLANNING	PLN38C	SUSTAINABLE DC - AGENCY COMPETITION FUND	BD0	0300	(2,705,868.79)
				0301	(50,000.00)
CR0 - DEPT. OF CONSUMER AND REGULATORY AFFAIRS	EB301C	VACANT PROPERTY INSPECTION AND ABATEMENT	CR0	0300	(74,535.00)
				0301	(1,169.28)
				9000	(12,590.35)
DB0 - DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT	04002C	PROPERTY ACQUISITION & DISPOSITION	DB0	0301	(221,275.70)
	ANC02C	HOUSING RESOURCE CENTER DATABASE	ELC	0302	(159,619.55)
EB0 - DEPUTY MAYOR FOR PLANNING AND ECON DEV	ASC13C	SKYLAND DEVELOPMENT	EB0	0300	(1,235,221.00)
	EB008C	NEW COMMUNITIES	EB0	0300	(16,100,000.00)
FA0 - METROPOLITAN POLICE DEPARTMENT	PEQ22C	SPECIALIZED VEHICLES - MPD	FA0	0300	(230,334.00)
FB0 - FIRE AND EMERGENCY MEDICAL SERVICES	LB737C	ENGINE 5 COMPLETE RENOVATION	AM0	0300	(3,790.81)
	LE337C	ENGINE 16 RENOVATION	AM0	0300	(3,018.88)
HA0 - DEPARTMENT OF PARKS AND RECREATION	DPR08C	MASTER LEASE FOR VEHICLE PURCHASE	ELC	0302	(22,078.39)
	FTLPKC	FORT LINCOLN PARK	AM0	0300	(3,200,000.00)
				0301	(750,000.00)
QB338C	ROPER / DEANWOOD RECREATION CENTER	AM0	0300	(54,775.22)	

## ENROLLED ORIGINAL

	QD137C	CAMP RIVERVIEW REHABILITATION	AM0	0300	(0.09)
	QH750C	PARK IMPROVEMENTS - PROJECT MANAGEMENT	HA0	0300	(200,000.00)
	QI438C	JUSTICE PARK	AM0	0300	(215.36)
	QI937C	ROSEDALE RECREATION CENTER	AM0	0300	(1,307.28)
	QM801C	BENNING TERRACE	AM0	0300	(0.20)
	QN701C	ATHLETIC FIELD IMPROVEMENTS	AM0	0300	(62.00)
	QG638C	KENILWORTH PARKSIDE RECREATION CENTER	AM0	0300	(1,265.13)
	RG001C	GENERAL IMPROVEMENTS - DPR	AM0	0300	(200,000.00)
	RG006C	SWIMMING POOL REPLACEMENT	AM0	0300	(670,713.69)
				0301	(312,300.00)
	RG008C	NOYES FIELD	AM0	0300	(18,700.00)
HT0 - DEPARTMENT OF HEALTH CARE FINANCE	UMC01C	EAST END MEDICAL CENTER	AM0	0300	(3,269,118.89)
JA0 - DEPARTMENT OF HUMAN SERVICES	JAPMSC	PRINTING AND MAILING PROCESSING SYSTEM	ELC	0302	(433,348.00)
	THK16C	TEMPORARY AND PERMANENT SUPPORTIVE HOUSI	AM0	0300	(3,000,000.00)
JZ0 - DEPARTMENT OF YOUTH REHABILITATION SVCS	SH632C	REPLACEMENT OF YES! TO FAMCARE	JZ0	0301	(14,283.37)
KA0 - DEPARTMENT OF TRANSPORTATION	6EQ02C	EQUIPMENT ACQUISITION - DDOT	KA0	0302	(2,501,614.72)
	AD306C	PEDESTRIAN & BICYCLE SAFETY ENHANCEMENTS	KA0	0330	(2,000,000.00)
	AD310C	SHERMAN STREET	KA0	0300	(3,596.14)
	BR005C	H STREET BRIDGE	KA0	0300	(5,000,000.00)
	CA305C	LOCAL ST REHAB SCOPE & DEV	KA0	0330	(226.66)
	CE307C	BRIDGE MAINTENANCE	KA0	0330	(1,500,000.00)
	CK301C	ADVANCED DESIGN & PROJECT DEVT	KA0	0330	(176.84)
	CKT59A	NY AVE SOUTH DAKOTA-DC LINE NH-1108(19)	KA0	0300	(52,927.14)
	ED302C	LOCAL STREETS PARKING STUDIES	KA0	0330	(227,753.29)
	ED303C	LOCAL STREETS TRAFFIC STUDIES	KA0	0330	(130,671.02)
	EDL06C	MINNESOTA AVE. STREETSCAPE IMPROVEMENTS	KA0	0300	(16,667.00)
	EDL07C	HOWARD THEATER STREETSCAPE IMPROVEMENTS	KA0	0300	(4,540.80)
	EDS01C	GREAT STREETS	KA0	0333	(126,721.78)
	EDS02C	GREAT STREETS	KA0	0300	(283,404.34)
				0333	(264,317.78)
	EDS03C	GREAT STREETS	KA0	0333	(14.68)
	EDS04C	GREAT STREETS	KA0	0333	(85,240.90)
	FLD01C	PREVENTION OF FLOODING IN BLOOMINGDALE/L	KA0	0300	(5,100,000.00)
KG0 - DEPARTMENT OF ENERGY AND ENVIRONMENT	SUS04C	SUSTAINABLE DC FUND-2	KG0	0300	(104,291.56)
<b>Grand Total</b>					<b>(56,826,292.69)</b>

## ENROLLED ORIGINAL

## Sec. 7. Designated fund transfers.

(a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2016 the following amounts from certified fund balances in the identified accounts to the General Fund of the District of Columbia:

<b>Designated Fund Balance - Overview</b>			
<b>Agency Code</b>	<b>Fund No.</b>	<b>Fund Name</b>	<b>Amount</b>
<b>Budget Support Act:</b>			
<b>AE0</b>		Pay for Success Contract Fund	\$2,699,287
		<b>Total</b>	<b>\$2,699,287</b>
<b>Budget Reserves:</b>			
<b>EN0</b>		Micro Loan/Small Business Capital Access Fund	\$228,362
<b>EN0</b>		Streetscape Loan Relief Fund	\$1,584,297
		<b>Total</b>	<b>\$1,812,659</b>
<b>Dedicated Taxes:</b>			
<b>HT0</b>	0111	Healthy DC Fund	\$6,908,762
<b>HT0</b>	0112	Stevie Sellows Quality of Care Improvement Fund	\$165,764
<b>LQ0</b>	0110	Dedicated Taxes	\$881,555
		<b>Total</b>	<b>\$7,956,081</b>
<b>Purpose Restrictions and Other Special Purposes:</b>			
<b>ATO</b>	0606	Recorder of Deeds Surcharge	\$3,000,000
<b>ATO</b>	6115	OFT Central Collection Unit Fund	\$1,600,000
<b>ATO</b>	0602	Payroll Service Fees	\$11,198
<b>BEO</b>	0639	Agreement with Independent Agencies	\$34,682
<b>CJO</b>	0600	Special Purpose Revenue	\$15,332
<b>CRO</b>	6030	Green Building Fund	\$1,689,850
<b>CRO</b>	6013	Basic Business License Fund	\$268,332
<b>CRO</b>	6020	Board of Engineers Fund	\$697,203
<b>CRO</b>	6040	Corporate Recordation Fund	\$1,182,879
<b>CRO</b>	6045	Vending Regulations Fund	\$1,284,622
<b>CRO</b>	6010	OPLA - Special Account	\$26,999
<b>CRO</b>	6006	Nuisance Abatement	\$44,862
<b>CRO</b>	6009	Real Estate Appraisal Fee	\$30,564

## ENROLLED ORIGINAL

CIO	0600	Cable Franchise Fees	\$7,113,314
EBO	0630	Fund from NEDCO and EDFC	\$562,550
EBO	0419	H St Retail Priority Area Grant Fund	\$3,272,213
HCO	0632	Pharmacy Protection	\$2,100,000
HCO	0644	Spay and Neutering Fund	\$7,215
HCO	0661	ICF/MR Fees and Fines	\$154,086
HCO	0606	Vital Records Revenues	\$2,500,000
HCO	0605	SHPDA Fees	\$200,000
HCO	0643	Board of Medicine	\$600,000
HTO	0631	Medicaid Collections - 3rd Party Liability	\$314,173
JAO	0603	SSI Payback	\$1,000,000
KAO	6901	DDOT Enterprise Fund - Non Tax Revenues	\$3,000,000
SR0	2911	Foreclosure Mediation Fund (Temporary)	\$340,500
TOO	0602	DC Net Service Support	\$4,800,000
		<b>Total</b>	<b>\$35,850,574</b>
<b>TOTAL</b>			<b>\$48,318,601</b>

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2017 Budget and Financial Plan.

(c) In Fiscal Year 2016, the Chief Financial Officer shall transfer the entire fund balance of the GD0 – Credit Enhancement, Geneva Funds account to fund 0610, the Charter School Credit Enhancement Fund, within the Office of the State Superintendent of Education.

#### Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

#### Sec. 9. 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

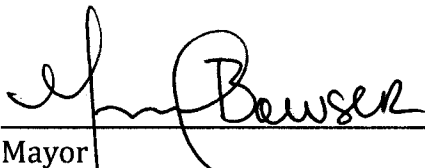
ENROLLED ORIGINAL

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)).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
June 15, 2016

ENROLLED ORIGINAL

## A RESOLUTION

21-444

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2016

To reappoint Mr. Joseph M. Bress to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Joseph M. Bress Reappointment Resolution of 2016".

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

Mr. Joseph M. Bress  
3704 Harrison Street, N.W.  
Washington, D.C. 20015  
(Ward 3)

as a member of the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Official Code § 1-711), for a 4-year term to end January 27, 2020.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

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

## ENROLLED ORIGINAL

## A RESOLUTION

21-490

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Prevention of Child Abuse and Neglect Act of 1977 to include in the definition of case plan an additional requirement for children 14 years of age and older, to define the reasonable and prudent parent standard, to require that foster children receive a credit report on an annual basis beginning at 14 years of age, and to require the use of the reasonable and prudent parent standard by foster parents and group homes; and to amend section 16-2323 of the District of Columbia Official Code to require additional reporting requirements for children who have been placed in another planned permanent living arrangement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Supporting Normalcy and Empowering Children in Foster Care Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Supporting Normalcy and Empowering Children in Foster Care Emergency Amendment Act of 2016, effective March 16, 2016 (D.C. Act 21-333; 63 DCR 4306), will expire on June 14, 2016.

(b) The Supporting Normalcy and Empowering Children in Foster Care Temporary Amendment Act of 2016, enacted on April 27, 2016 (D.C. Act 21-377; 63 DCR 6866), is pending congressional review with a projected law date of June 24, 2016.

(c) The congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Supporting Normalcy and Empowering Children in Foster Care Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

21-491

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 and the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000 to create incentives for the retention and recruitment of Metropolitan Police Department officers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Metropolitan Police Department Officer Retention and Recruitment Incentives Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to create incentives for the retention and recruitment of Metropolitan Police Department officers.

(b) On March 1, 2016, the Council passed the Metropolitan Police Department Officer Retention and Recruitment Incentives Emergency Amendment Act of 2016, effective March 17, 2016 (D.C. Act 21-332; 63 DCR 4304). This emergency legislation will expire on June 15, 2016.

(c) Permanent legislation, which is substantively identical to the emergency legislation – Title II, Subtitle I of the Neighborhood Engagement Achieves Results Amendment Act of 2016 – was enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659). The permanent legislation is undergoing congressional review and is not expected to become law until September 8, 2016.

(d) In order to prevent a gap in the law, it is now necessary to move this congressional review emergency legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Metropolitan Police Department Officer Retention and Recruitment Incentives Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-492

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 0003 and 0004 to Contract No. CW22089 with MVS, Inc. to provide information technology equipment and software and to authorize payment in the not-to-exceed amount of \$10,000,000 for the goods and services received and to be received during option year 3 of the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW22089 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve Modification Nos. 0003 and 0004 to Contract No. CW22089 with MVS, Inc., to provide information technology equipment and software and to authorize payment for the goods and services to be received during option year 3 of the contract.

(b) On March 28, 2016 by Modification No. 0003, the Office of Contracting and Procurement exercised option year 3 of Contract No. CW22089 for the period from April 1, 2016 to March 31, 2017, in the not-to-exceed amount of \$950,000.00.

(c) Modification No. 0004 proposes to increase the total not-to-exceed amount for option year 3 of the contract to \$10,000,000.00.

(d) Council approval of Modification Nos. 0003 and 0004 is necessary because these modifications increase the contract amount by more than \$1,000,000 during a 12-month period.

(e) Approval of Modification Nos. 0003 and 0004 is necessary to allow the continuation of these vital services. Without this approval, MVS, Inc., cannot be paid for services provided in excess of \$1,000,000.00 during option year 3 of the contract, from April 1, 2016 through March 31, 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW22089 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-493

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve the Amendment for Partial Exercise of Option Year 002 to Contract No. DCAM-14-NC-0046B, and Change Order Nos. 001 through 006, inclusive, to that amendment with Kramer Consulting, P.C. to provide program management services for the Department of Parks and Recreation's capital construction portfolio and to authorize payment in the aggregate not-to-exceed amount of \$2,454,680 for the goods and services received and to be received during option year 2 of the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Amendment and Change Orders to Contract No. DCAM-14-NC-0046B Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve the Amendment for Partial Exercise of Option Year 002 to Contract No. DCAM-14-NC-0046B, and Change Order Nos. 001 through 006, inclusive, to that Amendment with Kramer Consulting, P.C. to provide program management services for the Department of Parks and Recreation's (the "Department's") capital construction portfolio and to authorize payment in the aggregate not-to-exceed amount of \$2,454,680 for the goods and services received and to be received during option year 2 of the contract.

(b) The Department awarded the underlying contract to Kramer to provide program management services for the Department's capital construction portfolio, which was submitted to the Council and approved pursuant to CA20-0345. Subsequently, the Department exercised the first of the 2 one-year options to extend the term of the contract; that action was also submitted to the Council and approved pursuant to CA21-0014. Thereafter, the Department partially exercised the second of the 2 option years by issuing the Amendment for Partial Exercise of Option Year 002, which extended the contract term through November 15, 2015 and authorized the expenditure of an amount not to exceed \$75,000. Change Order No. 001 to the Amendment increased the not-to-exceed amount for option year 2 to \$250,000. Thereafter, Change Order Nos. 002 and 003 to the Amendment extended the contract term through February 15, 2016 and increased the not-to-exceed amount for option year 2 to \$750,000, respectively. Change Order No. 004 to the Amendment extended the contract term through March 31, 2016 and increased the not-to-exceed amount for option year 2 to \$995,000. Change Order No. 005 to the Amendment

**ENROLLED ORIGINAL**

extended the contract term through May 15, 2016. The aggregate contract amount of the Amendment for Partial Exercise of Option Year 002, and Change Order Nos. 001 through 005 to that Amendment, was \$995,000; thus, Council approval was not required.

(c) The Department now seeks to issue Change Order No. 006, which will extend the contract term through September 30, 2016, fully exercising option year 2, and increase the not-to-exceed amount of option year 2 to \$2,454,680.

(d) Council approval of the Amendment for Partial Exercise of Option Year 002, and Change Order Nos. 001 through 006, inclusive, to that Amendment is required 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), because the Amendment and the change orders will increase contract amount by more than \$1,000,000 during a 12-month period.

(e) Approval of the Amendment for Partial Exercise of Option Year 002, and Change Order Nos. 001 through 006, inclusive, to that Amendment is necessary to allow the continuation of these vital services. Without this approval, Kramer Consulting, P.C. cannot be paid for services provided in excess of \$1,000,000 during option year 2 of the contract, from October 1, 2015 to September 30, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Amendment and Change Orders to Contract No. DCAM-14-NC-0046B Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-494

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 005 through 016, inclusive, to Contract No. DCAM-12-M-1031H-FM with MCN Build, LLC for design-build services for Powell Elementary School and to authorize payment in the aggregate amount of \$11,292,587.82 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 005 through 016, inclusive, to Contract No. DCAM-12-M-1031H-FM with MCN Build, LLC for design-build services for Powell Elementary School and to authorize payment in the aggregate amount of \$11,292,587.82 for the goods and services received and to be received under the change orders.

(b) The underlying contract was approved by the Council pursuant to CA20-0106. Subsequently, Change Order Nos. 001 and 002 were issued; Change Order No. 002 required the approval of the Council and was approved pursuant to B20-798. Subsequently, Change Order Nos. 003 and 004 were issued; Change Order No. 004 required the approval of the Council and was approved pursuant to B21-198. Thereafter, the Department of General Services issued Change Order Nos. 005 through 015, which had a total aggregate value of \$975,018.82; thus, Council approval was not required.

(c) The Department of General Services now seeks to issue Change Order No. 016, in the amount of \$10,317,587.82.

(d) Council approval of Change Order Nos. 005 through 016, inclusive, is required 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), because these change orders increase the contract amount by more than \$1,000,000 during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, MCN Build, LLC cannot be paid for services provided pursuant to Change Order Nos. 005 through 016, inclusive, to the contract.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-495

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 0002 and 0004 to Contract No. DCRL-2016-R-0004 with the Far Southeast Family Strengthening Collaborative to provide community-based social welfare services and to authorize payment in the aggregate not-to-exceed amount of \$1,067,202.37 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-R-0004 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Modification Nos. 0002 and 0004 to Contract No. DCRL-2016-R-0004 with the Far Southeast Family Strengthening Collaborative to provide co-location and youth transportation services for children and youth and to authorize payment in the aggregate not-to-exceed amount of \$1,067,202.37 for the goods and services received and to be received under the modifications.

(b) The District awarded a sixty-one (61) day letter contract, Contract No. DCRL-2016-R-0004 to the Far Southeast Family Strengthening Collaborative on September 30, 2015. The letter contract merged with a definitized contract on November 24, 2015, and the merged contract, in the amount of \$5,745,234.00, was deemed approved by the Council pursuant to CA21-237. On February 17, 2016, Modification No. 0002 in the amount of \$998,093.37 was executed to include transitional housing services for youth and families under the Child and Family Services Administration’s care. Modification No. 0004 would add an additional \$69,109.00 to the contract amount for co-location and youth transportation services through September 30, 2016.

(c) Council approval of Modification Nos. 0002 and 0004 is required 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), because these modifications increase the contract amount by more than \$1,000,000 during a 12-month period.

(d) Approval of Modification Nos. 0002 and 0004 is necessary to allow the continuation of these vital services. Without this approval, the Far Southeast Family Strengthening Collaborative cannot be paid for services provided in excess of \$1,000,000 pursuant to Modification Nos. 0002 and 0004 to the contract.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-R-0004 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

21-503

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification 12 of Contract No. CFOPD-11-C-040 with eFunds Corporation to continue to provide electronic benefits transfer services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-11-C-040 Extension Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve multiyear Modification 12 of Contract No. CFOPD-11-C-040 with eFunds Corporation to continue to provide electronic benefits transfer services to the Office of the Chief Financial Officer on behalf of the Office of Finance and Treasury and to authorize payment for the services received and to be received under the contract.

(b) On April 13, 2016, the Office of the Chief Financial Officer executed Modification 11 under Contract No. CFOPD-11-C-040, which partially exercised the multiyear option period from April 14, 2016, through July 13, 2016, in the amount of \$250,000.

(c) Proposed Modification 12 will exercise the remaining 21 months of the multiyear option period, from July 14, 2016, through April 13, 2018, in the amount of \$1,754,817.19.

(d) Council approval is necessary because proposed Modification 12 exercises a multiyear option. Council approval is further necessary to allow the continuation of these vital services and to allow eFunds Corporation to continue to perform under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-11-C-040 Extension Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-504

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide certain medical marijuana cultivation center applicants with the ability to relocate to another election ward.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Cultivation Center Relocation Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Council passed the Medical Marijuana Cultivation Center Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-59; 60 DCR 15484) (“Act”), which amended the Legalization of Marijuana for Medical Treatment Initiative of 1999 to limit the number of medical marijuana cultivation centers and dispensaries that may locate in any election ward to 6.

(b) In 2015, 4 cultivation centers applied for the last available license in Ward 5, handing in their applications on the same day with the understanding that the applications would be processed, and the final registration awarded, on a first-come, first-serve basis. Instead, the Department of Health awarded the license based on other criteria.

(c) The District of Columbia Office of Administrative Hearings recently determined that the Department of Health’s process in ascertaining which cultivation center would be awarded the final registration for Ward 5 was arbitrary, capricious, or was otherwise not in accordance with the law.

(d) Currently, applicants cannot modify the proposed cultivation center location on their applications subsequent to submission of that application. By allowing the affected applicants to modify the location listed on their pending application with the Department of Health, a new location for their cultivation center, in a different election ward, may be selected without forfeiting the “active” status of their application.

(e) This emergency legislation will permit cultivation centers applicants who were unable to secure the final license in Ward 5 due to an unclear process to change the location on their application and keep their “active” status as they continue to find a suitable location elsewhere within the District of Columbia.

**ENROLLED ORIGINAL**

(f) This legislation shall not result in the registration of more than 6 cultivation centers to operate within a single election ward established by the Council in section 4 of the Redistricting Procedure Act of 1981, effective March 16, 1982 (D.C. Law 4-87; D.C. Official Code § 1-1041.03).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Cultivation Center Relocation Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-505

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008, and Modification Nos. 1 and 2 to Contract No. DCHT-2016-C-0003 with Universal Home Healthcare, Inc. to provide temporary staffing services for Personal Care Assistance to meet the needs of District Medicaid beneficiaries for the Department of Healthcare Finance and to authorize payment for the services received and to be received under these contracts and modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008 Modification Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008, and Modification Nos. 1 and 2 to Contract No. DCHT-2016-C-0003 with Universal Home Healthcare, Inc. to provide temporary staffing services for Personal Care Assistance to meet the needs of District Medicaid beneficiaries for the Department of Healthcare Finance (“DHCF”) and to authorize payment for the services received and to be received under these contracts and modifications.

(b) The Office of Contracting and Procurement (“OCP”), on behalf of DHCF, entered into Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008, in the aggregate amount of \$990,000 for the combined period from October 2, 2015, through September 30, 2016.

(c) OCP now proposes Modification No. 2 to Contract No. DCHT-2016-C-0003 to increase the amount of Contract DCHT-2016-C-0003 by \$475,000, increasing Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008 to the not to exceed amount of \$1,465,000.

(d) Council approval is necessary since this modification increases the aggregate contract amount for Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008 to more than \$1 million during a 12-month period.

**ENROLLED ORIGINAL**

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Universal Home Healthcare, Inc., cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract Nos. DCHT-2015-C-0003, DCHT-2016-C-0003, and DCHT-2016-C-0008 Modification Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 005 and 006 and proposed Modification No. 007 to Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS with Good Hope Institute to continue to provide methadone maintenance and counseling treatment services to eligible District residents and to authorize payment for the services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 005 and 006 and proposed Modification No. 007 to Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS with Good Hope Institute to continue methadone maintenance and counseling treatment services to eligible District residents.

(b) The District awarded Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS to Good Hope Institute for a base year from October 2, 2014, through October 1, 2015.

(c) By Modification No. 005, on October 2, 2015, the District exercised Option Year One of Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS for the period from October 2, 2015, through September 30, 2016, in the not-to-exceed amount of \$695,000.

(d) By Modification No. 006, on March 3, 2016, the District increased the not-to-exceed amount for Option Year One of Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS by \$296,981 to the not-to-exceed amount of \$991,981.

(e) By Modification No. 007, the District proposes to increase the not-to-exceed amount for Option Year One of Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS by \$68,019 to the not-to-exceed amount of \$1,060,000 and correct the term of Option Year One to end on October 1, 2016.

(f) Approval is necessary because the issuance of proposed Modification No. 007 would increase the contract value by more than \$1 million during a 12-month period.

**ENROLLED ORIGINAL**

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Good Hope Institute cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Human Care Agreement No. RM-15-HCA-SATS-003-GHI-BY4-CPS Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-507

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. M020, M021, and M023 and proposed Modification No. M025 to Human Care Agreement No. DCRL-2013-H-0039A with The National Center for Children and Families to continue to provide case management and traditional and therapeutic family-based foster care services for children and youth, and to authorize payment for the services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Human Care Agreement No. DCRL-2013-H-0039A Approval and Payment Authorization Clarification Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need for the Council to approve Modification Nos. M020, M021, and M023 and proposed Modification No. M025 to Human Care Agreement No. DCRL-2013-H-0039A with The National Center for Children and Families to continue to provide case management and traditional and therapeutic family-based foster care services for children and youth, and to authorize payment for the services received and to be received under these modifications.

(b) The District awarded Human Care Agreement No. DCRL-2013-H-0039A to The National Center for Children and Families for a base year from December 12, 2013, through December 11, 2014.

(c) The first option year for Human Care Agreement No. DCRL-2013-H-0039A was exercised for the period from December 12, 2014, through December 11, 2015.

(d) By Modification No. M020, on December 9, 2015, the District exercised a partial option for the second option year of Human Care Agreement No. DCRL-2013-H-0039A in the not-to-exceed amount of \$981,306.15 for the period from December 12, 2015, through January 14, 2016.

(e) By Modification No. M021, on January 12, 2016, the District exercised a partial option for the second option year of Human Care Agreement No. DCRL-2013-H-0039A in the not-to-exceed amount of \$1,706,578.68 for the period from January 15, 2016, through March 15, 2016.



## ENROLLED ORIGINAL

(f) Modification No. M022 was administrative in nature and did not increase the value of the human care agreement.

(g) By Modification No. M023, on February 29, 2016, the District exercised a partial option for the second option year of Human Care Agreement No. DCRL-2013-H-0039A in the not-to-exceed amount of \$3,088,228.17 for the period from March 16, 2016, through June 30, 2016.

(h) Modification No. M024 was administrative in nature and did not increase the value of the human care agreement.

(i) By Modification No. M025, the District proposes to exercise the remainder of the second option year for the period from July 1, 2016, through December 11, 2016 in the not-to-exceed amount of \$4,733,359.10, making the total not-to-exceed amount for option year two \$10,563,472.10.

(j) Council approval is necessary because, as a result of Modification Nos. M021 and M023 and proposed Modification No. M025, the value of the human care agreement is increased to be more than \$1 million during a 12-month period.

(k) Approval is necessary to allow the continuation of these vital services. Without this approval, The National Center for Children and Families cannot be paid for services provided in excess of \$1 million.

(l) The Modifications to Human Care Agreement No. DCRL-2013-H-0039A Approval and Payment Authorization Emergency Act of 2016, effective April 27, 2016 (D.C. Act 21-363; 63 DCR 6832), referred to a proposed Modification No. M023, but it did not expressly approve, or expressly authorize payment for, Modification No. M025. The Modifications to Human Care Agreement No. DCRL-2013-H-0039A Approval and Payment Authorization Clarification Emergency Act of 2016 would supersede the Modifications to Human Care Agreement No. DCRL-2013-H-0039A Approval and Payment Authorization Emergency Act of 2016 by explicitly approving Modification Nos. M020, M021, M023, and proposed Modification No. M025.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Human Care Agreement No. DCRL-2013-H-0039A Approval and Payment Authorization Clarification Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-508

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve the first amendment to the multiyear Washington Metropolitan Area Transit Authority Capital Funding Agreement to extend the term of the agreement to June 30, 2017, and to provide funding for a capital improvement program in the amount of \$92.1 million.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "First Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve a first amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement ("CFA") with the Washington Metropolitan Area Transit Authority ("WMATA") to provide additional capital funding for a one-year extension to a capital improvement program for the WMATA metro system from July 1, 2016, to June 30, 2017.

(b) On July 1, 2010, the Office of Contracting and Procurement, on behalf of the District Department of Transportation, executed the multiyear CFA with the WMATA to provide capital funding for a capital improvement program from July 1, 2010, through June 30, 2016, in the ceiling amount of \$397,314,000.

(c) A first amendment is now necessary to extend the CFA to June 30, 2017, and to increase the amount for WMATA Fiscal Year 2017 by \$92.1 million for a total ceiling amount of the CFA of \$489,414,000.

(d) Council approval is necessary as these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital improvements. Without Council approval, WMATA cannot be paid for services provided in excess of \$ 1 million for the contract period July 1, 2016, through June 30, 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the First Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement Emergency Approval Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-509

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 with Smoot Gilbane II Joint Venture for design-build services for the Roosevelt High School modernization, and to authorize payment for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2.(a) There exists an immediate need to approve Change Order Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 with Smoot Gilbane II Joint Venture for the modernization of Roosevelt High School in the aggregate amount of \$1,737,232, and to authorize payment for the goods and services received and to be received under these change orders.

(b) The underlying contract was previously approved by the Council (CA20-0277) and Change Order No. 001 was also approved by the Council (CA20-0424). The Department of General Services then submitted, and the Council approved, Change Order No. 002 through Change Order No. 006. Thereafter, the Department issued Change Order No. 007 (\$0), Change Order No. 008 (\$450,00), Change Order No. 009 (\$0), Change Order No. 010 (\$200,000), and Change Order No. 011 (\$349,000). The aggregate value of these change orders was less than \$1 million; thus, Change Orders Nos. 007 through 011 did not require Council approval.

(c) Change Order No. 012 will cause the aggregate value of the change orders issued, after the Council's last approval of Change Orders Nos. 002 through 006, to exceed \$1,000,000 and require Council approval 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).

(d) Approval of Change Order Nos. 007 through 012 is necessary to compensate Smoot Gilbane II Joint Venture for work completed and to be completed under these change orders.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change

**ENROLLED ORIGINAL**

Order Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-510

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. M009, M010, and M011 and proposed Modification No. M012 to Contract No. CW18948 with Aramark Correctional Services, LLC to continue to provide food services to inmates of the Department of Corrections' Central Detention Facility and Correctional Treatment Facility and to authorize payment for the services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW18948 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. M009, M010, and M011 and proposed Modification No. M012 to Contract No. CW18948 with Aramark Correctional Services, LLC to continue to provide food services to inmates of the Department of Corrections' Central Detention Facility and Correctional Treatment Facility.

(b) The District awarded multiyear Contract No. CW18948 to Aramark Correctional Services, LLC for a base term from March 1, 2013, through February 28, 2016.

(c) By Modification No. M009, on February 2, 2016, the District partially exercised the first option year for Contract No. CW18948 for the period from March 1, 2016, through March 31, 2016, in the not-to-exceed amount of \$200,000.

(d) By Modification No. M010, on February 24, 2016, the District partially exercised the first option year for Contract No. CW18948 for the period from April 1, 2016, through May 31, 2016, in the not-to-exceed amount of \$400,000.

(e) By Modification No. M011, on May 26, 2016, the District partially exercised the first option year for Contract No. CW18948 for the period from June 1, 2016, through July 31, 2016, in the not-to-exceed amount of \$392,258.63.

(f) By Modification No. M012, the District proposes to exercise the remainder of the first option year of Contract No. CW18948, from August 1, 2016, through February 28, 2017, in the not-to-exceed amount of \$3,100,851.37, which will increase the not-to-exceed amount of the first option year to \$4,093,110.50.

(g) Approval is necessary because the issuance of proposed Modification No. M012 would increase the contract value by more than \$1 million during a 12-month period.

**ENROLLED ORIGINAL**

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, Aramark Correctional Services, LLC cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW18948 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-511

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. DCKT-2016-C-0018 with JJ Prime Services, LLC to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCKT-2016-C-0018 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve Contract No. DCKT-2016-C-0018 with JJ Prime Services, LLC to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

(b) The Office of the Mayor declared a state of emergency in Mayor's Order 2016-006 for the period from January 21, 2016, through February 5, 2016, because of a storm system which was expected to have serious widespread effects. The City Administrator, in consultation with the Homeland Security and Emergency Management Agency ("HSEMA"), was authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District from the conditions caused by the snow storm. Section 5(b)(2) of the District of Columbia Public Emergency Act of 1981, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(2)), authorized the District to procure any goods or services without regard to established operating procedures related to entering into contracts.

(c) Upon authorization by HSEMA of the need for goods or services, the Office of Contracting and Procurement obtained the vital goods and services from JJ Prime Services, LLC.

(d) Council approval is necessary because the expenditures under the contract are in excess of \$1 million during a 12-month period.

(e) Approval is necessary to allow payment for these vital services. Without this approval, JJ Prime Services, LLC cannot be paid for goods and services provided in excess of \$1 million for the contract period of January 21, 2016, through February 5, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKT-2016-C-0018 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-512

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. DCKT-2016-C-0020 with H.U.R.B. Landscaping, Inc. to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCKT-2016-C-0020 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Contract No. DCKT-2016-C-0020 with H.U.R.B. Landscaping, Inc., to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

(b) The Office of the Mayor declared a state of emergency in Mayor’s Order 2016-006 for the period from January 21, 2016, through February 5, 2016, because of a storm system which was expected to have serious widespread effects. The City Administrator, in consultation with the Homeland Security and Emergency Management Agency (“HSEMA”), was authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District from the conditions caused by the snow storm. Section 5(b)(2) of the District of Columbia Public Emergency Act of 1981, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(2)), authorized the District to procure any goods or services without regard to established operating procedures related to entering into contracts.

(c) Upon authorization by HSEMA of the need for goods or services, the Office of Contracting and Procurement obtained the vital goods and services from H.U.R.B. Landscaping, Inc.

(d) Council approval is necessary because the expenditures under the contract are in excess of \$1 million during a 12-month period.

(e) Approval is necessary to allow payment for these vital services. Without this approval, H.U.R.B. Landscaping, Inc., cannot be paid for goods and services provided in excess of \$1 million for the contract period of January 21, 2016, through February 5, 2016.



**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKT-2016-C-0020 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-513

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. DCKT-2016-C-0017 with Strittmatter Metro, LLC to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCKT-2016-C-0017 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Contract No. DCKT-2016-C-0017 with Strittmatter Metro, LLC to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

(b) The Office of the Mayor declared a state of emergency in Mayor’s Order 2016-006 for the period from January 21, 2016, through February 5, 2016, because of a storm system which was expected to have serious widespread effects. The City Administrator, in consultation with the Homeland Security and Emergency Management Agency (“HSEMA”), was authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the conditions caused by the snow storm. Section 5(b)(2) of the District of Columbia Public Emergency Act of 1981, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(2)), authorized the District to procure any goods or services without regard to established operating procedures related to entering into contracts.

(c) Upon authorization by HSEMA of the need for goods or services, the Office of Contracting and Procurement obtained the vital goods and services from Strittmatter Metro, LLC.

(d) Council approval is necessary because the expenditures under the contract are in excess of \$1 million during a 12-month period.

(e) Approval is necessary to allow payment for these vital services. Without this approval, Strittmatter Metro, LLC cannot be paid for goods and services provided in excess of \$1 million for the contract period of January 21, 2016, through February 5, 2016.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKT-2016-C-0017 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-514

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. DCKT-2016-C-0019 with Total Civil Construction to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCKT-2016-C-0019 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Contract No. DCKT-2016-C-0019 with Total Civil Construction to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

(b) The Office of the Mayor declared a state of emergency in Mayor’s Order 2016-006 for the period from January 21, 2016, through February 5, 2016, because of a storm system which was expected to have serious widespread effects. The City Administrator, in consultation with the Homeland Security and Emergency Management Agency (“HSEMA”), was authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the conditions caused by the snow storm. Section 5(b)(2) of the District of Columbia Public Emergency Act of 1981, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(2)), authorized the District to procure any goods or services without regard to established operating procedures related to entering into contracts.

(c) Upon authorization by HSEMA of the need for goods or services, the Office of Contracting and Procurement obtained the vital goods and services from Total Civil Construction.

(d) Council approval is necessary because the expenditures under the contract are in excess of \$1 million during a 12-month period.

(e) Approval is necessary to allow payment for these vital services. Without this approval, Total Civil Construction cannot be paid for goods and services provided in excess of \$1 million for the contract period of January 21, 2016, through February 5, 2016.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKT-2016-C-0019 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-515

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. M014, M015, and M016 and proposed Modification No. M017 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. to provide local pavement street repairs and improvements, and to authorize payment for the services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCKA-2012-C-0089 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. M014, M015, and M016 and proposed Modification No. M017 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. to provide local pavement street repairs and improvements, and to authorize payment for the services received and to be received under the modifications.

(b) On April 7, 2016, by Modification No. M014, the District Department of Transportation exercised a partial Option Year 3 in the amount of \$950,000. The period of performance for the partial option was April 9, 2016, through May 8, 2016.

(c) On May 6, 2016, by Modification No. M015, the District Department of Transportation exercised a partial Option Year 3 for the period from May 9, 2016, through May 31, 2016, at no cost.

(d) On May 23, 2016, by Modification No. M016, the District Department of Transportation exercised a partial Option Year 3 for the period of June 1, 2016, through June 30, 2016, at no cost.

(e) Proposed Modification No. M017 seeks to exercise the remainder of Option Year 3 for the period of July 1, 2016, through April 8, 2017, with an increased not-to-exceed amount of \$27,950,239.

(f) Council approval is necessary because, with these modifications, expenditures under the contract would be in excess of \$1 million during a 12-month period.

(g) Approval is necessary to allow the continuation of these services. Without this approval, Capitol Paving of D.C., Inc. cannot be paid for services provided in excess of \$1 million for the contract period of April 9, 2016, through April 8, 2017.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCKA-2012-C-0089 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-516

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-15-NC-0085B and Modification Nos. 04 and 05 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. for ground maintenance services, and to authorize payment in the aggregate amount of \$1,343,785.35 for the goods and services received and to be received under the contract and the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-15-NC-0085B and Modification Nos. 04 and 05 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-15-NC-0085B and Modification Nos. 04 and 05 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. for ground maintenance services, and to authorize payment in the aggregate amount of \$1,343,785.35 for the goods and services received and to be received under the contract and the modifications thereto.

(b) Contract No. DCAM-15-NC-0085B was competitively bid and awarded to National Service Contractors, Inc. in the amount of \$1,177,802 for the base year. Thereafter, the Department of General Services issued Modification No. 01 at no cost. Modification No. 02 increased the contract value by \$150,000 to \$1,327,802. Modification No. 3 increased the contract value by \$5,271.59 to \$ 1,333,073.59.

(c) Modification No. 04 exercised a portion of Option Year 1 in the amount of \$707,889.09. Modification No. 05 exercised the remaining portion of Option Year 1 in the amount of \$635,896.26.

(d) Modification Nos. 04 and 05 will cause the aggregate value of Contract No. DCAM-15-NC-0085B to exceed the \$1 million threshold set forth in section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(e) Approval of Modification Nos. 04 and 05 in the amount of \$1,343,785.35 is necessary to compensate National Service Contractors, Inc. for the services received and to be received during Option Year 1.



**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-15-NC-0085B and Modification Nos. 04 and 05 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-517

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-14-CS-0123B with DC Solar JV to deploy solar energy generation systems at approximately 15 District government buildings, and to authorize payment for the power generated by the systems for a 20-year period.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-14-CS-0123B Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2.(a) There exists an immediate need to approve Contract No. DCAM-14-CS-0123B with DC Solar JV to deploy solar energy generation systems at approximately 15 District government buildings, and to authorize payment for the power generated by the systems for a 20-year period.

(b) Contract No. DCAM-14-CS-0123B is a multiyear contract that requires Council approval pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), and section 202(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(b)).

(c) Approval of Contract No. DCAM-14-CS-0123B is necessary for the District to enter into a long-term agreement with DC Solar JV to deploy solar energy generation systems at District government buildings and to allow the government to purchase the power generated from the systems. The systems must be put in service by DC Solar JV before December 31, 2016, in order for the systems to qualify for solar investment tax credits, without which development of the systems will not be economically viable. Given the time required for the development of the systems, including engineering and construction, the District must act immediately.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-14-CS-0123B Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-518

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. CW40550 with Riva Modeling Systems, Inc. to provide information technology services supporting the Asset Management Program, including Modification No. 0001 to that contract, and to authorize payment in the total amount of \$1,395,000 for the goods and services received and to be received under the contract as modified by Modification No. 0001.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW40550 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve Contract No. CW40550 with Riva Modeling Systems, Inc., to provide information technology services supporting the Asset Management Program, including Modification No. 0001 to that contract, and to authorize payment in the total amount of \$1,395,000 for the goods and services received and to be received under the contract as modified by Modification No. 0001.

(b) On December 4, 2015, the Office of Contracting and Procurement awarded Contract No. CW40550 to Riva Modeling Systems, Inc. to provide information technology services supporting the Asset Management Program for the period from December 4, 2015 to December 3, 2016 in the amount of \$880,000.00.

(c) Modification No. 0001 proposes to increase the total amount of the contract to \$1,395,000.00 during that same 12-month period.

(d) Council approval of Contract No. CW40550 and Modification No. 0001 to the contract is required 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), because they involve the expenditure of more than \$1,000,000 during a 12-month period.

(e) Approval of Contract No. CW40550 and Modification No. 0001 to the contract, is necessary to allow the continuation of these vital services. Without this approval, Riva Modeling Systems, Inc., cannot be paid for services provided in excess of \$1 million during the contract period from December 4, 2015 through December 3, 2016.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW40550 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

**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 its introduction.

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](http://www.dccouncil.us).

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**COUNCIL OF THE DISTRICT OF COLUMBIA****PROPOSED LEGISLATION****BILLS**

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|---------|---|
| B21-787 | Juneteenth National Freedom Day Task Force Establishment Act of 2016<br><br>Intro. 6-7-16 by Councilmember Orange and referred to the Committee on Education and Committee of the Whole with comments from the Committee on Finance and Revenue and the Committee on Business, Consumer, and Regulatory Affairs |
| <hr/>   |   |
| B21-788 | Janice Wade McCree Way Designation Act of 2016<br><br>Intro. 6-21-16 by Councilmember McDuffie and referred to the Committee of the Whole   |
| <hr/>   |   |
| B21-790 | Regulation of Landscape Architecture and Professional Design Firms Amendment Act of 2016<br><br>Intro. 6-21-16 by Chairman Mendelson and referred to the Committee on Business, Consumer, and Regulatory Affairs  |
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**PROPOSED RESOLUTIONS**

- PR21-803 Board of Professional Counseling Johnny Allem Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-804 Board of Professional Counseling Matthew Siblo Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-805 Alcoholic Beverage Control Board James Short Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR21-806 Alcoholic Beverage Control Board David Jacob Perry Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR21-807 Alcoholic Beverage Control Board Mafara Hobson Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- PR21-808 Board of Optometry LaMia Jones Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-809 Board of Optometry Tracy Hammond Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-810 Board of Chiropractic Robert Klein Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-811 Board of Chiropractic Justin Palmer Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-812 Not-for-Profit Hospital Corporation Board of Directors Jacqueline Bowens Confirmation Resolution of 2016  
Intro. 6-9-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-813 Technical Amendment Approval Resolution of 2016  
Intro. 6-13-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
- 
- PR21-814 Master Agreement between the American Federation of State, County and Municipal Employees, District Council 20 and the Public Service Commission of the District of Columbia Approval Resolution of 2016  
Intro. 6-14-16 by Chairman Mendelson at the request of the Public Service Commission and referred to the Committee of the Whole
- 
- PR21-815 Minimum Income Feasibility Study Resolution of 2016  
Intro. 6-15-16 by Councilmember Grosso and referred to the Committee of the Whole
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- PR21-817 Medicaid Dental Services Amendment Approval Resolution of 2016  
Intro. 6-17-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH AND HUMAN SERVICES  
NOTICE OF PUBLIC HEARING  
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 21-603, THE “FOSTER PARENTS STATEMENTS OF RIGHTS AND  
RESPONSIBILITIES AMENDMENT ACT OF 2016”**

**THURSDAY, JULY 14, 2016  
11:00 A.M., ROOM 500, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-603, the “Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016”. The hearing will take place at 11:00 a.m. on Thursday, July 14, 2016 in Room 500 of the John A. Wilson Building.

The purpose of Bill 21-603 is to require the Child and Family Services to establish a Statements of Rights and Responsibilities for foster parents, guaranteeing that each foster parent will receive the following: a printed copy of the Statements of Rights and Responsibilities, an explanation of each foster parent's right to be informed of all decisions made by the Agency impacting the foster parent, and the process for reporting rights violations to the Agency. The bill also requires the Agency to develop an implementation plan for the dissemination of the Statements of Rights and Responsibilities and procedures for receiving and handling complaints made by foster parents.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health and Human Services, at 202-741-0909 or via e-mail at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, July 12, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Thursday, July 28, 2016.



**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 21-0706, THE “FAIR CRIMINAL RECORD SCREENING FOR HOUSING ACT OF  
2016”**

**AND**

**BILL 21-0003, THE “RAIL SAFETY AND SECURITY AMENDMENT ACT OF 2015”**

**Monday, July 11, 2016, 11:00 a.m.  
Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Monday, July 11, 2016, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public hearing on Bill 21-0706, the “Fair Criminal Record Screening for Housing Act of 2016”, and Bill 21-0003, the “Rail Safety and Security Amendment Act of 2015”. The hearing will be held in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m.

The stated purpose of Bill 21-0706 is to assist in the successful integration of those with a criminal history by removing barriers to securing adequate housing accommodations; to prohibit the consideration of a housing applicant’s arrest record during the application process; to restrict a housing provider’s inquiry into a housing applicant’s prior convictions until after a conditional offer of housing; to establish penalties; and to give authority for enforcement to the Office of Human Rights.

The stated purpose of Bill 21-0003 is to provide the state safety office within the Fire and Emergency Medical Services Department with the authority to participate in carrying out rail safety inspection activities and to coordinate with the state safety office of any state with a rail system that operates in the District; and to require the Homeland Security and Emergency Management Agency to receive and review rail transportation security plans.

The Committees invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee at (202) 724-7808, or via e-mail at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us), and provide their name, telephone number, organizational affiliation, and title (if any) **by close of business, July 6, 2016**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty, single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on July 25, 2016.**

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH AND HUMAN SERVICES  
NOTICE OF PUBLIC HEARING  
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

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**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 21-707, THE “ACCESS TO CONTRACEPTIVES AMENDMENT ACT OF 2016”**

**AND**

**BILL 21-780, THE “ELECTRONIC CIGARETTE PARITY AMENDMENT ACT OF  
2016”**

**WEDNESDAY, JULY 13, 2016  
11:00 A.M., ROOM 412, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-707, the “Access to Contraceptives Amendment Act of 2016” and Bill 21-780, the “Electronic Cigarette Parity Amendment Act of 2016”. The hearing will take place at 11:00 a.m. on Wednesday, July 13, 2016 in Room 412 of the John A. Wilson Building.

The purpose of Bill 21-707 is to amend the District of Columbia Health Occupations Revision Act of 1985 to allow pharmacists to dispense certain contraceptives pursuant to established protocols, and to amend the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000 to require that a health benefit plan authorize the dispensing of up to a 12-month supply of a pharmacist-dispensed contraceptive.

The purpose of Bill 21-780 is to amend the District of Columbia Department of Health Functions Clarification Act of 2001 to ensure that the prohibition of smoking electronic cigarettes in restricted areas is in parity with traditional tobacco products.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health and Human Services, at 202-741-0909 or via e-mail at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Monday, July 11, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Wednesday, July 27, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**  
MARY M. CHEH, CHAIR

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**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON**

**The DC Circulator**

**AND PUBLIC HEARING ON**

**B21-785, the DC Circulator High-Tech Upgrade Feasibility Study Act of  
2016**

Monday July 11, 2016  
at 11:00 a.m.  
in Room 120 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Monday, July 11, 2016, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public oversight roundtable on the D.C. Circulator and a public hearing on B21-785, the DC Circulator High-Tech Upgrade Feasibility Study Act of 2016. The proceedings will begin at 11:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to discuss and to hear testimony regarding the District Department of Transportation's (DDOT) management of the District's Circulator bus service and to review DDOT's response to maintenance concerns raised by the Transit Resource Center audit, the status of the agency's plan to construct a new fleet facility, and the financial and personnel resources required for DDOT to manage the entirety of the service. The Committee will also consider B21-785, which would require DDOT to conduct a study to determine the feasibility of adding technology services to all DC Circulator buses, including wireless internet and USB charging ports.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

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. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on July 25, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

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

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

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

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**Reprog. 21-200:** Request to reprogram \$939,726 of Fiscal Year 2016 Local funds budget authority within the District of Columbia Public Library (DCPL) was filed in the Office of the Secretary on June 20, 2016. This reprogramming will ensure that DCPL will be able to support their mission-critical needs, which mainly include facility maintenance and Information Technology licensing.

RECEIVED: 14 day review begins June 21, 2016

**Reprog. 21-201:** Request to reprogram \$7,179,802 of Fiscal Year 2016 Local funds budget authority within the Department of Health Care Finance (DHCF) was filed in the Office of Secretary on June 20, 2016. This reprogramming ensures that the DHCF will be able to fund essential contracts, procure additional Information technology hardware and software, purchase a vehicle necessary for program integrity activities, and address projected shortages in personal service costs.

RECEIVED: 14 day review begins June 21, 2016

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

**\*\*RESCIND**

Posting Date: June 17, 2016  
Petition Date: August 1, 2016  
Hearing Date: August 15, 2016

License No.: ABRA-093103  
Licensee: 1001 H Street, LLC  
Trade Name: Ben’s Chili Bowl/Ben’s Upstairs/Ten 01  
License Class: Retailer’s Class “C” Restaurant  
Address: 1001 H Street, N.E.  
Contact: Kamal Ali: (202) 420-0453

WARD 6                      ANC 6A                      SMD 6A01

Notice is hereby given that this applicant has applied for a Substantial Change to its 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 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

Request to add Entertainment Endorsement that will include live entertainment.

**CURRENT HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDEN**

Sunday through Thursday 6:00 am to 2:00 am, Friday and Saturday 6:00 am to 3:00 am

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN**

Sunday through Thursday 8:00 am to 2:00 am, Friday and Saturday 8:00 am to 3:00 am

**CURRENT HOURS OF OPERATION/ ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFE**

Sunday through Saturday 8:00 am to 10:00 pm

**PROPOSED HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 6 pm to 2:00 am, Friday and Saturday 6 pm to 3:00 am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 24, 2016
Petition Date: August 8, 2016
Hearing Date: August 22, 2016

License No.: ABRA-097857
Licensee: Yang Fire, LLC
Trade Name: Chao Ku
License Class: Retailer's Class "C" Restaurant
Address: 1414 9th Street, N.W.
Contact: John Fielding: (301) 233-3072

WARD 2 ANC 2F SMD 2F06

Notice is hereby given that this licensee has applied for a Substantial Change to its 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 1:30pm, 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.

NATURE OF SUBSTANTIAL CHANGE

Occupancy load change from 56 seats with a Total Occupancy Load of 56 to a new Certificate of Occupancy which has 68 seats with a Total Occupancy Load of 96.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am - 11 pm, Friday & Saturday 10 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 24, 2016
Petition Date: August 8, 2016
Hearing Date: August 22, 2016
Protest Date: October 19, 2016

License No.: ABRA-103195
Licensee: Noddle Dog Hospitality, LLC
Trade Name: Monkey King
License Class: Retailer's Class "C" Tavern
Address: 922 N Street, N.W.
Contact: Gregory Algie: (202) 735-0344

WARD 2 ANC 2F SMD 2F06

Notice is hereby given that this licensee 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 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. The Protest Hearing Date is scheduled on October 19, 2016 at 4:30pm.

NATURE OF OPERATION

A restaurant and bar serving a contemporary Hong Kong-inspired menu along with alcoholic beverages popular in Hong Kong.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8:00 am – 2:00 am, Friday and Saturday 8:00 am – 3:00 am

HOURS OF LIVE ENTERTAINMENT

Sunday and Monday 6 pm – 12:00 am, Tuesday through Thursday 6 pm - 1:00 am, Friday and Saturday 6 pm - 2:00 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: June 24, 2016  
Petition Date: August 8, 2016  
Hearing Date: August 22, 2016  
Protest Hearing Date: October 19, 2016

License No.: ABRA-103292  
Licensee: Cameron Mitchell Restaurants, LLC  
Trade Name: Ocean Prime  
License Class: Retailer’s Class “C” Restaurant  
Address: 1341 G Street, N.W. Suite 100  
Contact: Michael Fonseca: (202) 625-7700

WARD 2                      ANC 2C                      SMD 2C01

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 14<sup>th</sup> 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 October 19, 2016 at 1:30 pm.

**NATURE OF OPERATION**

An upscale fine dining restaurant serving seafood and steak that offers Live Entertainment.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION**

Sunday 4 pm – 11pm, Monday through Thursday 11:30 am – 12 am, Friday and Saturday 11:30am – 1:00am

**HOURS OF LIVE ENTERTAINMENT**

Sunday through Saturday 6pm – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 24, 2016
Petition Date: August 8, 2016
Hearing Date: August 22, 2016

License No.: ABRA-089011
Licensee: Monkor Corporation
Trade Name: S.E. Market
License Class: Retailer's Class "A" Liquor Store
Address: 1500 Independence Avenue, S.E.
Contact: Jin K. Kent: 703-899-7983

WARD 6 ANC 6B SMD 6B10

Notice is hereby given that this licensee has applied for a Substantial Change to its 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requested a Change of Hours of operation and alcoholic beverage sales and consumption.

CRRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8am - 9pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 24, 2016
Petition Date: August 8, 2016
Hearing Date: August 22, 2016

License No.: ABRA-099323
Licensee: 201 Upshur Hospitality, LLC
Trade Name: Slash Run
License Class: Retailer's Class "C" Restaurant
Address: 201 Upshur Street, N.W.
Contact: A. Kline: 202-686-7600

WARD 4

ANC 4C

SMD 4C10

Notice is hereby given that this licensee has applied for a Substantial Change to its 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requested a new Sidewalk Café with Seating for 18 patrons.

CURRENT HOURS OF OPERATION ON PREMISE

Sunday through Saturday 9am – 3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE

Sunday through Thursday 9am – 2am, Friday & Saturday 9am – 3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 9am – 12am

## DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## NOTICE OF PUBLIC HEARING

## Skyland Terrace SE

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Tuesday, July 26, 2016 at 6:30 p.m. at DHCD 1<sup>st</sup> Floor Conference Room, 1800 Martin Luther King Jr. Avenue SE, Washington, DC 20020, to consider the proposed disposition of the property noted below.

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
5740,0341	2327 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland
5740,0342	2329 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland
5740,0343	2331 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland
5740,0344	2333 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland
5740,0345	2335 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland
5740,0346	2337 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland
5740,0347	2339 Skyland Terr SE	Vacant Lot	8	R-3	No	Skyland

The above property was included in a round of Solicitation for Offer issued by DHCD to the general public on July 11, 2014. The above property was awarded to Habitat for Humanity of Washington DC through a competitive selection process.

A project summary of Habitat's proposal will be posted on the DHCD website.

The public hearing is being conducted in order to ensure that all citizens: (1) are informed about the selling of the properties identified above to the named buyer; and (2) have the opportunity to present publicly their views concerning such sale.

If you would like to present oral testimony, you are encouraged to register in advance either by emailing Andrea Lee at [Andrea.Lee@dc.gov](mailto:Andrea.Lee@dc.gov), or by calling 202-478-1355. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter and language translation services are available upon request by calling Pamela Hillsman at 202-442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese- Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. Deadline for requiring services of an interpreter is seven days prior to the hearing. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted at the hearing, or until 4:45 p.m., Friday, July 29, 2016, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue SE, Washington, D.C. 20020.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, SEPTEMBER 13, 2016  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD ONE**

18511C      **Application of Alleyoop LLC**, pursuant to 11 DCMR Subtitle Y § 704, for a  
ANC-1A      modification of significance of BZA Order No. 18511, now requesting special  
exception relief under the penthouse requirements of Subtitle C § 1500.4, and the  
alley lot height requirements of Subtitle E § 5102, and variance relief under the  
RF use requirements of Subtitle U § 600.1(b), to convert an existing auto repair  
shop into an office and two artist studios in the RF-1 Zone at premises 1018  
Irving Street N.W. (Square 2851, Lots 219-221).

**WARD SEVEN**

19321      **Application of Margaret A. Roberts**, pursuant to 11 DCMR Subtitle X,  
ANC-7B      Chapter 9, for a special exception under Subtitle D § 5201, from the rear yard  
requirements of Subtitle D § 306.1, to add a one-story rear addition to an existing  
one-family dwelling in the R-1-B Zone at premises 3109 Park Drive S.E. (Square  
5656, Lot 831).

**WARD SIX**

19323      **Application of Christopher D. French**, pursuant to 11 DCMR Subtitle X,  
ANC-6D      Chapter 9, for special exceptions under Subtitle F § 5201, from the lot occupancy  
requirements of Subtitle F § 304.1, and the rear yard requirements of Subtitle F §  
305.1, and under Subtitle C § 703, from the vehicle parking requirements of  
Subtitle C § 704.1, to add a third-floor addition to an existing two-story, one-  
family dwelling in the RA-2 Zone at premises 929 5th Street S.E. (Square 824  
Lot 31).

**WARD FOUR**

19324      **Application of 1349 Randolph St Holdings LLC**, pursuant to 11 DCMR  
ANC-4C      Subtitle X, Chapter 9, for a special exception under the RF use requirements of  
Subtitle U § 320.2, to convert a one-family dwelling into a three-unit apartment  
house in the RF-1 Zone at premises 1349 Randolph Street N.W. (Square 2824,  
Lot 103).

## BZA PUBLIC HEARING NOTICE

SEPTEMBER 13, 2016

PAGE NO. 2

WARD FIVE

19326            **Application of Magnolia Tree LLC**, pursuant to 11 DCMR Subtitle X,  
ANC-5D           Chapter 9, for a special exception under the RF use requirements of Subtitle U §  
320.2, to convert a one-family dwelling into a three-unit apartment house in the  
RF-1 Zone at premises 1167 Morse Street N.E. (Square 4070, Lot 119).

WARD TWO

19327            **Application of Landmark Holdings, Inc.**, pursuant to 11 DCMR Subtitle  
ANC-2F           X, Chapter 10, for variances from the expansion of nonconforming structure  
requirements of Subtitle C § 202.2(b), the expansion of gross floor area of  
nonconforming use requirements of Subtitle C § 204.1, the lot occupancy  
requirements of Subtitle F § 304.1, and the rear yard requirements of Subtitle F §  
305.1, to allow the construction of an exterior egress stairwell to an existing hotel  
in the RA-5 Zone at premises 1201 13th Street N.W. (Square 281, Lot 46).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

*\*Note that party status is not permitted in Foreign Missions cases.*

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.



BZA PUBLIC HEARING NOTICE  
SEPTEMBER 13, 2016  
PAGE NO. 3

**MARNIQUE Y. HEATH, CHAIRMAN, ANITA BUTANI D'SOUZA, VICE CHAIRMAN,  
FREDERICK L. HILL, JEFFREY L. HINKLE, AND A MEMBER OF THE ZONING  
COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,  
DIRECTOR, OFFICE OF ZONING.**

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

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 331; D.C. Official Code §§ 25-211(b) and 25-830(f) (2012 Repl. & 2016 Supp.)) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of the adoption of amendments to Chapter 1 (Provisions of General Applicability) and Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The rules establish a methodology for computing prior violations under the graduated penalty scheme set forth in D.C. Official Code § 25-830 (Civil Penalties) and Chapter 8 of Title 23 DCMR. Chapter 8 is amended by adding a new Section 808, for the computation of a licensee's violation history when assessing a penalty for an adjudicated violation. These proposed rules also add several definitions to Chapter 1 of Title 23 DCMR in order to clarify the terms used in the computation methodology.

On August 12, 2015, the Board adopted the Computation of Civil Penalty Notice of Proposed Rulemaking. The proposed rules were published in the *D.C. Register* on October 2, 2015, at 62 DCR 13029. No changes have been made to the rules since they were published as proposed.

Pursuant to D.C. Official Code § 25-211(b)(2), the proposed rules were transmitted to the Council for the District of Columbia (Council) for the mandatory ninety (90)-day period of review. On April 5, 2016, the Council approved the rules. *See* R21-450, effective April 5, 2016.

On April 20, 2016, the Board voted five (5) to zero (0) to adopt the rules as final. In accordance with D.C. Official Code § 25-211(d)(1), these rules shall not take effect until five (5) days after the rules are published in the *D.C. Register*.

**Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**Section 199, DEFINITIONS, is amended by adding the following terms and phrases:**

**Date of Adjudication** – The date a Board Order is issued in an enforcement action where there is a finding of liability; the date of payment of a fine resulting from a citation or a staff settlement; or the date of the Board's acceptance of an offer in compromise.

**Date of Violation** – The date on which the infraction was committed, as listed on the relevant case report.

**Instant Case** – The case currently before the Board that is pending adjudication.

The date of violation in the instant case controls the beginning point of the review period.

**Offer in Compromise** – A negotiation between the Government and the Respondent to settle the charges brought by the Government for those violations committed by the Respondent in the instant case.

**Prior Adjudication** – Violations that have been adjudicated and can therefore be counted for purposes of computing violation history.

**Review Period** – The period of time immediately preceding the date of violation, as established by statute. Cases adjudicated during the review period are counted for purposes of computing a licensee’s violation history.

**Staff Settlement** - An agreement offered by ABRA to the Respondent to voluntarily resolve a violation in order for the Respondent to avoid further legal action.

**Violation** - An infraction or breach of the law or regulation.

**Violation History** - The number of primary and secondary tier adjudications that were finalized during the relevant review period.

**Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended as follows:**

**A new Section 808, VIOLATION HISTORY COMPUTATION, is added to read as follows:**

**808 VIOLATION HISTORY COMPUTATION**

808.1 This section applies to all instances that require a computation of a person’s or licensee’s violation history, including, but not limited to, D.C. Official Code §§ 25-781, 25-783, and 25-830.

808.2 The review period for computing the number of a licensee’s prior primary and secondary tier violations commences on the date of violation in the instant case, and runs backward for the number of years specified in §§ 808.6, 808.7, and 808.8, as applicable.

808.3 The computation of violation history shall only include prior adjudicated cases whose dates of adjudication fall within the applicable review period for the instant case.

808.4 The date of adjudication for computation purposes shall be the date:

- (a) The citation was paid;

- (b) A final written order finding liability has been issued by the Board;
- (c) A staff settlement was paid; or
- (d) The date an offer-in compromise was accepted by the Board.

808.5 The computation shall not include:

- (a) Any violation that has not been adjudicated as of the date of the violation in the instant case;
- (b) Any adjudicated case whose date of adjudication falls outside of the review period.

808.6 A licensee shall be found liable for a second primary or secondary tier violation, whichever is applicable, if one (1) prior violation of the same tier was adjudicated within two (2) years of the date of violation in the instant case.

808.7 Except as specified in D.C. Official Code § 25-781 and § 25-783, a licensee shall be found liable for a third primary or secondary tier violation, whichever is applicable, if two (2) prior violations of the same tier were adjudicated within three (3) years of the date of violation in the instant case.

808.8 Except as otherwise specified in D.C. Official Code § 25-781 and § 25-783, a licensee shall be found liable for a fourth primary or secondary tier violation, whichever is applicable, if three (3) prior violations of the same tier were adjudicated within four (4) years of the date of violation in the instant case.

808.9 Any licensee who is found liable for a fourth secondary tier violation within four (4) years shall, pursuant to D.C. Official Code § 25-830(d):

- (a) Be deemed to have committed a first primary tier violation;
- (b) Be subject to penalty and fine schedule for primary tier violations for five (5) years from the date of the violation in the instant case, during which time each subsequent secondary tier violation shall be deemed a subsequent primary tier violation for all purposes.

808.10 Except as otherwise specified in D.C. Official Code § 25-781 and § 25-783, a licensee shall be found liable for a fifth primary tier violation if four (4) prior primary tier violations were adjudicated within four (4) years of the date of violation in the instant case.

808.11 Subsections 808.6, 808.7, and 808.8 do not apply to violations of D.C. Official Code § 25-781 and § 25-783, which establish the penalties for a single violation of either statute and establish graduated penalties for multiple violations of either statute. All other provisions of this subsection apply to § 25-781 and § 25-783.

- 808.12 Each date upon which a violation is committed shall constitute a separate violation.
- 808.13 When a violation requires multiple instances, a continuous course of conduct, or other ongoing acts to sustain a charge, the date of the violation shall be the last date on which any act related to the violation occurred.
- 808.14 If multiple secondary tier violations are committed on the same date, they will be counted as one (1) violation for purposes of computing a licensee’s violation history.
- 808.15 If primary and secondary tier violations are committed on the same date, they will be adjudicated separately; a licensee may be found liable for primary and secondary tier violations committed on the same date, and for multiple primary tier violations committed on the same date.
- 808.16 If the Board suspends a Respondent’s license but stays the suspension:
  - (a) The stay shall commence on the date of adjudication and conclude on the one (1)-year anniversary of that date;
  - (b) The stay shall be revoked and the suspension imposed upon adjudication of any subsequent violation within the stay period.
- 808.17 Written warnings, either issued by the Board or by citation, are not counted as violations for computation purposes.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION****NOTICE OF FINAL RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (5), (7), and (19), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c) (2) (3), (5), (7), and (19), 50-313, and 50-319 (2014 Repl. & 2015 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2015 Repl.), hereby gives notice of the adoption of amendments to Chapter 5 (Taxicab Companies, Associations, Fleets, and Independent Taxicabs) and Chapter 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends Chapters 5 and 6 for taxicabs to: (1) clarify the requirements for the display of insignias, logos, numbers, and symbols on taxicabs; (2) require at repainting that a taxicab vehicle display the public vehicle identification number (PVIN) on the rear of the vehicle, and not display a legacy taxicab number no longer tracked or used by the Office of Taxicabs; and (3) add a requirement that vehicles approved for extensions be painted in the uniform color scheme.

Proposed rulemaking was adopted by the Commission on December 9, 2015 and published in the *D.C. Register* on January 29, 2016 at 63 DCR 001095. The Commission did not receive any comments during the comment period, which expired on February 28, 2016, and no substantial changes have been made.

The Commission voted to adopt these rules as final on March 9, 2016, and they will become effective upon publication in the *D.C. Register*.

**Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, FLEETS, AND INDEPENDENT TAXICABS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended to read as follows:**

**Section 503, TAXICAB COLORINGS AND MARKINGS, is amended as follows:**

**Subsection 503.1 is amended as follows:**

**Paragraph (d) is amended to read as follows:**

- (d) It is required to be repainted in whole or in part pursuant to:
  - (1) Subsection 609.7, as a condition of the Office's approval of the owner's application for an extension of the vehicle's retirement under §§ 609.2 through 609.5; or
  - (2) Any other provision of this title or other applicable law.

**Subsection 503.3 is amended as follows:**

**Paragraph (d) is amended to read as follows:**

- (d) Bear decal letters of the taxicab company, association, fleet name or the name of the owner, which shall be on the rear of the body so as to be clearly visible from the rear, on either side of and in alignment with the center of the vehicle manufacturer placed logo. The decal letters shall be the color black, in Calibri font, using capital letters that are one and one half (1-1/2) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);

**A new paragraph (g) is added as follows:**

- (g) The PVIN shall appear on the deck-lid if the vehicle is a passenger sedan, and on the rear door as high as possible beneath the rear window, if the vehicle is a passenger van or SUV, in letters and numbers that are black in color, Gothic in style, three inches (3 in.) high, three eighths of an inch (3/8 in.) wide, and with three eighths of an inch (3/8 in.) between each digit.

**Subsection 503.8 is amended to read as follows:**

- 503.8 The following prohibitions apply to all taxicab vehicles that must be repainted under this section:
- (a) No paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, lettering, or numbering, including any legacy taxicab number no longer tracked or used by the Office, shall be placed on any taxicab unless it is expressly authorized by and complies with this section, or is permitted by an administrative issuance.
  - (b) There shall not be placed on or in any taxicab, paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, lettering, numbering, or other exterior object which has, tends to have, or may have the effect of confusing, misleading, or deceiving the public.

**Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:****Section 609, TAXICAB VEHICLE RETIREMENT, is amended as follows:****Subsection 609.7 is amended as follows:****A new paragraph (g) is added as follows:**

- (g) The vehicle shall be painted in the uniform color scheme in accordance with the requirements of § 503.

## DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 5(3)(D) (allocating and regulating on-street parking) and 6(b) (transferring to the Department the parking management function previously delegated to the Department of Public Works under Section III (H) of Reorganization Plan No. 4 of 1983) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D) (2014 Repl. & 2016 Supp.)) and 50-921.05(b) (2014 Repl.), and Section 3 of the People First Respectful Language Modernization Amendment Act of 2006, effective September 29, 2006 (D.C. Law 16-169; D.C. Official Code § 2-632 (2012 Repl. & 2016 Supp.)), hereby gives notice of the intent to amend Chapters 24 (Stopping, Standing, Parking, and Other Non-Moving Violations), 26 (Civil Fines For Moving And Non-Moving Infractions), and 27 (Special Parking Privileges For Persons With Disabilities) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

The proposed rules establish installation and operation guidelines for on-street metered parking spaces available within the Central Business District for the exclusive use of persons with disabilities. The proposed regulations also make conforming changes consistent with the People First Respectful Language Modernization Act of 2006, effective September 29, 2006 (D.C. Law 16-169; D.C. Official Code §§ 2-631 *et seq.* (2012 Repl.)).

**Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:**

**Section 2406, PARKING PROHIBITED BY POSTED SIGN, is amended as follows:**

**Subsections 2406.9 through 2406.11 are amended to read as follows:**

2406.9

- (a) The Director is authorized to establish on-street metered parking spaces, within the Central Business District, as defined in Title 18, for the exclusive use of persons with disabilities using vehicles displaying valid disability license tags or valid disability permits issued by the District pursuant to Chapter 27 or issued by another jurisdiction meeting the requirements of § 2717.1.
- (b) Parking meters associated with parking spaces established pursuant to this subsection shall:
  - (1) Meet the standards set forth in the Americans with Disabilities



Act Accessibility Guidelines of the United States Architectural and Transportation Barriers Compliance Board (commonly referred to as the “United States Access Board”), and comply with any applicable regulations of the Department of Justice, regarding the:

- (i) Demarcation of the parking space;
  - (ii) Accessible meter hardware and payment technology;
  - (iii) Infrastructure placement; and
  - (iv) Pedestrian access route; and
- (2) Unless a more stringent standard is established by the United States Access Board or applicable regulations of the Department of Justice:
- (i) Be located adjacent to or within one hundred (100) feet of a curb cut, access ramp, or driveway; and
  - (ii) Indicate by signage affixed to a sign post or a decal on the meter that the space is reserved for the exclusive use of persons with disabilities.
- (3) Be reserved for the exclusive use of persons with disabilities at all times; provided, metered spaces shall only require payment during the hours posted on the meter.
- (c) When and where feasible, one (1) parking space on each metered block, or at least four percent (4%) of the District’s total metered parking spaces, shall be reserved for the exclusive use of persons with disabilities.
- (d) The Director shall create and maintain a publicly accessible database showing the location and time restriction of each parking space set aside under this subsection.
- (e) The Director may establish reasonable payment and time limits for parking in the spaces established pursuant to this subsection; provided, that any time restrictions established shall allow parking for twice the period of time, not to exceed four (4) hours, permitted at the nearest non-reserved, time-limited parking space.

- (f) Before setting aside the parking spaces authorized by this subsection, the Director shall mail or email, or cause to be mailed or emailed, a notice to each person who holds a disability license tag or disability permit issued by the District pursuant to Chapter 27. The notice shall inform the person that new parking spaces will be set aside pursuant to this subsection and shall describe the rules that apply to parking in such spaces.

## 2406.10

- (a) The Director is authorized to establish on-street metered parking spaces, outside the Central Business District, for the exclusive use of persons with disabilities.
- (b) On-street metered parking spaces established pursuant to this subsection shall be identified based on a process established by the Director in consultation with the Mayor's Office of Disability Rights after the launch of the program defined in Section 2406.9.
- (c) The process by which on-street metered spaces are established for the exclusive use of people with disabilities outside the Central Business District shall include at a minimum:
  - (1) Entities that can request establishment of on-street metered parking spaces for the exclusive use of people with disabilities outside of the Central Business District;
  - (2) A process by which the Director will evaluate requests to establish on-street metered parking spaces, outside of the Central Business District, for the exclusive use of persons with disabilities;
  - (3) Criteria for evaluation of additional zones including but not limited to existing meter occupancy, existing disability placard use; and
  - (4) Process by which the Director will notify the public of the intent to establish on-street metered parking spaces, outside of the Central Business District, for the exclusive use of persons with disabilities.

## 2406.11

- (a) A vehicle parked in a space set aside pursuant to § 2406.9 shall be subject to the fine set forth in § 2601 if the vehicle:

- (1) Does not display a valid disability license tag or valid disability permit described in § 2406.9;
  - (2) Was not either driven by a person to whom such a tag or permit was issued or a person to whom such a tag or permit was issued was not a passenger in the vehicle;
  - (3) Is engaged in vending;
  - (4) Is parked beyond the posted time limits on the meter;.
  - (5) Fails to make payment at the meter or through pay-by-phone; or
  - (6) The amount of time paid for at the meter or through pay-by-phone has lapsed;
- (b) A vehicle parked, stopped, or standing in a space set aside pursuant to § 2406.9 during a time when parking, stopping, or standing in the space is prohibited shall be subject to the applicable no parking, no stopping, or no standing fine set forth in § 2601, even if the vehicle displays a disability license tag or disability permit described in § 2406.9.

**Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, is amended as follows:**

**Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, is amended as follows:**

**Subsection 2601.1 is amended as follows:**

**The row labeled “Individual with disabilities only; unauthorized use of space reserved for (§ 2406.9)” is amended to read as follows:**

Individual with disabilities only; unauthorized use \$250.00  
of space reserved for (§ 2406.11(a)(1))”

**Three new rows are added, after the row labeled “Individual with disabilities, reserved residential space of; unauthorized use of (§ 2715.3)”, to read as follows:**

Individual with disabilities, parked beyond time \$30.00  
limit in parking space for (§ 2406.11(a)(4))

Individual with disabilities, no proof of payment \$30.00  
 (§2406.11(a)(5))  
 Individual with disabilities, amount of payment \$30.00  
 has lapsed (§ 2406.11(a)(6))

**Subsection 2601.2 is amended as follows:**

**The row labeled “Handicapped (disabled) parking privileges, unauthorized use of; (§ 2406.9)” is repealed.**

**Two new rows are added, after the row labeled “Glass or debris, failure to remove from street (§§ 2418.4; 2418.5; 2418.6)”, to read as follows:**

Individual with disabilities parking privileges; \$100.00  
 unauthorized use of (§ 2406.11(a)(2))  
 Individual with disabilities parking privileges; \$500.00  
 Vending using [ §§ 2406.11(a)(3) and 2704.3]

**Chapter 27, SPECIAL PARKING PRIVILEGES FOR PERSONS WITH DISABILITIES, is amended as follows:**

**Section 2700, GENERAL PROVISIONS, is amended as follows:**

**Subsection 2700.2 is amended to read as follows:**

2700.2 This chapter shall apply upon application for a reserved on-street residential parking space, or upon an initial or renewal application for disability license tags or a disability parking permit.

**Section 2701, ELIGIBILITY, is amended as follows:**

**Subsection 2701.1(b) is amended by striking the phrase “Is so severely disabled” and inserting the phrase “Has such a severe disability so” in its place.**

**Section 2704, ISSUANCE OF SPECIAL LICENSE TAGS OR PARKING PERMIT, is amended as follows:**

**Subsection 2704.3 and 2704.4 are amended to read as follows:**

2704.3 Except as provided in §§ 2406.9 and 2406.11, a vehicle displaying a disability license tag or disability parking permit for an individual with a disability, whether issued by the District or any other jurisdiction shall be subject to any time limitation or meter payment requirement established for any space in

which the vehicle is parked, as indicated on the sign or meter denoting the space and shall not be engaged in vending.

2704.4 Notwithstanding § 2704.3, a vehicle displaying a disability license tag or disability parking permit for an individual with a disability, whether issued by the District or any other jurisdiction, shall be permitted to park for twice the period of time as posted on a residential permit parking designated block.

**A new Subsection 2704.10 is added to read as follows:**

2704.10 Until such time as the Director has established a program for reserved on-street metered parking spaces outside the Central Business District in accordance with § 2406.10, a vehicle displaying a disability license tag or disability parking permit for a person with a disability, whether issued by the Director or any other jurisdiction, shall be permitted to park at a metered space outside of the Central Business District, without depositing payment established for the on-street metered parking space, for twice the period of time, but not to exceed four (4) hours.

**Section 2707, ORGANIZATIONS TRANSPORTING DISABLED PERSONS, is amended as follows:**

**The section heading is amended to read as follows:**

**2707 ORGANIZATIONS TRANSPORTING PERSONS WITH DISABILITIES**

**Subsection 2707.5 is amended by striking the phrase “2704.4, 2707.5,”.**

**Subsection 2707.6 is amended by striking the phrase “transport of disabled persons” and inserting the phrase “transport of persons with disabilities” in its place.**

**Section 2710, RESERVED PARKING SPACE, is amended as follows:**

**Subsection 2710.1(e) is amended by striking the phrase “where the physically disabled person resides” and inserting the phrase “where the individual with a disability resides”.**

**Section 2714, DESIGNATION OF RESERVED SPACE, is amended as follows:**

**Subsection 2714.1 is amended by striking the phrase “universal symbol for the disabled” and inserting the phrase “universal symbol of accessibility” in its place.**

**Section 2717, RECIPROCITY, is amended as follows:**

**Subsection 2717.1 is amended by striking the phrase “sections § 2406.9 or 2704.4” and inserting the phrase “§ 2406.9” in its place.**

**Section 2718, PENALTY, is amended as follows:**

**Subsection 2718.3(d) is amended by striking the phrase “Allows a non-disabled person” and inserting the phrase “Allows a person without a disability” in its place.**

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Alice Kelly, Manager, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to [publicspace.policy@dc.gov](mailto:publicspace.policy@dc.gov). Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation’s website at [www.ddot.dc.gov](http://www.ddot.dc.gov).

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

**NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Section 101(a) of the Moratorium Amendment Act of 1999, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351(a)(2012 Repl.)), as amended, hereby gives notice of its intent to amend Section 308 (Glover Park Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The existing Glover Park Moratorium Zone (GPMZ) expired on February 22, 2016. On December 4, 2015, Advisory Neighborhood Commission (ANC) 3B filed a Petition to Extend and Amend the Glover Park Liquor License Moratorium (Petition). The ANC Petition resulted from its October 2015 ANC meeting, in which the ANC intended to receive public input from stakeholders and constituents in order to formulate a recommendation for the Board. The Chairman of ANC 3B also met with the Glover Park Citizen's Association, and contacted licensed establishments to solicit their feedback on the proposed GPMZ extension. Summarily, the ANC requested that the Board renew the moratorium for a five (5) year period for Classes A, CN, CT, CX, DN, DT, and DX licenses, but to remove the restriction on Class CR licenses.

On February 3, 2016, the Board adopted emergency rules to extend the Glover Park Moratorium, five (5) to zero (0), for ninety (90) days; expiring on May 3, 2016. On March 30, 2016, the Board held a public hearing to receive comments from the community and the alcohol retail industry concerning the Glover Park Moratorium. Below is a summary of the comments that the Board received:

Advisory Neighborhood Commission (ANC) 3B

ANC 3B reiterated its support for renewing the moratorium for five (5) years for Class A, CN, CT, CT, DT, CX, and DX licenses because the neighborhood is still impacted by the adverse effects that these establishments have on the peace, order, and quiet of the community. ANC 3B Chairman, Jackie Blumenthal, testified to the excessive noise problems residents continue to complain about. This includes the noise patrons of taverns and nightclubs make as they leave the establishments. Furthermore, ANC 3B is still concerned about the parking problems the neighborhood endures as a result of these establishments. Many persons who fraternize at these on-premises license establishments park in the neighborhood; thereby, making it difficult for residences and their guests to find parking.

ANC 3B also requested that the Board maintain the restriction on Class A off-premises retail licenses (full-service liquor stores). ANC 3B submitted a resolution to the Board dated February 11, 2016, setting forth its opposition to lifting the restrictions on Class A licenses. Chairman Blumenthal testified to the community's concern with having three (3) Class A license retailers in the community; particularly one that may be located close to a nude dancing club.

Following the public hearing, ANC 3B submitted supplemental written testimony on April 8, 2016, reinforcing its position to maintain the restriction on Class A licenses. The supplemental testimony was filed in response to Stephen O'Brien's, Counsel for Rite Aid, testimony before the Board at the public hearing. In further support of its position, ANC 3B argued that limiting additional Class A licenses in Glover Park is supported by the current law. Specifically, ANC 3B purports that the Council legislatively set restrictions on Class A and B licenses in D.C. Official Code §§ 25-331 and 25-333 because it, too, wanted to prevent the dangers that might arise from an over-concentration of these licenses.

ANC 3B does not agree with opponents' argument that the Board need not or cannot take further action to restrict Class A licenses. Specifically, ANC 3B points to D.C. Official Code § 25-351(a)(1) which authorizes the Board to limit the number of any type of liquor licenses. Lastly, ANC 3B states that unlike other commercial areas in the District, it does not believe that D.C. Official Code § 25-333, alone, is enough to address the community's concerns regarding Class A licenses. For this reason, it requests that the Board continue the moratorium on Class A licenses.

Glover Park Citizens' Association (GPCA)

GPCA testified in support of ANC 3B's petition to renew the moratorium for five (5) years for CT, DT, CN, DN, and Class A licenses, but not for CR licenses. GPCA testified that it continues to have concerns about the adverse impact on peace, order, and quiet that licensed establishments have on the community. Similar to the ANC, GPCA is opposed to removing the moratorium on Class A licenses. Specifically, GPCA members are concerned about (1) the over-saturation of liquor licenses in a small geographic area; (2) the opponents' exploitation of a loophole in the law which prohibits two (2) Class B licenses from being within two hundred feet (200 ft.) of another; and (3) having a full-service grocery store located near taverns and nightclubs.

Residents of the Massachusetts Avenue Heights Neighborhood (MAHN)

MAHN residents submitted written comments and testified in support of renewing the Glover Park Moratorium. Specifically, they asked the Board to renew the moratorium and maintain the ban on new tavern and nightclub licenses. MAHN residents described the problems they continue to have with loud music and patrons late at night and in the early morning hours, as well as problems they encounter with parking. For these reasons, they asked the Board to renew the moratorium and maintain the cap on taverns and nightclubs.

Stephen O'Brien, Counsel for Rite Aid Pharmacy

Mr. O'Brien testified in general support of the Board's renewing the moratorium in Glover Park; however, he requested that the Board lift the prohibition on additional Class A licenses. He argued that there was no logical reason for the Board to maintain the restrictions on Class A licenses. According to Mr. O'Brien, the Board will still retain ultimate control and discretion over the issuance of additional Class A licenses. As such, the Board can provide protections to address the concerns raised by the ANC and GPCA. Additionally, Mr. O'Brien advised the Board that District's laws and regulations, which the Board enforces, has safeguards in place to prevent the over-saturation of Class A licenses within a geographic area.

D.C. Nightlife Hospitality Association (DCNHA)



DCNHA submitted written testimony to the Board in support of terminating the Glover Park Moratorium. DCNHA argues that the need for a Board-imposed moratorium on any liquor licenses is a relic of the past when the District was unable to adequately address the ill effects associated with liquor establishments (*e.g.*, noise, litter, vulgar behavior, and crime). DCNHA does not believe these concerns continue to exist, or if they do, they can be adequately addressed with existing alcoholic beverage laws and regulations.

Additionally, DCNHA suggests that eliminating the moratorium would improve the Glover Park commercial district's public image and signal support of a vibrant streetscape and dynamic retail sector. It is DCNHA's position that moratoriums hinder market innovation by not allowing for the emergence or evolution toward hybrid hospitality models which integrate dining, drinking, and entertainment. Lastly, DCNHA suggests that the Board is fully capable of reviewing and approving license applications and that it should be allowed to review such licenses on a case-by-case basis as opposed to employing blanket restrictions on liquor licenses.

#### Decision of the Alcoholic Beverage Control Board

The Board has duly considered all of the comments it received during the comment period and at the public hearing. The Board supports the ANC's recommendation to renew the Glover Park Moratorium for a five (5)-year period. The Board also supports the ANC's request to retain the moratorium for Class CT, DT, CN, DN, CX, and DX licenses, and to remove the moratorium on CR licenses.

The Board, however, is not persuaded to retain the moratorium on Class A retailer licenses. The Board finds that there is no justifiable reason to prohibit Class A licenses within the Glover Park neighborhood if they are compliant with District laws and regulations. The Board has numerous enforcement tools to ensure compliance, and will take steps to restrict privileges such as hours of sales, if necessary. Additionally, many of the concerns raised by the proponents of the moratorium, such as excessive noise, are attributable to on-premises establishments. Patrons of off-premises establishments such as a Class A retailer would not necessarily be loud or disruptive to the neighborhood. Lastly, the Board notes that it retains control to determine on a case by case basis whether a Class A license is appropriate for this neighborhood. For these reasons, the Board decided to eliminate the restriction on Class A licenses.

In reaching its decision, the Board has given great weight to the written recommendations of ANC 3B as required by Section 13(d)(3) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3) (2014 Repl. & 2016 Supp.)), and D.C. Official Code § 25-609 (2012 Repl. & 2016 Supp.)). After evaluating all of the testimony and comments, the Board finds that ANC 3B's proposal, as modified above, is appropriate. Specifically, the Board agrees that maintaining the current cap on the on-premises licenses with the exception of restaurants and hotels is warranted to ensure that problems in the neighborhood are not exacerbated.

In reviewing a moratorium request, the Board must "consider the extent to which the testimony and comments show that the requested moratorium is appropriate under at least two (2) of the appropriateness standards set forth in subchapter II of this chapter." D.C. Official Code § 25-

354(d). After considering the comments it received and the testimony provided at the public hearing, the Board determines that it is in the public's interest to renew the moratorium with modifications. The Board based its decision upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and (3).

In regard to D.C. Official Code § 25-313(b)(2) (peace, order, and quiet), the testimony presented at the hearing as well as the proposal submitted by ANC 3B revealed that there continues to be problems in the Glover Park neighborhood with regard to peace, order, and quiet where ABC-licensed establishments are concerned. ANC 3B, as well as GPAC and MAHN testified to the continued adverse impact that nightclubs and taverns are having in the Glover Park neighborhood, including loud music and noise stemming from patrons departing from on-premises establishments and returning to their cars. For these reasons, the Board concludes that continuation of the moratorium, with modifications, is appropriate for the promotion of peace, order, and quiet in the Glover Park neighborhood.

Additionally, the Board concludes continuation of the moratorium, with modifications, is appropriate in light of the parking needs of residents in Glover Park, and vehicular and pedestrian safety. *See* D.C. Official Code § 25-313(b)(3). The majority of ABC-licensed establishments are located along Wisconsin Avenue and 37<sup>th</sup> Street. As ANC 3B noted its testimony and resolution, there is not an accessible Metro station near Wisconsin Avenue and 37<sup>th</sup> Street. As a result, many persons seeking to patronize at the licensed establishments drive. There is limited metered parking and the parking garages, though present, are offset from where the ABC-licensed establishments are located. As a result, many persons seeking to patronize at the licensed establishments tend to park along residential streets; posing parking problems for residents and their guests, and causing disruptions to residents who are disturbed at night by persons leaving the nightclubs and taverns.

In addition, to the residential parking concerns, there are concerns in respect to vehicular and pedestrian safety. There was testimony and comments concerning the amount of traffic generated by ABC-licensed establishments along Wisconsin Avenue and 37<sup>th</sup> Street. Persons driving along this thoroughfare tend to exceed the posted speed limit; thereby, increasing the risk of automobile accidents. Persons frequenting the ABC-licensed establishments oftentimes walk from one establishment to the next. This poses additional safety concerns, particularly at night, when visibility is limited. The increased risk of a person being struck by a car along this thoroughfare is a serious concern. For all of these reasons, the Board concludes that continuing the moratorium, with modifications, is essential to addressing the Glover Park neighborhood's parking needs and ensuring vehicular and pedestrian safety.

The Board finds that a modified version of the ANC's proposal constitutes a reasonable, measured, and appropriate solution for the Glover Park neighborhood. While it is sympathetic to the community's concerns about the lifting of the ban on Class A licenses, the Board would encourage the neighborhood to participate fully in the protest process when applications for Class A licenses are filed. In sum, the Board concluded that maintaining a modified moratorium is in the public's interest as determined by the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and (b)(3).

The Board also finds that emergency rulemaking action is warranted. In accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), emergency action is necessary for the immediate preservation of health, safety, and welfare of District of Columbia residents, by (1) ensuring that the limitations placed on the issuance of new retailer's licenses are maintained; and (2) keeping the existing GPMZ in place until the Board can adopt final rules regarding its renewal.

These emergency rules were adopted by the Board on April 20, 2016, by a five (5) to zero (0) vote and became effective on that date. The rules will remain in effect for one hundred twenty (120) days, expiring on August 18, 2016, unless earlier superseded by an emergency rulemaking or final rulemaking. This rulemaking shall supersede the emergency rules adopted by the Board on February 3, 2016 and published in the *D.C. Register* at 63 DCR 5306 (April 8, 2016).

The Board gives notice of intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *D.C. Register*. In accordance with D.C. Official Code § 25-211(b), these emergency and proposed rules will be transmitted to the Council for the District of Columbia (Council) for a ninety (90)-day period of review. The Board will not adopt the rules as final prior to the expiration of the ninety (90)-day review period, unless approved by Council resolution.

**Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**Section 308, GLOVER PARK MORATORIUM ZONE, is amended to read as follows:**

**308 GLOVER PARK MORATORIUM ZONE**

- 308.1 No new retailer's license class CT, CN, CX, DN, DT, or DX shall be issued for a period of five (5) years from the effective date of this section in the area that extends approximately one thousand two hundred feet (1,200 ft.) in all directions from 2436 Wisconsin Avenue, N.W., Washington, D.C. 20007.
- 308.2 The Glover Park Moratorium Zone is more specifically described as beginning at Tunlaw Road and Fulton Street; East on Fulton Street to Wisconsin Avenue; South on Wisconsin Avenue to Edmunds Street; East on Edmunds Street to Massachusetts Avenue; Southeast on Massachusetts Avenue to Observatory Circle; Southwest around Observatory Circle to Calvert Street; West on Calvert Street to Wisconsin Avenue; Southeast on both sides of Wisconsin Avenue to 35<sup>th</sup> Street; South on 35<sup>th</sup> Street to Whitehaven Parkway; West on Whitehaven Parkway to 37<sup>th</sup> Street; North on 37<sup>th</sup> Street to U Street; West on U Street to a point of intersection of Huidekoper Place and W Street; West on W Street to 39<sup>th</sup>

Street; North on 39<sup>th</sup> Street to Davis Place; East on Davis Place to Tunlaw Road; North and Northwest on Tunlaw Road to Fulton Street.

- 308.3 All hotels, whether present or future, shall be exempt from the Glover Park Moratorium Zone.
- 308.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class CT, CN, CR, CX, DN, DT, or DX within the Glover Park Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 308.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Glover Park Moratorium Zone to a new location within the Glover Park Moratorium Zone.
- 308.6 A license holder outside the Glover Park Moratorium Zone shall not be permitted to transfer its license to a location within the Glover Park Moratorium Zone.
- 308.7 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 308.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 308.9 This section shall expire five (5) years after the date of publication of the notice of final rulemaking.

Copies of the proposed emergency and 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](mailto:martha.jenkins@dc.gov).

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Section 1922, entitled “Employment Readiness Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules combine two related provisions, state the required staff-to-person ratio, and change the reimbursement rate for employment readiness services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. The corresponding amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective as of September 24, 2015.

Employment readiness services provide learning and work experiences, including volunteer work, where the person can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings. This emergency and proposed rulemaking amends the rules by rewriting Subsection 1922.20 to include the language in former Subsection 1922.25, adding a new Subsection 1922.25 to state the required staff-to-person ratio, and changing the reimbursement rate in Subsection 1922.26 for Waiver Year 4. Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Waiver participants who are in need of these services, as the staffing ratio must be clarified and the rates must be increased to correspond with Waiver Year 4.

The emergency rulemaking was adopted on June 14, 2016, and became effective immediately. The emergency rules shall remain in effect for one hundred and twenty (120) days from the adoption date, until October 12, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Subsections 1922.20, 1922.25 and 1922.26 of Section 1922, EMPLOYMENT READINESS SERVICES, are amended to read as follows:**

1922.20 Medicaid reimbursement will only cover services furnished to a person enrolled in the Waiver for up to eight (8) hours per day, not to exceed forty (40) hours per week, which will not include reimbursement for travel time spent in transportation to and from the program.

...

1922.25 Each provider of employment readiness services shall maintain the required staff-to-person ratio, as indicated in the person's ISP and Plan of Care, with a maximum staffing ratio of 1:4.

1922.26 The billable unit of service for Medicaid reimbursable employment readiness services shall be fifteen (15) minutes. The reimbursement rate for employment readiness services shall be eighteen dollars and seventy-six cents (\$18.76) per hour or four dollars and sixty-nine cents (\$4.69) per billable unit. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes in order to be able to bill a unit of service.

Comments on these emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900 South, Washington, D.C. 20001, by telephone on (202) 442-8742, by email at [DHCFPublicComments@dc.gov](mailto:DHCFPublicComments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these emergency and proposed rules may be obtained from the above address.

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

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**WEDNESDAY, JUNE 29, 2016  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009**

**Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
Ruthanne Miller, James Short**

- |  |                |
|--|----------------|
| <b>Protest Hearing (Status)</b><br><b>Case # 16-PRO-00032; Saint Gregory Lessee, LLC, t/a St. Gregory Luxury Hotel &amp; Suites, 2033 M Street NW, License #98868, Retailer CH, ANC 2A</b><br><b>Application to Renew the License</b>  | <b>9:30 AM</b> |
| <b>Protest Hearing (Status)</b><br><b>Case # 16-PRO-00033; GF, Inc., t/a Il Canale, 1063-1065 31st Street NW</b><br><b>License #83707, Retailer CR, ANC 2E</b><br><b>Application to Renew the License</b>  | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 16-251-00031; Arzo Amin, t/a Grace Period, 350 G Street SW, License #99262, Retailer Caterer, ANC 6D</b><br><b>Failed to use Caterer's License in the Authorized Manner, No ABC Manager on Duty, Failed to Provide Records for Purchased Alcoholic Beverages</b> | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 16-251-00067; Down Under, Inc., t/a Bravo Bravo, 1001 Connecticut Ave NW, License #71564, Retailer CN, ANC 2B</b><br><b>Failed to Follow Security Plan, Substantial Change in Operation Without Board Approval</b>   | <b>9:30 AM</b> |
| <b>Fact Finding Hearing*</b><br><b>Case # 16-CMP-00339; SBI, LLC, t/a Touchdown, 1334 U Street NW, License #86233, Retailer CT, ANC 1B</b><br><b>Change of Trade Name Without Board Approval</b>   | <b>9:30 AM</b> |

Board's Calendar

June 29, 2016

**Fact Finding Hearing\***

**10:00 AM**

Queen of the Moon, Inc., t/a TBD; 1815 Columbia Road NW, License #83118

Retailer A, ANC 1C

**License in Safekeeping**

**Fact Finding Hearing\***

**10:30 AM**

Chaos, Inc., t/a Club Chaos; 1633 Q Street NW, License #25541, Retailer CR

ANC 2B, **Request to Extend Safekeeping**

**Show Cause Hearing\***

**11:00 AM**

**Case # 15-CMP-00762**; 888 Incorporated, t/a The Front Page Restaurant, 1333

New Hampshire Ave NW, License #1910, Retailer CR, ANC 2B

**Substantial Change in Operation Without Board Approval, Failed to Post**

**License Conspicuously in the Establishment**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Protest Hearing\***

**1:30 PM**

**Case # 16-PRO-00016**; Capitol Market, LLC, t/a Capitol Market, 2501 North

Capitol Street NE, License #91021, Retailer B, ANC 5E

**Substantial Change (Class Change from Class "B" Grocery to Class "A"**

**Liquor Store)**

**\*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  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, JUNE 29, 2016  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On June 29, 2016 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#16-CC-00058 Brown Street Market, 3320 BROWN ST NW, Retailer B Retail - Grocery, License#:ABRA-090871

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2. Case#16-CC-00063 Living Room, 1010 Vermont AVE NW, Retailer C Tavern , License#: ABRA-076906

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3. Case#16-CC-00057 Whitelaw Market, 1846 13TH ST NW, Retailer B Retail - Grocery , License#: ABRA-077293

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, JUNE 29, 2016 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Best DC Supermarket**, 1507 U Street NW, Retailer A Liquor Store, License No. 075139.
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2. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 11:30am to 1:30am, Friday-Saturday 11:30am to 2:30am. **Approved Hours of Live Entertainment:** Sunday-Thursday 6pm to 1:30am, Friday-Saturday 6pm to 2:30am. **Proposed Hours of Operation:** Sunday-Thursday 6am to 1:30am, Friday-Saturday 6am to 2:30am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday 10:30am to 1:30am, Monday-Thursday 11:30am to 1:30am, Friday 11:30am to 2:30am, Sunday 10:30am to 2:30am. ANC 2B. SMD 2B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict Settlement Agreement. **Union**, 2032 P Street NW, Retailer CR, License No. 101155.
- 

3. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales:** Sunday 12pm to 8pm, Monday-Thursday 9am to 10pm, Friday-Saturday 9am to 11pm. **Proposed Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 12am. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Jefferson Liquors**, 5307 Georgia Avenue NW, Retailer A Liquor Store, License No. 101642.
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4. Review Request for Change of Hours of Live Entertainment. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday 11am to 1am, Monday-Thursday 11:30am to 1am, Friday-Saturday 11:30am to 2am. **Approved Hours of Live Entertainment:** Wednesday 6pm to 1am, Thursday 6pm to 1:30am, Friday-Saturday 8pm to 2:30am. **Proposed Hours of Live Entertainment:** Friday and Saturday only from 6pm to 2:30am. ANC 2B. SMD 2B06. Pending Investigative Matter and Hearing: 10/31/2015, Case #15-CMP-00762: On premise retailer (off-premise consumption); Posting and carrying of licenses; Substantial Change in operations must be approved; 1/6/2016: Board requested a Show Cause Hearing; 4/25/2016: Status Hearing set for

5/25/2016 and Show Cause Hearing for 6/22/2016. No Settlement Agreement. *The Front Page*, 1333 New Hampshire Avenue NW, Retailer CR, License No. 001910.

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5. Review Request to add Dancing to existing Live Entertainment Endorsement. ***Approved Hours of Live Entertainment:*** Wednesday 6pm to 1am, Thursday 6pm to 1:30am, Friday-Saturday 8pm to 2:30am. ANC 2B. SMD 2B06. Pending Investigative Matter and Hearing: 10/31/2015, Case #15-CMP-00762: On premise retailer (off-premise consumption); Posting and carrying of licenses; Substantial Change in operations must be approved; 1/6/2016: Board requested a Show Cause Hearing; 4/25/2016: Status Hearing set for 5/25/2016 and Show Cause Hearing for 6/22/2016. No Settlement Agreement. *The Front Page*, 1333 New Hampshire Avenue NW, Retailer CR, License No. 001910.
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6. Review Application for Sidewalk Café with seating for 12 patrons. ***Proposed Hours of Operation of Sidewalk Café:*** Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption of Sidewalk Cafe:*** Sunday-Saturday 10am to 12am. ANC 4C. SMD 4C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Mezcabro Cocina Mexicana*, 3714 14<sup>th</sup> Street NW, Retailer CR, License No. 097794.
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7. Review Application for Entertainment Endorsement to provide Live Entertainment. ***Proposed Hours of Live Entertainment:*** Sunday-Thursday 6pm to 2am, Friday-Saturday 6pm to 3am. ANC 4C. SMD 4C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Mezcabro Cocina Mexicana*, 3714 14<sup>th</sup> Street NW, Retailer CR, License No. 097794.
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8. Review Request for Wine Pub Permit. ANC 3D. SMD 3D05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Et Voila*, 5120 MacArthur Boulevard NW, Retailer CR, License No. 078332.
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9. Review Request from Chipotle Mexican Grill, Inc. to tender checks for their wholly owned subsidiary, Shophouse LLC, to pay for alcoholic beverages in the District of Columbia. ANC 2E. SMD 2E06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *ShopHouse Southeast Asian Kitchen*, 2805 M Street NW, Retailer CR, License No. 100547.
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10. Review Application for Renewal of Manager's License. *Brant L. Rooker*-ABRA 095577.

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**\*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.**

**DC COMMISSION ON THE ARTS AND HUMANITIES****REQUEST FOR APPLICATIONS****Production Manager for Labor Day Weekend at the Lincoln Theatre**

DC Commission on the Arts and Humanities (DCCA) seeks applications for a Production Manager for Labor Day Weekend at the Lincoln Theatre, a series of three musical concerts to be held at the Lincoln Theatre on September 2 – 4, 2016. The concerts will feature musical artists based in Washington, DC area. Each individual concert will focus on different musical genres. The concerts will be presented to the public.

**REQUIRED MATERIALS:**

- Resume(s) of key personnel
- Up to four (4) work samples. Work samples may include photos, video, print collateral, etc. of previously produced events.
- (3) professional references
- (2) professional letters of support

**The top five candidates will interview with a DCCA panel prior to final selection.**

Selected Production Manager will receive a fee of up to \$50,000 to cover all expenses related to included services.

**QUALIFICATIONS:**

- Production Manager must be experienced in and have previously produced and/or managed events in major production venues with audience capacities greater than 1,000 seats, such as the John F. Kennedy Center for the Performing Arts, Warner Theatre, National Theater, etc. within at least 10 years.
- Production Manager must have a full production staff to include at minimum a Front of House Manager, Stage Manager(s), Technical Director, Lighting Designer, Audio Engineer, Audio Assistants, Set/Scenic Designer, Running Crew and Board Ops, Front of House and Usher staff.
- Production Manager must have prior experience in producing live musical concerts in a variety of musical genres.
- Production Manager must be self-insured with a policy of at least \$2,000,000 and be in good standing with the District of Columbia. A certificate of “Clean Hands” will be required of the finalist.

**INCLUDED SERVICES REQUIRED FOR THE PRODUCTION MANAGER:**

- Collaboration with the events team of the DCCA to ensure the professional execution of all activities and actions of the event.

- Provide for all necessary technical designs and builds, including lighting, sound and set/scenic pieces.
- Provide complete production services for build, load in, technical rehearsal, running of the show on the event day and strike/load out.
- Manage and supervision of the entire stage production including oversight of the production personnel, DCCAH vendors, performers, speakers and day-of-event technicians and house personnel.
- Execute the production script and all theatrical cueing in a professional manner and according to timeline approved by the DCCAH.
- Coordinate the Front of House and Back of House needs with the venue.
- Conduct regular production meetings as set by DCCAH from date of contract execution until the event date.
- Provide DCCAH with a full detailed production schedule including rehearsals, breaks and calls for talent and crew.
- Coordinate and execute load in, technical rehearsals, performance and load out/strike activities with vendors and performers as required.
- Provide rehearsal coordination, management and staffing.
- Provide full production staff to include at minimum a Front of House Manager, Stage Manager(s), Technical Director, Lighting Designer, Audio Engineer, Audio Assistants, Set/Scenic Designer, Running Crew and Board Ops, Front of House and Usher staff.
- Provide day-of-event coordination for full production staff; inclusive of load-in (set) and load-out (strike).
- Manage all communication needs and technical requirements of performers presenters and vendors.
- Operate an efficient and effective run of show including all technical cueing for sound, lights, and effects.
- Participate in an in-person debrief meeting scheduled by DCCAH post-production.

**Applications must be submitted by Friday, July 22, 2016 for consideration. For additional information, contact Jeffrey Scott, Marketing and Communications Specialist (DCCAH) at [jeffrey.scott@dc.gov](mailto:jeffrey.scott@dc.gov) or 202-724-5613.**

**BRIDGES PUBLIC CHARTER SCHOOL  
BRIYA PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Furniture**

Bridges Public Charter School and Briya Public Charter School, through the Mamie D. Lee, LLC partnership herewith invite all interested parties to submit proposals to provide Furniture for the proposed Health Care Center in a permanent facility for its subtenant Mary's Center. The required substantial completion date for the project September 15, 2016. The complete RFP can be obtained by contacting Bob Waechter at [bw@cpmfirm.com](mailto:bw@cpmfirm.com) . RFP's will be distributed starting on Monday, June 27th, and are due by 5:00 p.m. on Friday, July 7th.

**BRIDGES PUBLIC CHARTER SCHOOL  
BRIYA PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Telephone, Computer, IT, AV Systems and Equipment**

Bridges Public Charter School and Briya Public Charter School, through the Mamie D. Lee, LLC partnership herewith invite all interested parties to submit proposals to provide Telephone/Computer/IT/AV Systems and equipment for the proposed Health Care Center in a permanent facility for its subtenant Mary's Center. The required substantial completion date for the project September 15, 2016. The complete RFP can be obtained by contacting Bob Waechter at [bw@cpmfirm.com](mailto:bw@cpmfirm.com) . RFP's will be distributed starting on Monday, June 27th, and are due by 5:00 p.m. on Friday, July 7th.



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**DC Board of Accountancy  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**Friday, July 8, 2016  
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – August 5, 2016 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Barber and Cosmetology  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**Meeting Agenda  
Monday, July 11, 2016  
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – Monday, August – Recess

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Board of Industrial Trades  
1100 4<sup>th</sup> Street, S.W., Room 300  
Washington, D.C. 20024**

**AGENDA  
July 19, 2016**

1. Call to Order – 1:00 p.m.
2. Introduction of New Board Members
3. Executive Session (Closed to the Public) – 1:15 p.m. - 2:15 p.m.
  - Criminal Evaluations
  - Review – Applications with criminal convictions for Licensure
4. Attendance (Start of Public Session) – 2:20 p.m.
5. Comments from the Public
6. Minutes - Draft, November 17, 2015
8. Recommendations
  - Applications for Licensure
  - 2016 Meeting Schedule
9. Old Business
  - Mayor’s Office of Talent and Appointments (MOTA) E-mail Addresses
  - Board of Ethics and Government Accountability (BEGA) Training
10. New Business
  - Board Policies
    - Correspondence
    - Meetings
    - Committees & Vice-Chair Vacancy
  - Application Components
  - Complaints/Investigations
  - D.C. Municipal Regulations Review Process
  - Upcoming BEGA Training
11. Adjourn

Next Scheduled Regular Board Meeting, September 20, 2016  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Real Estate Appraisers  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**July 27, 2016  
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, June 15, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – September 21, 2016 at 10:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

**SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS**

**July 2016**

<b>CONTACT PERSON</b>	<b>BOARDS AND COMMISSIONS</b>	<b>DATE</b>	<b>TIME/ LOCATION</b>
Cynthia Briggs	Board of Accountancy	8	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	27	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	RECESS	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	6	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00-pm-8:30 pm
Sheldon Brown	Board of Funeral Directors	7	9:30am-2:00 pm
Avis Pearson	Board of Professional Engineering	28	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	12	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	19	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4<sup>th</sup> St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Professional Engineers  
1100 4<sup>th</sup> Street SW, Room 380  
Washington, DC 20024**

**AGENDA**

**July 28, 2016 ~ Room 300  
9:00 A.M. (Application Review by Board Members)**

**11:00 A.M.**

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
  - Deliberation over applications for licensure
  - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next Scheduled Meeting – August 25, 2016  
Location: 1100 4<sup>th</sup> Street SW, Conference Room E300

**D.C. BILINGUAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services:

We are seeking proposals for architectural and engineering design services; construction management services and project management services for the renovation of surplus DC school building.

Please send an email to [bids@dcbilingual.org](mailto:bids@dcbilingual.org) to receive a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 pm, Friday, July 1, 2016.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator  
[bids@dcbilingual.org](mailto:bids@dcbilingual.org)

**D.C. BILINGUAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services:

- School Supplies
- Office Supplies
- Transportation Services
- General Contracting Services
- Janitorial Services
- HVAC Repair and PM Services
- Boiler Repairs
- Security Services
- Landscaping and Snow Removal
- Technology and Computer Equipment
- IT Support Services
- Translation and Interpretation Services
- General Contracting Services – Miscellaneous small projects and repairs
- General Contracting Services – Stage and Dance Space Repair
- Painting
- Annual Audit Services
- Special Education Services

Please send an email to [bids@dcbilingual.org](mailto:bids@dcbilingual.org) to receive a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 pm, Friday, July 1, 2016.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator  
[bids@dcbilingual.org](mailto:bids@dcbilingual.org)

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. IT Support Services). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.



**EDUCARE DC****REQUEST FOR PROPOSALS****Mental Health Services**

Educare DC is soliciting proposals for comprehensive mental health services. **Proposals are due no later than 5:00 PM on July 18, 2016.** The complete RFP with supporting documentation can be obtained from the school's website – [www.educaredc.org](http://www.educaredc.org) or by contacting by email:

Dianna Washington  
Administrative Manager  
[dWASHINGTON@educaredc.org](mailto:dWASHINGTON@educaredc.org)

**Requested Services**

Educare DC is seeking competitive bids from organizations to provide comprehensive mental health services for our organization. Educare DC is a 501(c) 3 organization based in a new state-of-the-art facility in the Parkside-Kenilworth neighborhood of Ward 7. The school currently serves 157 low-income children (ages 6 weeks to 5 years) and their families with a high quality, research-based early childhood program.

**Assumptions and Agreements**

Proposals will not be returned. Educare DC reserves the right to dismiss a proposal without providing a reason. Educare DC reserves the right to terminate a contract at any time.

**Submission Information**

Proposals must include all requested information indicated in the official RFP. Please send final proposals to [dWASHINGTON@educaredc.org](mailto:dWASHINGTON@educaredc.org).

**Basis for Award of Contract**

Educare DC reserves the right to award a contract as it determines to be in the best interest of the school.

Locally-Owned, Minority-Owned, Female-Owned and Small Businesses are encouraged to apply.

**Proposals must be received by July 18, 2016, 5:00PM EST. Late proposals will not be accepted.**

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR (FY) 2016-17

## PRE-KINDERGARTEN ENHANCEMENT AND EXPANSION FUNDING

Application Release Date: July 1, 2016

Application Submission Deadline: August 1, 2016

The Office of the State Superintendent of Education (OSSE), Division of Early Learning, is soliciting applications for the allocation of Pre-K Enhancement and Expansion funding to be distributed by OSSE to community-based organizations (CBOs)<sup>1</sup> pursuant to the Pre-k Enhancement and Expansion Amendment Act of 2008, (the “Act”), effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*) and its implementing regulations (5-A DCMR Chapter 35).

The purpose of this allocation is to distribute funding, per student, as appropriate, in an amount not to exceed the uniform per student funding formula (“UPSFF”) pursuant to section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1804.01), to CBOs providing pre-K education services<sup>2</sup> that meet the eligibility requirements and the high-quality standards set forth in section 201 of the Act (D.C. Code § 38-272.01) and its implementing regulations (5A DCMR 3500.3 and 3501).

The UPSFF rate for FY 2016-17 is \$12,974 for 3 year olds and \$12,587 for 4 year olds.<sup>3</sup> The allocation of the Pre-K Enhancement and Expansion funding is currently not a competitive grant process; however, if the amount appropriated to OSSE is insufficient to fund all high-quality pre-K programs that meet the eligibility requirements and the high-quality standards, OSSE may distribute the funds through a competitive grant process. (See below “*Competitive Grant, If Applicable*”)

In order to apply for an allocation of Pre-K Enhancement and Expansion funding, a CBO providing pre-K education services shall:

1. be licensed and maintaining compliance pursuant to 29 DCMR Chapter 29;
2. be currently accredited by a national accrediting body approved by OSSE;
3. complete and timely submit a high-quality designation application, on a form furnished by OSSE, which demonstrates that the CBO meets each of the: (1) eligibility criteria

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<sup>1</sup> “Community-based organization” or “CBO” means a Head Start or early childhood education program operated by a non-profit, for-profit or faith-based organization, or organization that participates in local or federally-funded early childhood programs, including the Child Care Subsidy Program.

<sup>2</sup> “Pre-K education service” means the purposeful, well planned and developmentally appropriate practice and instruction provided by community-based organizations to pre-K age children.

<sup>3</sup> Rates will be final upon the legislative enactment of the Fiscal Year 2017 Budget Support Act of 2016, Bill 21-669.

pursuant to 5A DCMR 3500.3; and (2) high-quality standards pursuant to 5A DCMR 3501; and

4. attend at least one pre-application conference.

The aforementioned mandatory pre-application conference shall be facilitated by OSSE at the dates, times, and locations listed below. No one shall be admitted once a pre-application conference has begun, and attendance will be taken at the end of each conference. Failure to attend one of the pre-application conferences will disqualify a high-quality designation application. To attend one of the below listed conferences, please RSVP in advance to [Mahlet.Getachew@dc.gov](mailto:Mahlet.Getachew@dc.gov) or (202) 727-0545.

Date	Time	Location
July 1, 2016	2:30-4 p.m.	Office of the State Superintendent of Education 810 First St. NE - Third Floor - Grand Hall A&B
July 11, 2016	2:30-4 p.m.	Office of the State Superintendent of Education 810 First St. NE - Eighth Floor - 806 A&B

The high-quality designation application shall be provided to all interested parties during each pre-application conference at OSSE on July 1, 2016 and July 11, 2016.

The completed high-quality designation application, including all supporting documentation, must be received by OSSE no later than **Monday, August 1, 2016 at 5:00 pm EDT**. OSSE reserves the right not to consider incomplete or late submissions.

**Competitive Grant, If Applicable**

If funds are allocated through a competitive grant process, a Request for Application (RFA) will be released on **Monday, September 2, 2016** on OSSE’s website, <http://osse.dc.gov/>, and by contacting Mahlet Getachew at [Mahlet.Getachew@dc.gov](mailto:Mahlet.Getachew@dc.gov).

For additional information regarding this NOFA, please contact:

Mahlet Getachew  
 Education Research Analyst  
 Policy, Planning and Research Unit  
 Division of Early Learning  
 Office of the State Superintendent of Education  
 810 First Street, NE Ninth Floor  
 Washington, DC 20002  
[Mahlet.Getachew@dc.gov](mailto:Mahlet.Getachew@dc.gov)  
 Phone: (202) 727-0545

**DEPARTMENT OF HEALTH**  
**HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
June 29, 2016

On JUNE 29, 2016 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 9:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 9:30 am until 2:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, J.D.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Pharmacy hereby gives notice of the change in its regularly scheduled monthly meetings for the remainder of the 2016 calendar year pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

The District of Columbia Board of Pharmacy's meeting scheduled is as follows:

**Thursday, July 7, 2016**, the District of Columbia Board of Pharmacy will have a limited open session (public) meeting in which the only item on the agenda will be to vote to move into the executive (closed) session meeting to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14). The open (public) session will begin at 11:30 a.m. and will end following the vote to move into the executive (closed) session. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Thursday, August 4, 2016**, the District of Columbia Board of Pharmacy will hold on open session (public) meeting, which will begin at 9:30 a.m. and end at 11:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Thursday, September 1, 2016**, the District of Columbia Board of Pharmacy will have a limited open session (public) meeting in which the only item on the agenda will be to vote to move into the executive (closed) session meeting to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14). The open (public) session will begin at 11:30 a.m. and will end following the vote to move into the executive (closed) session. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Thursday, October 6, 2016**, the District of Columbia Board of Pharmacy will hold on open session (public) meeting, which will begin at 9:30 a.m. and end at 11:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board

will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Thursday, November 3, 2016**, the District of Columbia Board of Pharmacy will have a limited open session (public) meeting in which the only item on the agenda will be to vote to move into the executive (closed) session meeting to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14). The open (public) session will begin at 11:30 a.m. and will end following the vote to move into the executive (closed) session. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Thursday, December 1, 2016**, the District of Columbia Board of Pharmacy will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 11:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

The Board of Pharmacy meets at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings>. This website may also be accessed through a link on the DOH website, [www.doh.dc.gov](http://www.doh.dc.gov).

**OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:  
SOLICITATION FOR DEVELOPMENT  
OF THE 1125 SPRING ROAD, NW, SITE (“SITE”)**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is requesting responses through a Request for Proposals (“RFP”) from qualified real estate development teams (“Developers”) for the disposition and development of the following site:

- **1125 Spring Road, NW (Square 2902, Lots 804 and 807)**
  - Solicitation format: RFP
  - Issuance Date: June 30, 2016

DMPED invites Developers to respond to this RFP for the development of the 1125 Spring Road, NW, site in the Petworth neighborhood of Northwest D.C. There will be a Pre-Response Conference and Site Visit held at the Site as further described in the RFP.

For more information and project updates, please visit [www.dmped.dc.gov](http://www.dmped.dc.gov).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

**2016 MONTHLY MEETING SCHEDULE**

This notice outlines the schedule of the regular Board meetings of the Public Employee Relations Board. The meetings are held in open session and the public is invited to attend. The meetings are held at 1100 4<sup>th</sup> Street, SW, Washington, D.C. A copy of the agenda for each meeting is posted in the reception area of our office and on our website. For further information, please contact the front desk at 202-727-1822. The schedule is subject to change.

<b>DATE</b>	<b>TIME</b>	<b>ROOM NUMBER</b>
Thursday, January 21, 2016	11:00 AM	Room E630
Thursday, February 18, 2016	11:00 AM	Room E630
Thursday, March 17, 2016	11:00 AM	Room E630
Thursday, April 21, 2016	11:00 AM	Room E630
Thursday, May 19, 2016	11:00 AM	Room E630
Thursday, June 16, 2016	11:00 AM	Room E630
<b>Wednesday, July 27, 2016</b>	11:00 AM	Room E630
Thursday, August 18, 2016	11:00 AM	Room E630
Thursday, September 15, 2016	11:00 AM	Room E630
Thursday, October 20, 2016	11:00 AM	Room E630
Thursday, November 17, 2016	11:00 AM	Room E630
Thursday, December 15, 2016	11:00 AM	Room E630



**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS 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 1, 2016.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> 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 June 24, 2016. 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](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: August 1, 2016**

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Alexander	Juanita	PNC Bank 2000 Martin Luther King, Jr., Avenue, SE	20020
Alexander	Stanley	Independent Server Company 440 Taylor Street, NE, #E-31	20017
Allen	Shanetta Voniece	Department of the Treasury 1500 Pennsylvania Avenue, NW	20220
Baker	Camille T.	Arcadis U.S. Inc 2101 L Street, NW, 2nd Floor	20037
Beamon	Kindra	Hogan Lovells, LLP 555 13th Street, NW	20004
Bean	Linda S.	Happy Faces Learning Center 1905 9th Street, NE, Unit 1	20018
Begum	Naseem	PNC Bank 1100 25th Street, NW	20037
Bensimhon	Abigail	BNY Mellon Wealth Management 1250 H Street, NW, Suite 1100	20005
Berry	Michele K.	Howard University 2041 Georgia Avenue, NW	20060
Beyderman	Jessie M.	James & Hoffman, PC 1130 Connecticut Avenue, NW, Suite 950	20036
Briscoe	Anthony	Studios Architecture 1625 M Street, NW	20036
Brotton	Julia	McIntosh & Associates 1230 31st Street, NW, Floor 2	20007
Brower	Marlena	Wells Fargo 1545 Alabama Avenue, SE	20032
Buckley	David W.	Deso & Buckley, PC 1776 K Street, NW, Suite 830	20006
Canty	ReDina Ann	Self (Dual) 5907 Dix Street, NE	20019

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: August 1, 2016**

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Carlson	Jody	Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue, NW	20006
Chalakani	Olivia G.	OTJ Architects 555 11th Street, NW, Suite 200	20004
Cruz	Alvin Joseph	Citibank N.A. 5250 MacArthur Boulevard, NW	20016
Cruz-Ramirez	Brenda N.	Citibank 5700 Connecticut Avenue, NW	20015
Davis	Jessica L.	The Ford Agency 1660 L Street, NW, Suite 608	20036
Dickerson	Sandra J.	PhRMA 950 F Street, NW	20004
Drew	Lisa	Advocates for Highway and Auto Safety 750 First Street, NE, #1130	20002
El Wardi	Khouloud	CIBTVisas 4301 Connecticut Avenue, NW, Suite 250	20008
Ervin II	Kenneth L.	Concerned Women for America 1015 15th Street, NW, Suite 1100	20005
Fernandez	Marco A.	New Magellan Venture Partners, LLC 1212 New York Avenue, NW, Suite 700	20005
Ferrell	Kim	National Minority Aids Council 1000 Vermont Avenue, NW, Suite 200	20005
Figueroa	Elizabeth	District of Columbia Government 441 4th Street, NW, Suite 450 North	20001
Foreman	Mary E.	U.S. Department of State HR/PAS, 2201 C Street, NW, Room 2423	20520
Garfield	Willie B.	Self 3309 Brothers Place, SE, #1	20032
Garrett	Tynia	Self (Dual) 620 Farragut Street, NE	20017

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: August 1, 2016**

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Hall	Sylvia B.	Self 2304 14th Street, NW	20018
Hall	Victoria	V & H Enterprise Tax 834 Jefferson Street, NE	20011
Harrell	Wanda C.	Peck Madigan Jones 1300 Connecticut Avenue, NW, Suite 600	20036
Harris	Natonya M.	Sasha Bruce Youthwork 741 8th Street, SE	20003
Hellberg	Donna M.	Department of Justice 20 Massachusetts Avenue, NW	20530
Hendershot	Claudia M. Aleman	Charles Schwab  1845 K Street, NW	20006
Hetherington	Georges	Law Offices of Deborah D. Boddie, PLLC 1308 Ninth Street, NW, Suite 300	20001
Hillary	Kenneth	Save The Children 899 North Capitol Street, NE, Suite 900	20002
Ihua	David	M&T Bank 1420 Wisconsin Avenue, NW	20007
Jenkins	Yvette	Department of Homeland Security/ US Immigration and Customs Enforcement 801 I Street, NW	20536
Johnson-Spears	Urnell	Department of Housing and Urban Development 451 7th Street, SW, Room 7233	20410
Jones	Kazi	Campaign Legal Center, Inc. 1411 K Street, NW, Suite 1400	20005
Laurence	Douglas	TD Bank 905 Rhode Island Avenue, NE	20018
Lee	James E.	Mayer Brown, LLP 1999 K Street, NW	20006

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: August 1, 2016**

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Lindsey-Jenkins	Okena	National Newspaper Publishers Association 1816 12th Street, NW	20009
Lisenby	Colette	Crown Agents USA, Inc 1129 20th Street, NW	20036
Littlejohn	Allison	TrackMaven Inc 1 Thomas Circle, NW FL 9	20005
Long	John P.	U.S. House of Representatives HT-3, US Capitol Building	20515
Lopez	Cindy J.	Institute of Makers of Explosives 1120 9th Street, NW, Suite 310	20036
Louis	Vondell	Corenic Construction Group LLC 1443 Maryland Avenue, NE	20002
Matera	Cindy N.	Zelle, LLP 1775 Pennsylvania Avenue, NW, Suite 375	20006
McCafferty	Grace E.	Republican State Leadership Committee 1201 F Street, NE	20004
Mendenhall- Johnson	Malik	Self  613 Oneida Place, NW	20011
Mendez	Maria	Lafayette Federal Credit Union 1381 Kenyon Street, NW	20010
Missouri	Abdelhafid	Self 1833 S Street, NW, #3	20009
Mitchell	Brian G.	Mitchell Tax and Business Solutions, LLC, dba Liberty Tax Service 3127 Martin Luther King, Jr. Avenue, SE, Suite C	20032
Monrie	Anita E.	RSC Electrical & Mechanical Contractors, Inc. 6035 Dix Street, NE	20019
Morgan	Letitia	Maderin Oriental Management (USA) Inc. 1330 Maryland Avenue, SW, 2nd Floor	20024

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: August 1, 2016  
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Mullen	Renee T.	Paul Hastings, LLP 875 15th Street, NW	20005
Mwombela	Ann-Marie Angela	It Works! Inc.  3416 9th Street, NE	20017
Nasim	Rehan	Bank-Fund Staff Federal Credit Union 19000 Pennsylvania Avenue, NW	20006
Nichols	Tanya M.	Center for Strategic and International Studies 1616 Rhode Island Avenue, NW	20036
O'Connell, Jr	Quinn	The Law Offices of Quinn O'Connell, Jr PLLC 5100 Wisconsin Avenue, NW #515	20016
Odlum	Melanie Alice	American Association for Justice 777 6th Street, NW, Suite 200	20001
Olukunle	Afolake	Citibank N.A. 1775 Pennsylvania Avenue, NW	20006
Osei	Michael Boateng	TD Bank 905 Rhode Island Avenue, NE	20018
Patterson	TaWanda DeNise	National Caucus and Center on Black Aging, Inc Housing Management Corporation 1220 L Street, NW, #800	20005
Payton	Debra M.	Duane Morris, LLP 505 9th Street, NW, Suite 1000	20004
Payton	Nicole S.	Krooth & Altman LLP 1850 M Street, NW, Suite 400	20036
Pooler	Craig D.	CDP Properties LLC 68 Galveston Place, SW	20032
Pskowski	Harold W.	Self 3020 Tilden Street, NW, Apartment 201	20008
Riska	Nathan Edward	National Association of Broadcasters 1771 N Street, NW	20036

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public**

**Effective: August 1, 2016  
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Rodriguez Garcia	Francisco Javier	Self  1643 Montello Avenue, NE, Apartment 1	20002
Romero	Kenneth	Squire Patton Boggs, LLP 2550 M Street, NW	20037
Sanchez	Mardoqueo M.	UTS Corporation 1801 Columbia Road, NW, Suite 103	20009
Scoglio	Jennifer M	Maggio Kattar 1800 Massachusetts Avenue, NW, Suite 300	20036
-Siavoshan	Mary E.F.	Keller and Heckman, LLP 1001 G Street, NW, Suite 500W	20001
Skyhammountry	Phaeng Phanh	Fay Law Group, PLLC 1250 Connecticut Avenue, NW, #200	20036
Smith	Lord Catherine	Textron 1101 Pennsylvania Avenue, NW, Suite 400	20004
Smith	Vera D.	SOME 60 O Street, NW	20001
Tangney	Patrick	Logan Title, LLC 2308 14th Street, NW	20009
Terrell	Lolita Denise	Title Forward 2001 S Street, NW, #250	20009
Thackray	Sophie Koval	DC Tenants' Rights Center 406 5th Street, NW, Suite 300	20001
Thomas	Christopher	Mark Barnes & Associates 1350 I Street, NW, Suite 260	20005
Towns	Melvinia	Georgetown University Law Center 600 New Jersey Avenue, NW	20001
Turner	Karen E.	The Holladay Corporation 3400 Idaho Avenue, NW, Suite 500	20016

**D.C. Office of the Secretary  
Recommendations for appointment as DC Notaries Public****Effective: August 1, 2016****Page 8**

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Vidangos	Adrienne	TD Bank 1275 1st Street, NE	20002
Voelker	Marlene	National Alliance for Public Charter Schools 1101 15th Street, NW, Suite 1010	20005
Washington	Claudia Bush	Self (Dual) 1258 16th Street, NE, #2	20002
Washington	Loretta R.	National Grange of the Order of Patrons of Husbandry 1616 H Street, NW, 11th Floor	20006
White	Derrick C.	Sullivan & Cromwell, LLP 1700 New York Avenue, NW	20006



## DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

## NOTICE OF FUNDING AVAILABILITY (NOFA)

**DC Main Streets  
(Eastern Market and Columbia Heights/Mount Pleasant Target Areas)**

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to operate a DC Main Streets program (“the Program”) in two service areas (listed below). **The submission deadline is Friday, September 8, 2016 at 2:00 p.m.**

Through this grant, DSLBD will designate and fund two DC Main Streets programs (organizations), which will develop the following programs and services.

- Assist business districts with the retention, expansion and attraction of neighborhood-serving retail stores.
- Unify and strengthen the commercial corridor.

Eligible applicants are DC-based nonprofit organizations which are current on all taxes.

DSLBD will **award** one grant for **each** of the following **service areas** (i.e., a total of two grants).

- Eastern Market (Ward 6)
- Columbia Heights/Mount Pleasant (Ward 1)

Each designated Program will receive \$200,000 in grant funding and technical assistance to support commercial revitalization initiatives.

The DC Main Streets grant award is a recurring grant, which can be renewed annually as long as the grantee continues to meet the standards for accreditation by the National Main Street Center. The FY 2017 **grant performance period** is November 1, 2016 through September 30, 2017.

The **Request for Application** (RFA) includes instructions and guidance regarding application preparation. DSLBD will post the RFA on or before **Friday, July 8, 2016** at [www.dslbd.dc.gov](http://www.dslbd.dc.gov). Click on the *Our Programs* tab, then *Neighborhood Revitalization*, and then *Solicitations and Opportunities* on the left navigation column. DSLBD will host an Information Session on July 27, 2015 at 3:00 p.m. at DSLBD’s office (441 4th Street, NW, #805 South Washington DC 20001). A photo ID is required to enter the building.

**Application Process:** Interested applicants must complete an online application on or before **Friday, September 8, 2016 at 2:00 p.m.** Applicants submitting incomplete applications will be notified by Monday, September 11, 2015 and will have two business days to upload missing information. Corrected applications are due on September 13, 2016 at 2 p.m. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be forwarded to the review panel.**

**Selection Process:** DSLBD will select grant recipients through a competitive application process that will assess the Applicant’s eligibility, experience, and capacity. DSLBD will determine

grant award selection and notify all applicants of their status via email on or before Monday October 17, 2016.

**Funding for this award is contingent on continued funding** from the DC Council. The RFA does not commit the Agency to make an award.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

All applicants must attest to executing DSLBD grant agreement as issued (sample document will be provided with the online application) and to starting services on November 1, 2016.

For more information, contact Cristina Amoruso, DC Main Streets Coordinator, at the Department of Small and Local Business Development at (202) 727-3900 or [cristina.amoruso@dc.gov](mailto:cristina.amoruso@dc.gov).

## DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

## REVISED NOTICE OF FUNDING AVAILABILITY (NOFA)

## DC Clean Team Program

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to manage a **DC Clean Team Program** (“the Program”) in thirteen service areas (listed below). This revised NOFA increased the number of service areas from ten to thirteen and changed the name of the Georgia Avenue service area to Brightwood/Petworth. **The submission deadline is Friday, July 8, 2016 at 2:00 p.m.**

Through this grant, DSLBD will fund clean teams, which will achieve the following objectives.

- Improve commercial district appearance to help increase foot traffic, and consequently, opportunity for customer sales.
- Provide jobs for DC residents.
- Reduce litter, graffiti, and posters which contribute to the perception of an unsafe commercial area.
- Maintain a healthy tree canopy, including landscaping, along the corridor.
- Support Sustainable DC goals by recycling, mulching street trees, using eco-friendly supplies, and reducing stormwater pollution generated by DC’s commercial districts.

Eligible applicants are DC-based nonprofit organizations which are incorporated in the District of Columbia and which are current on all taxes. Applicants should have a demonstrated capacity with the following areas of expertise.

- Providing clean team services or related services to commercial districts or public spaces.
- Providing job-training services to its employees.
- Providing social support services to its Clean Team employees.

DSLBD will **award** one grant for **each** of the following **service areas** (i.e., a total of thirteen grants). The size of grant is noted for each district.

- 12th Street, NE - \$100,618
- Bellevue - \$100,000
- Benning Road - \$107,000
- Connecticut Avenue, NW - \$101,982
- Pleasant Plains/Petworth - \$100,000
- Brightwood/Petworth, NW - \$101,982
- Upper Georgia Avenue - \$100,000
- Kennedy Street, NW - \$100,618
- Minnesota Avenue, NE - \$101,982
- New York Avenue, NE - \$113,521
- Pennsylvania Avenue SE - \$107,000
- Ward 1 - \$100,618
- Wisconsin Avenue - \$113,521

The **grant performance period** to deliver clean team services is October 1, 2016 through September 30, 2017.

The **Request for Application** (RFA) includes a detailed description of clean team services, service area boundaries, and selection criteria. DSLBD will post the RFA on or before **Friday, May 20, 2016** at [www.dslbd.dc.gov](http://www.dslbd.dc.gov). Click on the *Our Programs* tab, then *Neighborhood Revitalization*, and then *Solicitations and Opportunities* on the left navigation column.

**Application Process:** Interested applicants must complete an online application on or before **Friday, July 8, 2016 at 2:00 p.m.** DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be forwarded to the review panel.**

The online application will be live **Friday, May 20, 2016**. To access the online application, an organization must complete and submit an online **Expression of Interest** (Registration) form at <https://octo.quickbase.com/db/bks6qx66x>. DSLBD will activate their online access within two business days and notify them via email.

**Selection Criteria** for applications will include the following criteria.

- Applicant Organization's demonstrated capacity to provide clean team or related services, and managing grant funds.
- Proposed service delivery plan for basic clean team services.
- Proposed service delivery plan for additional clean team services.

**Selection Process:** DSLBD will select grant recipients through a competitive application process that will assess the Applicant's eligibility, experience, capacity, service delivery plan, and, budget. Applicants may apply for one or more service areas by submitting a separate application for each service area. DSLBD will determine grant award selection and notify all applicants of their status via email on or before August 3, 2016.

**Funding for this award is contingent on continued funding** from the DC Council. The RFA does not commit the Agency to make an award.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

All applicants must attest to executing DSLBD grant agreement as issued (sample document will be provided with the online application) and to starting services on October 1, 2016.

For more information, contact Camille Nixon at the Department of Small and Local Business Development at (202) 727-3900 or [camille.nixon@dc.gov](mailto:camille.nixon@dc.gov).

**TWO RIVERS PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Arts Instruction**

Two Rivers Public Charter School is seeking companies to provide visual art instruction to students in grades seven and eight, drama instruction for students in preschool through third grade, and African drumming for students in grades six through eight. Will require availability beginning in late August 2016 through June 2017 for approximately 10 – 16 hours of instruction weekly. Two Rivers may choose to work with one or more companies. Individuals are welcome to apply as independent contractors. For a copy of the RFP, please email Mary Gornick at [procurement@tworiverspcs.org](mailto:procurement@tworiverspcs.org).

**WASHINGTON YU YING PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Athletic Turf Refurbishment****RFP for Athletic Turf Refurbishment**

Washington Yu Ying PCS is seeking competitive bids from qualified vendors to level, compact and refurbish current turf of approximately 121 X 58 (linear feet) or 7,018 square foot area. Project includes removing current synthetic grass, compacting and leveling of the field area, re-using the original synthetic grass, seam taping, gluing, and stapling perimeter board to anchor the grass. Vendor would provide all labor and materials. Project would also include laying pipework for future electrical project.

Candidates should include past experiences, especially in working with charter schools.

**Deadline for submissions is close of business July 8, 2016. Please e-mail proposals and supporting documents to [rfp@washingtonyuying.org](mailto:rfp@washingtonyuying.org).**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19258 of DGS of DC**, as amended<sup>1</sup>, pursuant to 11 DCMR §§ 3104.1 and 411.11, for a special exception from the penthouse setback requirements under § 411.18, to modernize the systems of an existing public elementary school in the R-4 District at premises 1350 Upshur Street, N.W. (Square 2822, Lot 800).

**HEARING DATE:** June 7, 2016

**DECISION DATE:** June 7, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 4 – original self-certification and 24 – revised self-certification.) In granting the certified relief, the Board of Zoning Adjustment ("Board") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 4C, and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C did not file a report related to the application or participate in the hearing.<sup>2</sup> The Office of Planning ("OP") submitted a timely report on May 24, 2016, recommending approval of the application as amended (Exhibit 23) and testified in support of the application at the hearing.

The Department of Transportation submitted a timely report dated June 1, 2016, indicating that it has no objection to the application. (Exhibit 29.)

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<sup>1</sup> The original application sought special exception relief under § 400.3 – requirements for height of buildings or structures (non-penthouse), and § 770.6 – penthouse height requirements. The application was amended to request special exception relief as noted in the caption above. (See Exhibit 24 – revised self-certification.)

<sup>2</sup> The Applicant's representative testified at the hearing that the application had been presented at a community meeting at which an ANC representative was present, but that the application was not presented at an official ANC 4C meeting. The Applicant's representative also submitted email communications between the Applicant and the Commissioner for ANC Single Member District ("SMD") 4C05 for the record. The Board reminded the Applicant of its responsibility to meet with the full ANC.

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 and 411.11 for special exception relief under § 411.18. The only parties to the application were the Applicant and the ANC which did not participate in the application. 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 averse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 411.11, and 411.18, that the requested relief can be granted, 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 § 3125.5, 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 the application is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 25 – UPDATED ARCHITECTURAL PLANS.**

**VOTE: 3-0-2** (Frederick L. Hill, Marnique Y. Heath, and Michael G. Turnbull to APPROVE; Anita Butani D’Souza, recused, and Jeffrey L. Hinkle not present, not voting).

**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:** June 9, 2016

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

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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 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. 19271 of DGS of DC**, as amended,<sup>1</sup> pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow 86 parking spaces to operate a public school in the R-2 District at premises 4800 Meade Street, N.E. (Square 5159, Lot 801).

**HEARING DATE:** June 7, 2016

**DECISION DATE:** June 7, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4 – original self-certification; Exhibit 30 – revised self-certification). In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 7C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. The ANC did not file a report related to the application or participate in the hearing.<sup>2</sup>

The Office of Planning ("OP") submitted a timely report dated May 31, 2016, in support of the amended relief for a variance from § 2101.1. (Exhibit 32.) OP testified that the 25% reduction allowed by § 2108 was not needed because the variance relief from § 2101.1 allows the Applicant the full reduction of parking spaces needed. Further, OP was of the opinion that the

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<sup>1</sup> As originally filed, the Applicant sought a special exception under § 2108 for a reduction in the number of parking spaces. (Exhibit 4 - self certification.) The Applicant revised the relief requested to a variance from § 2101.1 – the off-street parking requirements. (See Exhibit 30 - revised self-certification.) The application is a request for an area variance under § 2101.1 to operate a public school where 142 parking spaces are required and 86 parking spaces are existing and proposed. (Exhibit 31.) The application for variance relief allows the Applicant the full reduction of parking spaces needed. The caption has been revised accordingly.

<sup>2</sup>The Applicant's representative testified at the hearing that the application was presented at a meeting of ANC 7C on May 12, 2016, but the ANC decided not to vote until the application was presented to the Deanwood Community Association ("DCA"). The Applicant also submitted a letter from the Single Member District ("SMD") Commissioner dated June 7, 2016 to the record. The SMD Commissioner's letter indicated that the Applicant presented the application to the DCA on May 23, 2016, that the SMD Commissioner for ANC 7C-07 was present, and that ANC 7C's formal vote was to occur on June 9, 2016 at the ANC's regularly scheduled meeting. (Exhibit 34.)

Applicant faces exceptional circumstances in that to meet the parking requirements, the Applicant would have to eliminate an athletic field, and such a change would interfere with the operation of the high school.

The District Department of Transportation filed a timely report dated May 31, 2016 expressing no objection to the application, and recommending two conditions for the application, one of which the Board adopted. (Exhibit 33.)

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 a variance from § 2101.1. The only parties to this application were the Applicant and the ANC which did not attend the hearing or provide an official report. 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 averse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from § 2101.1, 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.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, 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 the application is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 29 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS - AND SUBJECT TO THE FOLLOWING CONDITION:**

1. The Applicant shall provide wayfinding information on all media (website, flyers, mailers, etc.) used to advertise events at the auditorium to encourage the use of non-auto modes of transportation, and provide directions to the campus using transit and other non-auto modes.

**VOTE: 3-0-2** (Marnique Y. Heath, Frederick L Hill, and Michael G. Turnbull to APPROVE; Anita Butani D'Souza, recused; Jeffrey L. Hinkle not present, not voting).

**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:** June 14, 2016

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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 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.

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 CONDITION 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 CONDITION 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.

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FILING**  
**Z.C. Case No. 16-13**  
**(JS Congress Holdings, LLC –**  
**Consolidated PUD and Related Map Amendment @ Square 748)**  
**June 9, 2016**

**THIS CASE IS OF INTEREST TO ANC 6C**

On June 7, 2016, the Office of Zoning received an application from JS Congress Holdings, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 78 and 819 plus a portion of an alley to be closed, in Square 748 in northeast Washington, D.C. (Ward 6), on property located at 1109 Congress Street, N.E. The property is currently zoned C-M-1. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the C-2-B Zone District.

The property is currently partially improved with a vacant warehouse building constructed in the late 1940s and a three-story office building constructed in 2011. The Applicant proposes to replace it with an eight-story building with ground-floor production, distribution, and repair (“PDR”) uses and residential. The project will include 60,744 square feet of gross floor area with a density of 6.0 floor area ratio (“FAR”). The maximum height of the building will be 90 feet. The building will be designed to the LEED-Gold standard and contain one level of below-grade parking.

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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF SPECIAL PUBLIC MEETING**

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled Special Meeting for **July 20, 2016 at 6:30 P.M.** to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.



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MPD filed an Answer to the Unfair Labor Practice Complaint ("Answer") denying the allegations set forth in the Complaint and any violation of the CMPA. (See Answer at pgs. 2-4). In addition, MPD asserted the affirmative defense that the Board has no jurisdiction over information requests and that the Board should dismiss the Complaint. (See Answer at p. 4). In a previous decision and order in this matter, the Board denied MPD's Motion to Dismiss (Slip Opinion No. 1115), and scheduled the matter for a hearing. On April 27, 2012, the Hearing Examiner issued a Report and Recommendation (R&R), recommending that the Board dismiss the Complaint. The Complainant filed exceptions to the R&R. The Union's Complaint, MPD's Answer, the Hearing Examiner's R&R and the Complainant's exceptions are before the Board for disposition.

## II. Discussion

### A. The FOP's Complaint and MPD's Answer

In its Complaint, FOP made the following factual allegations:

2. In or about June 2009, the MPD initiated an investigation of [FOP] Chairman Kristopher Baumann and [FOP] Vice Chairman Wendell Cunningham for their alleged receipt of a recorded transmission and subsequent release of that transmission to the media.
3. On October 9, 2009, Inspector Porter sent a Notice of Proposed Adverse Action and an Investigative Report to DCFOP Chairman Kristopher Baumann and DCFOP Vice Chairman Wendell Cunningham.
4. On October 9, 2009, DCFOP Executive Steward Delroy Burton sent a written request on behalf of the DCFOP to Inspector Porter requesting specific information relating to the investigation pursuant to D.C. Code Section 1-617.04.
5. DCFOP Executive Steward Burton requested information that was relevant and necessary to the DCFOP's legitimate collective bargaining duties as the exclusive representative of the DCFOP bargaining unit.<sup>2</sup>
6. On October 20, 2009, Inspector Porter responded by email to Executive Steward Burton's October 9, 2009 request by informing him that "[a]ttachments #9, 16, 17, 33

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<sup>2</sup> Specific documents are listed at pgs. 3-5 in the Complaint.



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& 36 of the investigative package" were available for retrieval from her office and that a copy of these attachments was being provided to each member.

7. As of the date of this filing, Inspector Porter has failed to provide the materials listed as numbers 3 and 4 of Executive Steward's request, namely, a copy of draft or any prior versions of the investigative report bearing IS 09-002129 and all e-mails concerning the investigation bearing IS 09-002129, between IAD Agent Lieutenant Dean Welch, Chief Cathy Lanier, Assistant Chief Alfred Durham, Assistant Chief Patrick Burke, Assistant Chief Michael Anzallo, Commander James Crane, Commander Christopher Lojacono, Captain George Dixon, and Captain Jeffery Harold. This failure to respond and the unreasonable delay is [alleged to be] an unfair labor practice.

(Complaint at pgs. 3-5).

Based on these factual allegations, FOP contends that:

the "Respondents violated D.C. Code § 1-617.04(a)(1) and (5) by interfering and restraining the DCFOP executive members' exercise of their rights guaranteed by the CMPA and by failing to bargain in good faith. Specifically, (a) the DCFOP and its executive members were engaged in activities protected by the CMPA when they made the information request pursuant to D.C. Code § 1-617.04; (b) Respondents knew of the activities and Respondents' obligations because they were expressly disclosed in the information request; (c) there was anti-union *animus* by the Respondents as evidenced by the failure to fully comply with the information request; and (d) Respondents interfered with, restrained, and failed to deal in good faith with the DCFOP and its executive members in the exercise of their rights guaranteed by the CMPA by failing and refusing to provide the DCFOP with information relevant and necessary to the Union's collective bargaining duties.

Management's duty to furnish information relevant and necessary to a union's statutory role under the CMPA as the employees' exclusive representative is derived from management's obligation to bargain in good faith and the employees' right to engage in collective bargaining

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concerning terms and conditions of employment, as may be appropriate through a duly designated majority representative. D.C. Code § 1-617.04(a)(5) protects and enforces these employees' rights and employer obligations by making their violation an unfair labor practice.

(Complaint at pgs. 6-7).

The Respondent did not deny the factual allegations in the Complaint. (See Answer at pgs. 2-4). However, the Respondent claimed "that there is no evidence of the commission of an unfair labor practice as stated in the [Complaint] and, accordingly, deny . . . [they] have engaged in an unfair labor practice." (See Answer at p. 5).

#### **B. The Hearing Examiner's Report and Recommendation**

The issue before the Hearing Examiner was:

Did the Complainant meet its burden of proof that Respondent committed any unfair labor practice (ULP) in this matter?

At the hearing, the Complainant argued that the basis for its Complaint was MPD's failure to fully comply with the Union's request for information necessary for its representation of bargaining unit members Baumann and Cunningham in a disciplinary proceeding. (R&R at p. 5). MPD argued that the Board lacked jurisdiction in this matter because the issue of a union's request for information is a contractual matter. In addition, MPD asserted that it considered FOP's request for information and responded to it. (R&R at p. 7). Moreover, MPD contends that its response did not constitute an unfair labor practice. (*Id.*). MPD claimed that the Complainants requests were "immediately complied with." (*Id.*).

The Hearing Examiner made the following pertinent findings:

On October 9, 2009, Dierdre N. Porter, Inspector/Director, MPD Disciplinary Review Branch issued notices to Baumann and Cunningham proposing to suspend each of them for five work days based on the charge that they had released audio transmissions to the news media without prior written approval. Baumann's notice included a statement that attachments 9, 16, 17, 33 and 36 of the investigative report were not being provided to Baumann at the time but that the "documents will be provided on Tuesday, October 13, 2009, unless notified otherwise". Cunningham's notice stated that a "complete

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copy of the investigative report" was attached and did not refer to any missing documents."

On October 9, 2009, Complainant submitted an "Article 10 Information Request" to Inspector Porter seeking "certain documents and information in the possession, custody or control" of MPD related to the proposed adverse actions. In the request, FOP sought the following: (1) copy of all audio recordings of interviews conducted during the Internal Affairs Division investigation; (2) copies of all transcripts of the audio recording of interviews conducted during the investigation; (3) copy of draft or any prior versions of the investigative report IS 09-003290; (4) all emails between Lt. Dean Welch, Chief Cathy Lanier, Assistant Chief Alfred Durham, Assistant Chief Patrick Burke, Assistant Chief Michael Anzallo, Commander James Crane, Commander Christopher Lojacono, Captain George Dixon and Captain Jeffrey Herold concerning the investigation; (5) copy of the audio recording and transcript of the voicemail referred to in the IR as attachment 23; (6) copy of the audio recording referred to in the IR as attachment 38 "Audio Compact Disc document twenty four interviews conducted during the investigation."; and (7) copies of the transcribed statements that were omitted from the IR provided to Officers Cunningham and Baumann, identified as Attachments 2,-11, 13, 16, 17, 21, 22, 24-26, 29, 33 and 36. It is undisputed that by the time of this proceeding, FOP had received everything it requested, but it is also undisputed that it did not receive[] everything as a result of its initial request.

(R&R at pgs. 7-8).

In her analysis of the case, the Hearing Examiner rejected MPD's argument that the Board lacked jurisdiction in this matter. The Hearing Examiner cited the Board's reason for its denial of MPD's Motion to Dismiss, where the Board explained:

[Materials and information relevant and necessary to its duty as a bargaining unit representative must be provided upon request...Whereas FOP has alleged facts, that if proven would violate the CMPA, the Board finds that Complainant has pleaded] a statutory cause of action under the CMP A. (Slip Op. 1115 at 5).

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(R&R at p. 8).

In addition, the Hearing Examiner noted that:

Indeed, it is well settled that an employer's obligation to provide documentation requested by a bargaining unit representative may constitute an unfair labor practice under the CMPA because it impacts on the Union's ability to represent its members. The obligation to bargain in good faith includes a requirement that an employer, furnish information needed by a union to represent its members. In *NLRB v. Acme Industrial Co.*, 385 U.S. 432 (1967), the United States Supreme Court similarly concluded that an employer's duty to disclose information unquestionably applies to labor-management relations during the term of an agreement. See also, *American Federation of State, County and Municipal Employees, Council 20, AFL-CIO v. D.C. General Hospital and the D.C. Office of Labor Relations and Collective Bargaining*, 36 D.C. Reg. 7101, Slip Op. 227, PERB Case No. 88-U-29 (1989).

In *University of the District of Columbia v. University of the District of Columbia Faculty Association*, 38 D.C. Reg. 2463, Slip Op. No. 272, PERB Case\_ No. 90-1)-10 {1991}, the Board stated:

[T]he employer's duty under the CMPA includes furnishing information that is both relevant and necessary to the Union's handling of [a] grievance.

See also *Teamsters, Local 639 and 730 v. D.C. Public Schools*, 37 D.C. Reg. 5993, Slip Op. No. 226, PERB Case No. 88-U-1 O (1989). This Board has declined to take the responsibility of determining the relevancy or necessity of the information requested by a union in the processing of a grievance. *Doctors' Council of the District of Columbia v. Government of the District of Columbia, et al*, 3 D.C. Reg. 5391, Slip Op. No. 353, PERB Case No. 92-U-27 (1996).

(R&R at p. 8).

As to the merits of the Complaint, the Hearing Examiner reasoned that:

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This Board does not require a union to establish that an employer acted in bad faith when it failed to provide documents. The Board's standard is one of reasonableness, *i.e.*, was the delay or refusal to provide the documents unreasonable. *Doctors' Council of the D. C. General Hospital v. D.C. General Hospital*, 46 D.C. Reg. 6268, Slip Op. No. 482, PERB Case Nos. 95-U-10 and 95-U-18 (1996). However, evidence that an employer is acting unreasonably can lead to a conclusion that the employer is acting in bad faith. In this case, Agency maintains that it did not act in bad faith and that all of the documents were eventually provided. It asserts that its refusal to provide some documents was based on a legally supportable argument which it was entitled to have ruled upon. It also maintains that it does not retain emails, and had to rely on [the Office of the Chief Technology Officer] OCTO to obtain them, and that due to the quantity sought and the need to review them to ensure they were not protected by attorney client privilege, there was considerable delay.

(R&R at pgs. 9-10).

The Hearing Examiner specifically noted FOP's rejection of MPD's request for an extension of time to provide a response concerning the emails requested by FOP. (R&R at p.10). The Hearing Examiner also noted that reasonableness has to be assessed in the context of:

an excessive quantity of information [being] sought and that MPD did not have custody of the emails. That decision must be made on a case-by-case basis. A careful review of the record did not provide sufficient direct or circumstantial evidence that MPD acted unreasonably or that under the circumstances its responses were untimely. Further, there was insufficient evidence to establish that MPD's actions were based on anti-union *animus* or an intent to undermine the Union's relationship with its members. Pursuant to PERB Rule 520.11, Complainant has the burden of proving its allegations by a preponderance of evidence. "Preponderance of evidence" has been defined as "evidence which as a whole shows that the fact sought to be proved is more probable than not". *Black's Law Dictionary* (5th Ed.). Based on the testimonial and documentary evidence as well as the legal arguments presented in this matter, the Hearing Examiner concludes

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that the Union did not meet its burden of proof in this matter.

(R&R at p. 12).

### C. The Complainant's Exceptions to the R&R

The Complainant's exceptions to the Hearing Examiner's R&R are as follows:

1. **Hearing Examiner Hochhauser' s conclusion that the MPD had not acted unreasonably and that its responses were not untimely is completely unsupported by the evidence presented at the hearing.** (Exceptions at p. 6).

The Complainant argues that there is no record evidence to support a finding that MPD's responses to FOP's information requests were reasonable or timely. In support of its argument, the Complainant claims that MPD's eventual compliance with its information request was as a result of a subpoena issued in another matter before the Board.

The Board, however, finds that the Hearing Examiner clearly explained that the delay in providing the requested information to the FOP .was due\_to the volume of the requests and the necessity of obtaining the information from the Office of the Chief Technology Officer (OCTO). (R&R at pgs. 9-10). The Board, therefore, finds this exception to merely be a disagreement with the Hearing Examiner's assessment of the evidence. Moreover, FOP's allegations that the information was only provided as a result of the subpoena in another case before the Board is merely speculation, and provides no basis for the reversal of the Hearing Examiner's findings. This Board has held that a mere disagreement with the hearing examiner's findings is not grounds for reversal of the findings where they are fully supported by the record. See *Teamsters Local Unions 639 and 670, International Brotherhood of Teamsters, AFL-CIO v. District of Columbia Public Schools*, 54 D.C. Reg. 2609, Slip Op. No. 804, PERB Case No. 02-U-26 (2003); see also *American Federation of Government Employees, Local 874 v. D.C. Department of Public Works*, 38 D.C. Reg. 6693, Slip Op. No. 266, PERB Case Nos. 89-U-15, 89-U-18 and 90-U-04 ( 1991). We have also rejected challenges to the Hearing Examiner's findings based on: (1) competing evidence; (2) the probative weight accorded evidence; and (3) credibility resolutions. See *American Federation of Government Employees, Local 2741 v. D.C. Department of Recreation and Parks*, 46 D.C. Reg. 6502, Slip Op. No. 588, PERB Case No. 98-U-16 (1999); see also *American Federation of Government Employees v. District of Columbia Water and Sewer Authority*, \_ D.C. Reg. \_\_, Slip Op. 702, PERB Case No. OO-U-12 (2003). Similarly, we have held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner." *Tracy Hatton v. FOP/DOC Labor Committee*, 47 D.C. Reg. 769,

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Slip Op No. 451 at p. 4, PERB Case No. 95-U-02 (1995). See also *University of the District of Columbia Faculty Association/NBA v. University of the District of Columbia*, 35 D.C. Reg. 8594, Slip Op. No. 285, PERB Case No. 86-U-16 ( 1992); *Charles Bagenstose et al. v. D.C. Public Schools*, 38 D.C. Reg. 4154, Slip Op. No. 270, PERB Case No. 88-U-34 (1991).

Whereas the Board finds that the FOP's exception is merely a disagreement with the Hearing Examiner's findings and conclusions, the exception is rejected.

**2. The Hearing Examiner Misconstrued the Evidence Regarding the MPD's Alleged Claim of the Deliberative Process Privilege.** (Exceptions at p. 6).

FOP argues that MPD did not raise the deliberative process privilege as a defense for its refusal to provide requested information until the hearing in this matter.<sup>3</sup> The Union states that "[i]n similar situations, PERB has ruled that the Hearing Examiner was mistaken in addressing issues in the Report and Recommendations that were not specifically addressed in the pleadings." (Exceptions at p. 7).

At the hearing, MPD asserted the defense that the investigative reports which FOP requested were not provided based upon the "deliberative process privilege". This privilege protects "documents reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated." *Dep 't of Interior v. Klamath Water Users Protective Ass 'n*, 532 U.S. 1, 8, 121 S. Ct. 1060, 149 L.Ed.2d 87 (2001) (internal quotation marks omitted). For the deliberative process privilege to apply, the material must be "predecisional" and "deliberative." *In re Sealed Case*, 121 F.3d 729, 737 (D.C. Cir. 1997).

The Hearing Examiner determined that MPD's failure to produce the requested investigative reports was reasonable based upon MPD's assertion that the information was protected under the deliberative process privilege. The Board, however, rejects this finding where the record does not support this conclusion. A review of the record reveals that MPD did not provide any evidence supporting its assertion that the investigative reports requested by FOP in this matter were advisory opinions, recommendations or deliberations of MPD, or that the documents were predecisional.

While the Board rejects the Hearing Examiner's findings and conclusions regarding MPD's failure to provide the requested investigative reports, it does not do so based upon FOP's exceptions. Board precedent does not prohibit an issue from being raised during the hearing process. *American Federation of Government Employees, Local 872 v. District of Columbia Department of Public Works*, 38 D.C. Reg. 1627, Slip Op. No. 265, PERB Case No. 89-U-11(1990). Fundamental principles of procedural

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<sup>3</sup> In contradiction to its argument, FOP admits that MPD raised the deliberative process privilege in its December 13, 2009 response. (Exceptions at p. 7).

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fairness call for the Board to ground its decision on the factual and legal contentions made by the parties. *Elliott v. District of Columbia Department of Corrections*, 43 D.C. Reg. 2940, Slip Op. No. 455, PERB Case No. 95-U-09 (1995). It is after a hearing is closed, that the Board will deny any additional evidence or allegations absent compelling reasons. *Id.* In the present case, FOP's exception is merely a disagreement with the weight and credibility the Hearing Examiner gave MPD's assertion of the deliberative process privilege.

However, as stated above, the Board finds that, despite MPD's assertion, the record provides no support for a conclusion that the investigative reports requested by FOP were properly withheld because of the deliberative process privilege. Therefore, the Board finds that MPD's failure to produce the requested investigative reports does constitute a violation of the CMPA.

**3. Hearing Examiner Hochhauser Applied an Incorrect Legal Standard.** (Exceptions at p. 8).

FOP asserts that the Hearing Examiner's reasoning concerning whether MPD acted in bad faith asserts an incorrect legal standard. Although FOP admits that the Hearing Examiner indicated that the Union was not required to show that MPD acted in bad faith, FOP argues that the Hearing Examiner should have not included a determination that there was no evidence that the delay in MPD's attempt to furnish the requested information was done in bad faith.

The Board rejects this exception, whereas the Hearing Examiner's findings were clearly about the reasonableness of MPD's response to the request for information. The Hearing Examiner's observations considered MPD's actions under the totality of the circumstances, one of which was whether MPD acted in good faith. There is no evidence in the record to suggest that the Hearing Examiner relied on an incorrect legal standard in making her determination. The proper standard, applied by the Hearing Examiner, was whether MPD attempted to comply with requests in a timely and reasonable manner.<sup>4</sup>

**4. Hearing Examiner Hochhauser's Report Violates PERB Precedent.** (Exceptions at p. 10).

FOP also contends that because of the delay in responding to its information request, it was forced to subpoena the documents in a matter before PERB (the Barricade Matter). The Union argues that it should not have been "forced to undertake a time-consuming and potentially fruitless effort to look elsewhere each time it seeks information when the information sought is in the employer's possession." (Exceptions at

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<sup>4</sup> FOP also contends that all its requests for information were relevant and necessary to its duty as a bargaining unit representative. This assertion, however, is not supported by the record and was not an issue before the Hearing Examiner.



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p. 11, citing *Psychologists Union, Local 3758 of the D.C. Department of Mental Health v. District of Columbia Department of Mental Health*, 54 D.C. Reg. 2644, Slip Op. No. 809 at p. 4, PERB Case No. 05-U-41 (2005)). The Union believes that the Hearing Examiner's holding, that the MPD's delay in responding to FOP's request for information was reasonable "is contrary to PERB precedent and erroneous as a matter of law. (Exceptions at p. 12).

FOP misconstrues the Board's decision in *Psychologists Union*. In that case, it was the agency that argued it was not responsible for providing certain information that was available online. In the present case, there is no evidence or allegation that MPD informed FOP to seek the information elsewhere, or forced the Union to file a subpoena. Moreover, the evidence, as noted by the Hearing Examiner, was that MPD informed FOP that it was attempting to comply with the requests for information and requested an extension of time to obtain and evaluate the information. MPD's request was denied without good reason and the subpoena was then initiated solely by FOP. Based upon the foregoing, the Board rejects FOP's exception as a mere disagreement with the Hearing Examiner's findings and conclusions, and is not a proper exception.

Pursuant to Rules 520.14 and 550.21 the Board may adopt the recommendation of the Hearing Examiner to the extent that the record supports the recommendation. Here, the record supports the Hearing Examiner's recommendations regarding MPD's failure to provide information requested by the union, which included the production of e-mails. Having found the Hearing Examiner's findings and conclusions to be, in part, reasonable and supported by the record and consistent with the Board's precedent, the Board finds that the Complainant has not fully met its burden of proving that the MPD's delay in providing the requested information was unreasonable.

The Hearing Examiner's recommendation regarding information not produced because of the deliberative process privilege is rejected. As to those requests, FOP has met its burden, and the Board finds that MPD has violated the CMPA in failing to provide the requested investigative reports.

The Complainant has requested that costs be awarded. D.C. Code § 1-617.13(d) provides that "[t]he Board shall have the authority to require the payment of reasonable costs incurred by a party to a dispute from the other party or parties as the Board may determine." Further, the Board has articulated the "interest of justice" criteria in *AFSCME, D.C. Council 20, Local 2776 v. D.C. Department of Finance and Revenue*, 73 DCR 5658, Slip Op. No. 245 at pgs. 4-5, PERB Case No. 98-U-02 (1990), in which the Board addressed the criteria for determining whether, under certain circumstances, a party can be awarded costs:

First, any such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on

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the face of the statute that it is only those costs that are "reasonable" that may be ordered reimbursed. . . . Last, and this is the nub of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued . . . . What we can say here is that among the situations in which such an award *is* appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union amongst the employees for whom it is the exclusive representative.

In the present case, the Union has prevailed in the part of its Complaint asserting that MPD failed to provide requested investigative reports. The Board has found that MPD's argument for its failure to provide this information lacks merit. Therefore, the Board grants the Union's reasonable costs in this case, except as to those costs associated with the Union's request for e-mails.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Complaint is denied in part, and granted in part.
2. The District of Columbia Metropolitan Police Department, its agents and representatives, shall cease and desist violating D.C. Code § 1-617.04(a)(1) and (5) by failing to supply the investigative reports identified in the instant Complaint which are relevant and necessary to fulfill the Union's duty as exclusive bargaining unit representative.;
3. The District of Columbia Metropolitan Police Department shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to employees are normally posted. The Notice shall remain posted for thirty (30) consecutive days.
4. Within fourteen (14) days from the date of this Decision and Order, the Metropolitan Police Department shall notify the Public Employee Relations Board in writing that the attached Notice has been posted accordingly.

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5. The District of Columbia Metropolitan Police Department will pay the Fraternal Order of Police/Metropolitan Police Department Labor Committee's reasonable costs of litigating the part of this matter associated with the request for investigative reports.
6. Within fourteen (14) days from the issuance of this Decision and Order, the Complainant shall submit to the Public Employee Relations Board a written statement of actual costs incurred in processing this unfair labor practice complaint consistent with paragraph 5 of this Order. The statement of costs shall be filed together with supporting documentation. The District of Columbia Metropolitan Police Department may file a response to the Complainant's statement of costs within fourteen (14) days from the service of the statement of costs upon it.
7. 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.

August 23, 2012

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CERTIFICATE OF SERVICE

This is to certify that the attached Notice in PERB Case No. 10-U-03, Slip Opinion No. 1321, is being transmitted *via* E-mail, LexisNexis File and Serve and U.S. Mail to the following parties on this the 15th.day of November, 2012.

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Adessa Barker

Government of the District of Columbia  
Public Employee Relations Board

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In the Matter of:		)	
		)	
Fraternal Order of Police/Protective Services		)	
Police Department Labor Committee		)	
		)	PERB Case No. 15-N-02
	Petitioner	)	
		)	Opinion No. 1532
	and	)	
		)	
Department of General Services		)	
		)	
	Respondent	)	
<hr/>		)	

**DECISION AND ORDER**

**I. Statement of the Case**

This matter involves a Negotiability Appeal filed by the Fraternal Order of Police/Protective Services Police Department Labor Committee (“FOP” or “Union”) in the above-captioned proceeding. FOP and the Department of General Services (“DGS” or “Agency”) are engaged in bargaining concerning noncompensation matters. FOP’s Appeal concerns the negotiability of several of FOP’s counterproposals to DGS.

**II. Discussion**

Pursuant to D.C. Official Code §§ 1-605.02(5) and 1-617.02(b)(5), the Board is authorized to make determinations as to whether a matter is within the scope of bargaining. The Board’s jurisdiction to decide such questions is invoked by the party presenting a proposal, which has been declared nonnegotiable by the party responding to the proposal.<sup>1</sup>

The Board applies 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 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.”<sup>2</sup>

<sup>1</sup> See Board Rule 532.1

<sup>2</sup> *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).

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As acknowledged in many previous cases, D.C. Official Code § 1-617.08(b) provides, “[A]ll 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.<sup>3</sup> The subject(s) of a negotiability appeal and the context in which its negotiability is appealed is determined by the petitioner, not the party declaring the matter nonnegotiable.<sup>4</sup> The Board reviews the proposals in dispute and separately addresses each in light of the statutory dictates and relevant case law.

### III. Analysis of Proposals

FOP appealed the negotiability of the following four (4) proposals:

#### Proposal No.1:

##### Article 11 – Personnel Files<sup>5</sup>

###### Section D

The Employer shall keep sealed all material relating to an employee’s background investigations, arrest records, fingerprint cards, and other confidential matters in a separate envelope within his personnel file, and it shall restrict access to that envelope to those with authorization from the Employer Director or the employee.

The Agency contests this proposal’s negotiability based on D.C. Official Code § 1-631.05(2), which prohibits certain confidential information from being disclosed to the employee. The Agency argues that the plain language and effect of the Union’s proposal permits prohibited disclosure of confidential information.<sup>6</sup>

The Union argues that information would continue to be confidential, unless there is express consent by the “Employer Director” and the employee. The Union asserts that confidentiality is protected by requiring dual party consent to the disclosure.<sup>7</sup>

The Board finds the proposal is nonnegotiable, because it circumvents the policy found in D.C. Official Code § 1-631.01. The Union’s intent to require dual consent by the Employer Director and employee conflicts with the District of Columbia’s policy found in D.C. Official Code § 1-631.01:

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<sup>3</sup> See *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), for a discussion on negotiability.

<sup>4</sup> *International Association of Fire Fighters, Local 36 and D.C. Fire & Emergency Medical Services Dep’t*, Slip Op. No. 515, PERB Case No. 97-N-01 (1997).

<sup>5</sup> The Agency withdrew its nonnegotiability position for the Union’s proposal for Article 11 – Personnel Files, Section C. The Board finds that the Article 11, Section C negotiability appeal is moot.

<sup>6</sup> Answer at 3-4.

<sup>7</sup> Appeal at 4.

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All official records of the District government shall be established, maintained, and disposed of in a manner designed to ensure the greatest degree of applicant or employee privacy while providing adequate, necessary, and complete information for the District to carry out its responsibilities under this chapter. Such records shall be established, maintained, and disposed of in accordance with rules and regulations issued by the Mayor.

The Union's proposal would permit an employee prevent disclosure of information that is necessary to the District for carrying out its duties under § 1-631.01, *et seq.* For instance, sections 1-631.02 and 1-631.03 discuss disclosure of certain information to the Civil Service Commission, and personnel and law enforcement authorities, which may be prevented from disclosure by a lack of consent from an employee.

The Board finds that the Union's proposal prevents disclosure necessary for the District to carry out its responsibilities under § 1-631.01, *et seq.* Therefore, the Union's proposal is contrary to law and is nonnegotiable.<sup>8</sup>

### **Proposal No. 2:**

#### Article 16: Grievance Procedure

##### Section C(1)(c)

The fact that a grievance, regardless of its ultimate disposition, is raised by or on behalf of an employee shall not be recorded in the employee's personnel file or other record without the employee's written consent; nor such fact be used for any recommendation for job placement; nor shall an employee be placed in jeopardy or be subject to reprisal for having followed this Grievance Procedure.

The Agency argues that the proposal is nonnegotiable, because "D.C. Official Code §1-631.05 permits a record of official personnel action to be placed in the Official Personnel Folder (OPF) without the consent of the employee."<sup>9</sup> In addition, the Agency asserts that § 1-631.03 requires personnel information be available upon request by personnel or law enforcement officials.<sup>10</sup>

The Union argues that the proposal is negotiable, because a grievance is not an "official personnel action" under D.C. Official Code § 1-631.05, as argued by the Agency.<sup>11</sup>

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<sup>8</sup> *AFGE and D.C. Dep't of Public Works and D.C. Office of Property Management*, Slip Op. No. 965, PERB Case No. 08-N-02 (2009).

<sup>9</sup> Answer at 4.

<sup>10</sup> *Id.*

<sup>11</sup> Appeal at 5.

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D.C. Official Code § 1-603.01(10) defines “grievance” as:

any matter under the control of the District government which impairs or adversely affects the interest, concern, or welfare of employees, but does not include adverse actions resulting in removals, suspension of 10 days or more, or reductions in grade, reductions in force or classification matters. This definition applies to matters which are subject to procedures established pursuant to section § 1-616.53 and is not intended to restrict matters that may be subject to a negotiated grievance and arbitration procedure in a collective bargaining agreement between the District and a labor organization representing employees.

The definition of grievance categorically excludes adverse actions. The Agency argues that a grievance is the same as “[t]he official personnel action document effecting the corrective or adverse action....”<sup>12</sup> The Agency’s definition of a grievance is contrary to D.C. Official Code § 1-603.10(10). The Board finds that a grievance and an “official personnel action” are not the same.

The Agency argues that it should be able to place a grievance in an employee’s personnel file. There is no statutory requirement that a grievance must be placed in an employee’s OPF. Further, D.C. Official Code §§ 1-631.05(b)<sup>13</sup> and (c)<sup>14</sup> permit the removal of “irrelevant,” “immaterial,” and “untimely” information from an employee’s OPF. Therefore, the Agency has discretion over whether a grievance is placed in an employee’s OPF.<sup>15</sup>

Notwithstanding the Union’s argument and the Agency’s discretion to place a grievance in an employee’s OPF, the language of the proposal includes “or other record,” which is overbroad. This language prevents any recordkeeping of a grievance without the consent of an employee. This language is contrary to law, as the proposal interferes with the policy that the District maintain records to carry out its responsibilities. Therefore, the Board finds that the proposal is contrary to law and nonnegotiable.

### Proposal No. 3:

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<sup>12</sup> Answer at 4.

<sup>13</sup> D.C. Official Code § 1-631.05(b) states, “Each employee shall have the right to present information immediately germane to any information contained in his or her official personnel record and seek to have irrelevant, immaterial, or untimely information removed from the record.”

<sup>14</sup> Subsection (c) states, “For the purpose of this subchapter, information other than a record of official personnel action is untimely if it concerns an event more than 3 years in the past upon which an action adverse to an employee may be based. Immaterial, irrelevant, or untimely information shall be removed from the official record upon the finding by the agency head that the information is such a nature. Prior to the removal of any information in the file, the employer shall notify the employee and give him or her an opportunity to be heard.”

<sup>15</sup> The Board notes that filing a grievance is protected activity under the CMPA. *Rodriguez v. D.C. Metropolitan Police Department*, Slip Op. No. 906, PERB Case No. 06-U-38 (2008); *Teamsters Local Union No. 730 a/w International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO/CLC v. District of Columbia Public Schools*, 43 D.C. Reg. 5585, Slip Op. No. 375 at pgs. 3-4, PERB Case No. 93-U-11 (1996).



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Article 30 – Reductions in Force and Furloughs.

Section A

No later than 30 days prior to notifying employees, the Employer shall provide the Union with advanced notice of its intention to conduct a reduction in force.

Section B

No later than 7 days prior to notifying affected employees, the Employer shall provide the Union with a final copy of the retention register as described in Chapter 24 of the District Personnel Manual.

Section C

Upon request, the Employer will engage the Union in impact and effects bargaining over a planned reduction in force prior to notifying affected employees.

The Agency argues that all three of these proposals are nonnegotiable, because they impose additional requirements on the Agency for implementing a reduction-in-force (“RIF”).<sup>16</sup>

The Union argues that the proposals do not interfere with the Agency’s procedures concerning a RIF, and that the proposals only address the Agency’s duty to engage in impact and effects bargaining.<sup>17</sup>

The Omnibus Personnel Reform Amendment Act of 1997 (“Abolishment Act”) codified in D.C. Official Code § 1-624.08(a), states, in pertinent part, 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.” RIFs are a management right under D.C. Official Code § 1-617.08.<sup>18</sup> 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.<sup>19</sup> The Abolishment Act authorizes agency heads to identify positions for abolishment, establishes the rights of existing employees affected by the

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<sup>16</sup> Answer at 5-7.

<sup>17</sup> Appeal at 6-7.

<sup>18</sup> *Doctors’ Council of D.C. v. D.C. 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).

<sup>19</sup> *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).

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abolishment of a position, and establishes procedures for implementing and contesting an abolishment.<sup>20</sup> 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.”<sup>21</sup> As a result, a proposal that would alter RIF procedures is nonnegotiable.<sup>22</sup>

All of the proposed provisions by the Union create conditions precedent on the Agency prior to the implementation of a RIF that affect the procedures of the Agency to impose a RIF. Even though the Union’s purported intent is to exercise its right to impact and effects bargaining, the language of all three provisions places procedural restraints on the Agency to implement a RIF. Therefore, the Board finds the three sections concerning RIFs contrary to law and nonnegotiable.

#### **Proposal No. 4:**

##### Article 32 – Licenses

##### Section C

If the Employer fails to provide secured lockers for storage of service weapons at the worksite, the Employer will pay any costs associated with employees obtaining requisite permits to carry their service weapon in their home state or the District of Columbia.

DGS asserts that the proposal concerns wages and benefits, and is “presumptively objectionable and should not be negotiated” during noncompensation bargaining.<sup>23</sup> DGS relies upon the Board’s decision in *D.C. Fire and Emergency Medical Services Department v. American Federation of Government Employees, Local 3721 (AFGE)*.<sup>24</sup> In that case, AFGE proposed the following: “The Employer agrees that it will not discriminate on any basis and that the compensation provided to unit employees shall be no different than for any other employee performing the same work.” The Board held that the proposal was “nonnegotiable as a working condition and should be addressed in compensation negotiations because it concerns wages.”<sup>25</sup> Based on this language, DGS argues that reimbursement of licensing fees should be negotiated during compensation bargaining.

FOP asserts that “coverage of licensing fees for weapons is neither a wage nor a benefit under Board precedent.”<sup>26</sup> FOP argues that “a protective officer would be unable to carry out her

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<sup>20</sup> D.C. Official Code § 1-624.08(a)-(i), (k).

<sup>21</sup> D.C. Official Code § 1-624.08(j).

<sup>22</sup> *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).

<sup>23</sup> Answer at 7.

<sup>24</sup> Slip Op. No. 874, PERB Case No. 06-N-01 (2007).

<sup>25</sup> *AFGE* at 23-24.

<sup>26</sup> Appeal at 7-8.

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duties to the Employer in the absence of either 1) a secured place to store her weapon at work; or 2) a safe and lawful means to transport and store that weapon at home.”<sup>27</sup>

DGS relies upon *AFGE*, as discussed above in support of its position that the proposal is nonnegotiable. The Board can differentiate the union’s proposal in *AFGE*, from the present case. In *AFGE*, the Board found a proposal was nonnegotiable because it concerned “wages.”<sup>28</sup> The *AFGE* case addressed total compensation for employees. FOP’s licensing proposal concerns reimbursement for licensing fees for a small subset of employees, contingent upon the availability of secured lockers. D.C. Official Code § 1-617.17(b) dictates that management and labor organizations “negotiate in good faith with respect to salary, wages, health benefits, within-grade increases, overtime pay, education pay, shift differential, premium pay, hours and any other compensation matters.” FOP’s proposal does not concern total compensation for a broad range of occupational groups, as envisioned under the CMPA.

Additionally, the Board found in *AFGE* that the proposal’s language prohibiting discrimination, if separated from the compensation language, would have been negotiable during noncompensation bargaining. The Board finds that the proposal in the present matter cannot be as easily cleaved into compensation and noncompensation proposals, because the compensation proposal is activated only if the Agency fails to provide secured lockers. In contrast, the *AFGE* proposal concerning equal compensation failed to depend upon the nondiscrimination clause.

DGS does not dispute that both the lockers and the reimbursement are negotiable. Further, DGS does not dispute that the terms of FOP’s licensing proposal are contingent upon DGS providing a secured locker for weapon storage for a small group of employees, and the terms cannot be separated into compensation and noncompensation proposals. DGS disputes the timing of the negotiations over the reimbursement.<sup>29</sup> As noted above, D.C. Official Code § 1-617.08(b) provides, “[A]ll matters shall be deemed negotiable, except those that are proscribed by this subchapter,” which the Board has held creates a presumption of negotiability. Based on the presumption of negotiability and the absence of any contrary case law, the Board finds that FOP’s proposal is negotiable.

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<sup>27</sup> Appeal at 8.

<sup>28</sup> *AFGE* at 24.

<sup>29</sup> In a negotiability appeal, language in a proposal contained “the Agency shall supply and pay for the training of employees for whom such licensing or certification is required as part of their job requirements.” Although the Board ordered further briefing on other grounds, it did not dismiss the appeal on the grounds that it contained compensation bargaining. *AFGE and D.C. Dep’t of Public Works and D.C. Office of Property Management*, Slip Op. No. 965 at p. 24, PERB Case No. 08-N-02 (2009).

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Article 11, Section C proposal is moot.
2. The following proposals are nonnegotiable:
  - a. Article 11, Section D
  - b. Article 16, Section C(1)(c)
  - c. Article 30, Section A
  - d. Article 30, Section B
  - e. Article 30, Section C
3. Article 32, Section C is negotiable.
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, Member Yvonne Dixon, Member Ann Hoffman, and Member Keith Washington.

Washington, D.C.

June 25, 2015

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-N-02 was served to the following parties via File & ServeXpress on this the 31st day of July 2015:

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Government of the District of Columbia  
Public Employee Relations Board

_____	)	
In the Matter of:	)	
	)	
Fraternal Order of Police/ Department	)	
of Youth Rehabilitation Services	)	
Labor Committee	)	
Complainant,	)	PERB Case No. 14-U-09
	)	
v.	)	Opinion No. 1570
	)	
District of Columbia Department of )	)	
Youth Rehabilitation Services	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

On February 11, 2011, Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee (“FOP” or “Complainant”) filed an unfair labor practice complaint (“Complaint”) alleging that the District of Columbia Department of Youth Rehabilitation Services (“Respondent” or “DYRS”) violated D.C. Official Code §§ 1-617.04(a)(1) and (5) of the Comprehensive Merit Personnel Act (“CMPA”) by failing to comply with the Union’s requests for information.

In its response, DYRS moved to dismiss the complaint. A hearing was held before Hearing Examiner Sean J. Rogers on March 25, 2015. Post-hearing briefs were filed by both parties. No exceptions to the Hearing Examiner’s Report and Recommendation were filed by either party. For reasons stated herein, the Board adopts the Hearing Examiner’s Report and Recommendation that the Respondent committed unfair labor practices (ULP).

**I. Statement of the Case**

On January 8, 2014, a letter signed on behalf of Neil A. Stanley, DYRS Director, advised FOP Chairperson Takisha Brown that FOP’s December 24, 2013 career ladder grievance was being denied. The letter asserted that DYRS had entered into a 2006 Memorandum of Understanding (“2006 MOU”) with FOP that ended career ladder promotions. Specifically, the letter stated:

“In 2006, DYRS management and the Union, through Impact and Effect bargaining, entered an agreement ending career ladder promotions. Through these bargaining sessions, both parties agreed that anyone hired prior to 10/1/2005, who successfully completed the required trainings, and who had received no discipline within the past

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year received promotions on 4/17/2007. After that date, career ladder promotions were discontinued. This is reflected in all Youth Development Representative position descriptions. I've attached a copy of a position description which states that the position of Youth Development Representative does not offer promotional potential for your review."<sup>1</sup>

As a result of the above letter, on January 13, 2014, Brown sent an email with two letter attachments to Adam Aljoburi, DYRS Labor Liaison and to Dean Aquí, Acting Director, DC Office of Labor Relations and Collective Bargaining requesting:

(RFI #1) – “a copy of the Impact and Effect notations, documents and signed agreements with all bargaining parties since the agency is using this to valid [sic] the reasoning for denial for grade promotions.”<sup>2</sup>

(RFI #2) – “for all FOP bargaining unit members ...

1. “Updated listing providing all FOP union members listed in alphabetical order within the bargaining union to include part time employees. I would like the following information listed by names, job titles, grade, date of employment, job status, and date of NTE for temporary/term employees and CBU codes.”<sup>3</sup>
2. “Copies of the actual Performance Improvement Plan form in the event a FOP member may be subject to receive. Preferably the language within the document [sic].
3. “Listing of all employees who were reassigned to various work sites YSC, Abscondence Unit and New Beginning's [sic] etc.
4. “Listing of all staff on administrative leave, pending corrective, terminations, adverse actions, worker's compensation and light duty.
5. “Listing of all part time employees,”<sup>4</sup>

On January 28, 2014, FOP Vice President Yeetta Ward followed up with Aljoburi and Aquí, enclosing a copy of RFI #1 and RFI #2. The Hearing Examiner found that DYRS did not respond at all to RFI #1 and RFI #2 until after FOP's February 11, 2014 ULP complaint in the instant case, and then only with a limited listing of bargaining unit employees without work locations.<sup>5</sup>

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<sup>1</sup> FOP Exhibit 1, January 8, 2014 letter, p. 1.

<sup>2</sup> FOP Exhibit 1, January 13, 2014 memo to Adam Aljoburi.

<sup>3</sup> NTE is the acronym for “Not to Exceed” and identifies term employees whose employment ends on a date certain. CBU is the acronym for “Collective Bargaining Unit” and identifies an employee's bargaining unit status.

<sup>4</sup> FOP Exhibit 1, January 13, 2014 letter to Mr. Aljoburi.

<sup>5</sup> R&R at 4.

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The record reveals that on January 15, 2014, Andre Phillips, FOP Executive Chief Shop Steward, emailed Aljoburi two additional attachments that were new requests for information (RFI #3 and RFI #4).<sup>6</sup> RFI #3 is titled “Request for All Information Regarding Safety as it Effects Staff From The result of Residents” and requested the following information to assist FOP in policing collective bargaining:

(RFI #3) – “youth on youth assaults, youth on staff assaults, riots, attempted or successful escapes, contraband ect. [sic] In addition to any sanctions resulting from 412 rule violations in connection to any of these disciplinary issues.<sup>7</sup> We also are requesting all information provided to MPD in pertaining to any criminal charges as a result of youth assaulting staff, including but not limited to the hospitalization of staff.”

RFI #4 is titled “Information Request for Tardiness and Observed Patterns of Alleged Leave Abuse by Union Members” and requested the following information to assist FOP in policing collective bargaining:

(RFI #4) –

1. “Violations of tardiness records for all bargaining-unit employees over the past (90) days and continue to provide information regularly as it’s generated.
2. “Names of union members that are allegedly deemed violators of abuse of leave for the past (90) days and continue to provide information regularly as it’s generated.
3. “Names of all employees disciplined or discharged for tardiness and leave abuse, dates and descriptions of each discipline, and each amount of tardiness and excessive leave that lead [sic] to discipline for the past (90) days. In each case, please attach a copy of the discipline letter provided to the employee. Also indicate any adjustments in discipline that occurred in the course of any grievance procedure, and attach copies of any settlements.
4. “All personnel manuals, notices or other documents that is set forth and the agencies tardiness and abuse of leave policies.”

RFI #3 and RFI #4 concluded with the statement, “Please provide this information by 1/24/14. If any part of this request is denied or if any material is unavailable, please state so in writing and provide the remaining items by the above date, which the union will accept.”<sup>8</sup>

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<sup>6</sup> R&R at 4 and 5, and FOP Exhibit 2, two letter/memos dated 1/14/14.

<sup>7</sup> The record establishes that 412 rule violations, also known as Rule 412 violations or 412 violations or violations of Code 412, involve staff violations of the consent decree governing the treatment of detained youth, also known as the Jerry M. Decree. (Tr 86-87). See also: <http://dysr.dc.gov/page/consent-decree> and Consent Decree, Jerry M., et al. v. District of Columbia et al, CA No. 1519-85 (IFP), July 24, 1986.

<sup>8</sup> FOP Exhibit 2, two letter/memos dated 1/14/14.



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On January 27, 2014, Phillips emailed Aljoburi as follow-up to FOP's January 15, 2014 RFI #3 and RFI #4.<sup>9</sup> On January 28, 2014, Aljoburi responded by email as follows:

"... is there a timeframe you're looking for regarding the safety request?"<sup>10</sup>

"Regarding the tardiness request, in addition to DPM, the attached Time, Attendance, and Leave Policy is also utilized. It would be a violation of the employee's privacy rights to provide the answer to the first 3 questions in this request."

On February 11, 2014, FOP filed this ULP Complaint alleging that DYRS violated DC Code §§ 1.617.04(a)(1) and (5) by failing to provide the bargaining information FOP requested. FOP contended that it did not receive responses to its RFIs, except for a copy of DYRS' Time and Attendance Policy.<sup>11</sup> DYRS contended that it provided FOP with all the unprivileged information that it could in response to FOPs valid RFIs.<sup>12</sup> At various times between May 14, 2014 and January 16, 2015, DYRS provided FOP with some but still not all of the requested information.

FOP contended that DYRS has an obligation to respond to FOP's RFIs because the requests are relevant to FOP's role as the exclusive representative of bargaining unit employees and are part of DYRS' duty to bargain in good faith with FOP. FOP asserts that DYRS violated D.C. Official Code §§ 1.617.4(a)(1) and (5) by not responding to the RFIs within a reasonable time.

DYRS asserted that under PERB case precedent, it provided all the requested, "unprivileged information" that it could to FOP so the information request was moot. It stated various reasons for why it did not provide the requested information more completely:

1. "Human error."
2. The issue is not ripe until there has been a general request to bargain and a blanket refusal to bargain.
3. The statute of limitations does not begin to run until DYRS refuses to provide the requested information, and DYRS never refused to provide unprivileged information.
4. The duty to provide information is case specific.
5. If the requested information is deemed confidential by DYRS, then DYRS may limit the production of the information.
6. The release of confidential personnel information without the explicit written authorization from each employee would be an unwarranted intrusion into the employee's privacy rights.

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<sup>9</sup> R&R at 5.

<sup>10</sup> There is no evidence on the record that FOP responded to this question before filing the ULP complaint on February 11, 2014.

<sup>11</sup> R&R at 5.

<sup>12</sup> R&R at 10.

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## II. Hearing Examiner's Recommendation

The Hearing Examiner found that DYRS violated D.C. Official Code §§ 1-617.04(a)(1) and (5) by failing to respond and refusing to provide relevant and necessary information requested by FOP in each of the RFIs.<sup>13</sup> In the case of each of the four RFIs, the Hearing Examiner concluded the record established that DYRS willfully violated the CMPA. Whether DYRS' general delays to respond to FOP's requests for information were due to negligence or inadvertence or intransigence or "human error," the Hearing Examiner found that DYRS violated the CMPA on numerous occasions.

As regards RFI #1, DYRS' violation was based on its failure to provide or even respond to FOP's bargaining information request or to provide FOP with the 2007 Agreement.<sup>14</sup>

Concerning the five-month delay to respond to FOP's RFI #2 the Hearing Examiner found it was unreasonable.<sup>15</sup> The Hearing Examiner addressed DYRS' personal privacy and confidentiality defenses for its refusal to provide requested disciplinary files per RFI #2 ¶4. Most significant among several reasons the Hearing Examiner found that the defense of confidentiality was inappropriate is because confidentiality relates to disclosure to the general public which is unlike this situation of a request from a duly certified exclusive representative of employees.<sup>16</sup>

It took DYRS one year to respond to FOP's RFI #3, seeking information concerning assaults, riots, escapes, contraband, 412 rule violations, and criminal charges arising from assaults and staff hospitalization. The Hearing Examiner found that extraordinary delay was unreasonable, in addition to the response being limited and inadequate.<sup>17</sup>

In RFI #4, FOP requested information about employees' tardiness records and leave abuse, and personnel manuals, notices or other documents concerning DYRS' tardiness and leave abuse policies. As with RFI #2, the Hearing Examiner found that DYRS' failure and refusal to provide the information requested based on personal privacy grounds was without merit.<sup>18</sup>

In response to FOP's request, the Hearing Examiner recommended that DYRS be ordered to pay reasonable costs associated with the ULP's prosecution. He found that the record establishes that DYRS willfully failed and refused to respond within a reasonable time to FOP's RFIs and that DYRS engaged in extraordinary delay and extraordinary paucity in the content of the responses DYRS ultimately provided to FOP. Consequently, he reasoned that FOP's request for costs is warranted in the interest of justice.<sup>19</sup>

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<sup>13</sup> R&R at 11.

<sup>14</sup> R&R at 15. Further, because DYRS knew that FOP had mistakenly requested a 2006 Agreement, that did not exist, it should have voluntarily provided the 2007 Agreement.

<sup>15</sup> R&R at 19.

<sup>16</sup> R&R at 17-18.

<sup>17</sup> R&R at 20.

<sup>18</sup> R&R at 22.

<sup>19</sup> R&R at 22.

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### III. Analysis

To establish an unfair labor practice violation under D.C. Official Code §§ 1-617.04 (a)(1) and (5) of the CMPA, the Complainant must prove by a preponderance of evidence that the Respondent interfered with, restrained or coerced an employee in the exercise of rights guaranteed by this subsection, or that the Respondent refused to bargain in good faith with the union.

In a recent decision, the Board held that when confidentiality is raised as a defense, “a union’s right to information has always been balanced against confidentiality concerns. The test is whether the information sought is relevant and necessary to the union’s legitimate collective bargaining functions and whether this need is outweighed by privacy concerns.”<sup>20</sup> The Hearing Examiner in the instant case held that the information sought by FOP was relevant and necessary.<sup>21</sup> It was undisputed that FOP was the certified exclusive representative of the members of the unit. The justification for an employer to not disclose information to the general public is a much higher bar than for the certified union representative.<sup>22</sup> Thus, because FOP is the exclusive representative of these employees, FOP was entitled to a positive and timely response to its request for relevant and necessary information to fulfill its responsibilities to the employees in the bargaining unit.<sup>23</sup>

In *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department* we held that it is an unfair labor practice for an agency to withhold relevant and necessary information from the Union without a *viable defense*.<sup>24</sup> As mentioned earlier, DYRS offered various reasons why it did not comply with FOP’s request for this information. As the Hearing Examiner stated throughout his Report and Recommendation, “whether DYRS’ delays and failures to respond to the RFI were due to negligence or inadvertence or intransigence or ‘human error,’ I find that DYRS violated DC [Official] Code § 1-617.04(a)(1) and (5) by failing to provide all the information requested ... within a reasonable time.”<sup>25</sup> We agree, for the reasons stated above and in the cases cited in footnote 20.

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<sup>20</sup> *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, Slip Op. No. 1553 at 5, PERB Case Nos. 12-U-05, 12-U-10, and 13-U-28 (October 29, 2015). See also, *D.C. Nurses Ass’n v. Mayor of D.C.*, 445 D.C. Reg. 6736, Slip Op. No. 558 at 5, PERB Case Nos. 95-U-03, 97-U-16, and 97-U-28 (1998); *Univ. of D.C. Faculty Ass’n v Univ. of D.C.*, 36 D.C. Reg. 3333, Slip Op. No. 215 at 3, PERB Case No. 88-U-16(1989), quoted in *F.O.P./Metro. Police Dep’t Labor Comm.*, Slip Op. No. 1302 at 22, and *F.O.P./Metro. Police Dep’t Labor Comm. V. Metro. Police Dep’t.*, Slip Op. No. 1521 at 3.

<sup>21</sup> R&R at 11.

<sup>22</sup> DYRS’ general claim to confidentiality as a defense does not apply here because the Union is involved and concerned with issues relating to unit employees and thus is entitled to receive information from an employer that would be withheld from the general public because of a claim of confidentiality. See *Westinghouse Electric Corporation*, 239 NLRB 106 at 113-114.

<sup>23</sup> *AFGE, Local 631 v. District of Columbia Water and Sewer Authority*, 59 DC Reg. 3948(2012), Slip Op. No. 924, PERB Case No. 08-U-04 (2007).

<sup>24</sup> 59 D.C. Reg. 3386, Slip Op. No. 835 at 9-10, PERB Case No. 06-U-10 (2006).

<sup>25</sup> R&R at 22.

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While agreeing with the Hearing Examiner's conclusion that DYRS committed a ULP by not providing the requested information to FOP, the Board disagrees that there was an unfair labor practice committed regarding FOP's request in RFI #4 1 & 2 that DYRS should "continue to provide information regularly as it's generated," concerning violations of tardiness rules and abuse of the leave policy. In essence, FOP is asking that DYRS be ordered to provide information that does not exist. Respondent is only obligated to provide information it possesses. We agree with the reasoning of the Federal Labor Relations Authority in *Department of Justice, United States Immigration and Naturalization Service, United States Border Patrol*, that, "It is not an unfair labor practice to fail to produce documents that do not exist."<sup>26</sup> The Board concludes that, except as stated above, the Hearing Examiner's findings and conclusions are reasonable, supported by the record, and consistent with Board precedents. FOP requested information to represent its unit members, the Hearing Examiner found the requested information was relevant and necessary,<sup>27</sup> and DYRS did not provide the requested information. Without any viable defense for denying the information, DYRS violated D. C. Official Code § 1-617.04(a)(1) and (5) of the CMPA.<sup>28</sup>

#### IV. Remedy

FOP asked the Board to order DYRS to: 1) cease and desist from violating the CMPA in the manner alleged or in any like or related manner; 2) provide FOP with all requested information; 3) post appropriate notices to employees; and, 4) pay all costs associated with FOP's prosecution of this charge.<sup>29</sup>

The Board finds it reasonable to order DYRS to cease and desist from violating the CMPA in the manner alleged or in any like or related manner. We also find it reasonable to order DYRS to immediately deliver to FOP any and all information requested by FOP in RFIs 1-4 dated January 13 and January 15, 2014,<sup>30</sup> with the exception that the Board is ordering in RFI #4 1 & 2 that DYRS is not required to "continue to provide information regularly as it's generated," but only to the date of this order. In addition, the Board orders DYRS to post a notice acknowledging its violation of the CMPA, as detailed herein.

FOP further requested that DYRS be ordered to pay "all costs associated with the Union's prosecution of this charge."<sup>31</sup> D.C. Official Code § 1-617.13(d) authorizes the Board "to require the payment of reasonable costs incurred by a party to a dispute from the other party or parties as the Board may determine."

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<sup>26</sup> 23 FLRA 239, 240 (1986, citing *Army and Air Force Exchange Service (AAFES), Lowry Air Force Base Exchange, Ft. Carson, Colorado*, 13 FLRA 392, 399 (1983).

<sup>27</sup> R&R at 21-23.

<sup>28</sup> *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Labor Committee*, 60 DC Reg. 5337 (2013), Slip Op. No. 1374, PERB Case No. 06-U-41 at 17-18, (March 14, 2013)

<sup>29</sup> Complaint at 5-6.

<sup>30</sup> *AFGE, Local 2725 v. D.C. Dep't of Health*, 59 D.C. Reg. 6003, Slip Op. No. 1003 at p. 5, PERB Case 09-U-65. (2012)

<sup>31</sup> Complaint at 6.

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The circumstances under which the Board awards costs were articulated in *AFSCME, D.C. Council 20, Local 2776 v. D.C. Department of Finance and Revenue*,<sup>32</sup> in which the Board stated:

[A]ny such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on the face of the statute that it is only those costs that are “reasonable” that may be ordered reimbursed . . . Last, and this is the [crux] of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued . . . What we can say here is that among the situations in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive bargaining representative.

In the instant matter, the Board found that DYRS failed and refused, without a viable defense, to produce the information that FOP requested that was “necessary for the Union to perform its duties as exclusive bargaining representative.”<sup>33</sup> Despite DYRS’s having the information, it withheld the information from FOP. The Board found that in so doing, DYRS failed to meet its statutory duty to bargain in good faith, that its defenses were wholly without merit, and that its actions reasonably and foreseeably undermined FOP’s ability to fulfill its duties on behalf of the bargaining unit employees. In light of these findings, the Board finds that the award of costs in accordance with FOP’s request would serve the “interest-of-justice” test articulated in *AFSCME, supra*.

## V. Conclusion

We conclude that DYRS did violate D.C. Official Code §§ 1-617.04 (a)(1) and (5) of the Comprehensive Merit Personnel Act. The unfair labor practice complaint is upheld.

## ORDER

### IT IS HEREBY ORDERED THAT:

1. Complainant’s unfair labor practice complaint is upheld.

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<sup>32</sup> 37 D.C. Reg. 5658, Slip Op. No. 245 at p. 4-5, PERB Case No. 89-U-02 (1990).

<sup>33</sup> Complaint at 5.

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2. The District of Columbia Department of Youth Rehabilitation Services shall deliver to the Fraternal Order of Police/ Department of Youth Rehabilitation Services Labor Committee, within fourteen (14) days of the date of the issuance of this Order, the information FOP requested, except as noted above.
3. The District of Columbia Department of Youth Rehabilitation Services shall conspicuously post where notices to employees are normally posted a notice that the Board will furnish to DYRS. The notice shall be posted within fourteen (14) days from DYRS's receipt of the notice and shall remain posted for thirty (30) consecutive days.
4. Within fourteen (14) days from the date of the receipt of the notice, DYRS shall notify the Public Employee Relations Board in writing that the attached notice has been posted accordingly.
5. Upon request, DYRS shall reimburse FOP for its reasonable costs associated with PERB Case No. 14-U-09.
6. 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 Chairman Charles Murphy, Member Yvonne Dixon, Member Ann Hoffman, and Member Keith Washington.

**March 17, 2016**

**Washington, DC**

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 14-U-09, Opinion No. 1570, was served by File & ServXpress on the following parties on this the 9<sup>th</sup> day of May, 2016.

Brenda C. Zwack, Esq.  
Murphy Anderson, PLLC  
1401 K Street, NW, Suite 300  
Washington, DC 20005

Andrew L. Gerst, Esq.  
Attorney Advisor  
Office of Labor Relations and Collective Bargaining  
441 4<sup>th</sup> Street, NW, Suite 820 North 4126  
Washington, DC 20001

/s/ Sheryl Harrington \_\_\_\_\_

PERB



Public Employee Relations Board



1100 4<sup>th</sup> Street S.W.  
Suite E630  
Washington, D.C. 20024  
Business: (202) 727-1822  
Fax: (202) 727-9116  
Email: [perb@dc.gov](mailto:perb@dc.gov)

NOTICE

**TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF YOUTH REHABILITATION SERVICES, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1570, PERB CASE NO. 14-U-09 (March 17, 2016).**

**WE HEREBY NOTIFY** our employees that the District of Columbia Public Employee Relations Board has found that we violated the law in the manners alleged in PERB Case No. 14-U-09, and has ordered DYRS to post this Notice.

**WE WILL** cease and desist from violating D.C. Official Code §§ 1-617.04(a)(1) and (5) in the manners stated in Slip Opinion No. 1570, including not bargaining in good faith by refusing or failing to provide relevant and necessary information that is requested by the exclusive representative, the Fraternal Order of Police/Department of Youth Rehabilitation Services Labor Committee.

Department of Youth Rehabilitation Services

Date: \_\_\_\_\_ By: \_\_\_\_\_

**This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.**

If employees have any questions concerning this Notice or DYRS’s compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board by U.S. Mail at 1100 4<sup>th</sup> Street, SW, Suite E630; Washington, D.C. 20024, or by phone at (202) 727-1822. **BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Chairman Charles Murphy, Member Yvonne Dixon, Member Ann Hoffman, and Member Keith Washington.

Washington, D.C.

March 17, 2016



Government of the District of Columbia  
Public Employee Relations Board

<hr/>		)	
		)	
In the Matter of:		)	
		)	
District of Columbia Public Schools,		)	
		)	PERB Case No. 15-A-05
Petitioner,		)	
		)	
v.		)	
		)	Opinion No. 1574
Council of School Officers, Local 4, American		)	
Federation of School Administrators, AFL-CIO		)	
(on behalf of Sharon Wells),		)	
		)	
Respondent.		)	
<hr/>		)	

**DECISION AND ORDER**

Petitioner District of Columbia Public Schools (“DCPS”) appeals from a “Decision & Award as to Arbitrability” (“Award”) finding arbitrable a grievance filed by Respondent Council of School Officers, Local 4, American Federation of School Administrators, AFL-CIO, (“Union”) regarding the termination of a principal. The collective bargaining agreement between DCPS and the Union (“CBA”) recognizes the Union as the exclusive representative for a bargaining unit that includes principals.<sup>1</sup>

For the reasons addressed below, we conclude that the Request does not establish a statutory basis for our review of the Award, and we therefore deny the Request.

**I. Statement of the Case**

**A. The Award**

The Award states that on June 23, 2011, grievant Sharon Wells (“Wells” or “Grievant”) was appointed to be a principal of a DCPS elementary school for a one-year term beginning July 18, 2011. On May 23, 2012, Kaya Henderson, chancellor of DCPS, (“the Chancellor”) reappointed Wells to another one-year term.<sup>2</sup> That summer, the Chancellor became displeased with Wells’s responses to the concerns of a parent and informed Wells of her displeasure.<sup>3</sup> On August 6, 2012, DCPS gave Wells a letter signed by the Chancellor and entitled “Notice of Termination.” The notice stated, “In accordance [with] 5-E DCMR 520.2, I am hereby providing you with notice of termination of your appointment as Principal with the District of Columbia

<sup>1</sup> Award 5; Award App. A, Joint Stipulation of Facts ¶ 2; CBA art. I(A).

<sup>2</sup> Award 7-8.

<sup>3</sup> Award 8-9.

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PERB Case No. 15-A-05  
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Public Schools (DCPS). Your separation from service will be effective at the close of business August 21, 2012.”<sup>4</sup> The parties’ joint statement of facts states, “DCPS relied upon the Chancellor’s discretion, established by Title 5-E DCMR Section 520.2, for the removal action. Prior to this case, DCPS had relied on the Chancellor’s authority under Title 5-E DCMR Section 520.2 for its decision to not reappoint principals and assistant principals at the end of the school year.”<sup>5</sup>

The Union challenged the termination in a letter to DCPS, which it styled a grievance. DCPS responded that it did not believe the termination could be grieved and refused to process the grievance.<sup>6</sup> The Union advanced the case to arbitration, asserting that the termination violated the CBA.<sup>7</sup> At an arbitration hearing, DCPS took the position that the case was not subject to arbitration due to the provisions of title 5-E, chapter 5-E5, rule 5-E520 of the D.C. Municipal Regulations (“DCMR”), in particular subsection 520.2. Subsection 520.2 provides, “Retention and reappointment shall be at the discretion of the Superintendent.”<sup>8</sup>

The arbitrator, Homer LaRue, bifurcated the proceedings so that arbitrability could be addressed before any hearing on the merits.<sup>9</sup> After receiving briefs and a joint stipulation of facts from the parties, the arbitrator issued an Award in which he set forth the following relevant provisions of the parties’ CBA:

#### **Article VIII Grievance and Arbitration**

##### **A. Definition**

A grievance is defined as an unsettled complaint concerning any alleged violation, misrepresentation, or misapplication of any of the provisions of this Agreement. A difference or dispute not involving the meaning, application or interpretation of the terms and provisions of this Agreement shall not constitute a grievance for the purpose of this Article, but may be addressed through other appropriate administrative or legal procedures.

#### **Article X Disciplinary Action**

##### **A.**

1. The parties agree that one of the purposes of any disciplinary action is to modify an employee’s unacceptable behavior to a standard of acceptable behavior and any disciplinary action taken against an officer must meet the tests of just cause.

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<sup>4</sup> Award 9; DCPS’s Br. Ex. 1.

<sup>5</sup> Award App. A, Joint Stipulation of Facts ¶ 11.

<sup>6</sup> Award 10.

<sup>7</sup> Award App. A, Joint Stipulation of Facts ¶ 14.

<sup>8</sup> DCPS never directly quotes subsection 520.2, which refers to “the Superintendent” and not the chancellor. However, where a provision of the DCMR written before the Public Education Reform Amendment Act of 2007, D.C. Law 17-9, refers to the superintendent, the D.C. Court of Appeals has read the provision to refer to the chancellor. See *Thompson v. District of Columbia*, 978 A.2d 1240, 1242-44 (D.C. 2009)

<sup>9</sup> *Id.* ¶¶ 16, 17.

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2. The Board will practice progressive discipline for all Officers, excluding Principals/Assistant Principals, regarding all minor infractions and recognizes that the verbal or written warning shall be used prior to issuing formal written letters of reprimand. . . .

No disciplinary action shall be taken against an officer except for just cause.<sup>10</sup>

Upon consideration of the evidence and arguments, the arbitrator rejected DCPS's interpretation of subsection 520.2 as being inconsistent with DCPS's past practices. He made the following award:

1. The termination of the appointment of Sharon Wells, effective August 21, 2012, as Principal with the District of Columbia Public Schools (DCPS), is subject to arbitration under the parties' CBA.
2. Sharon Wells and the [Union] may proceed to arbitration on the merits of the grievance.
3. The Arbitrator retains jurisdiction to determine the merits of the grievance.<sup>11</sup>

#### **B. The Arbitration Review Request**

In its Request, DCPS contends that the arbitrator exceeded his jurisdiction and that the Award is contrary to law and public policy.<sup>12</sup>

Quoting from the definition of "grievance" in article VIII(A) of the contract, DCPS asserts that "[t]he parties' collective bargaining agreement specifically excludes disputes 'not involving the meaning, application, or interpretation of the terms and provisions of this Agreement' from the grievance and arbitration process under the contract."<sup>13</sup> DCPS contends that by requiring it "to arbitrate a dispute specifically excluded from the parties' grievance proceedings and arbitration agreement, the Arbitrator has added terms to the CBA and therefore exceeded his jurisdiction under the contract."<sup>14</sup>

DCPS argues that the Award is contrary to law and then argues separately that the Award is contrary to public policy. In arguing that the Award is contrary to law, DCPS notes that the D.C. Court of Appeals has stated that "law" is not limited to statutes but includes administrative rules and regulations.<sup>15</sup> DCPS alleges, "According to Title 5 of the [DCMR] Chapter 5, the

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<sup>10</sup> Award 6-7.

<sup>11</sup> Award 23.

<sup>12</sup> Section 1-605.02(6) of the D.C. Official Code empowers the Board to modify, set aside, or remand an arbitration award "only if the arbitrator was without, or exceeded, his or her jurisdiction; the award on its face is contrary to law and public policy; or was procured by fraud, collusion, or other similar and unlawful means."

<sup>13</sup> Request ¶ 8 (quoting CBA art. VIII(A)).

<sup>14</sup> Request ¶ 10.

<sup>15</sup> Request ¶ 11 n.4 (citing *J.C. & Assocs. v. D.C. Bd. of Appeals & Review*, 778 A.2d 296, 303 (D.C. 2001) (construing the District of Columbia Administrative Procedure Act)).

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retention and reappointment of principals is at the sole discretion of the Chancellor of DCPS. See, Title 5 DCMR § 520.2.”<sup>16</sup> Pursuant to this provision, the Chancellor removed Wells from her position as a principal.<sup>17</sup> DCPS states that the CBA does not contain an agreement to arbitrate disputes under 5 DCMR § 520 nor does it refer to 5 DCMR § 520.<sup>18</sup>

Regarding its argument that the Award is contrary to public policy, DCPS states that an award contrary to law *ipso facto* may be said to be contrary to the public policy that the law embodies.<sup>19</sup> Additionally, DCPS claims a right under D.C. Official Code § 1-617.08 and article IV of the CBA to direct its employees and to determine its organization. “This policy,” DCPS argues, “is found in the Chancellor’s authority to retain and reappoint principals, as established by Title 5 of the DCMR. Insofar as separate provisions of Title 5 DCMR 520 individually and separately address retention and reappointment, they must mean separate things.”<sup>20</sup>

Pursuant to Board Rule 538.2, DCPS requested the Board to determine that there may be grounds to modify or set aside the Award and, if it so finds, to afford DCPS an opportunity to brief the matter. The Union filed an Opposition.

### C. The Board’s Decision and Order in Opinion No. 1540

The Board issued a decision and order, Opinion No. 1540, in which it first considered DCPS’s jurisdictional arguments. The Board found that article VIII(A) did not exclude Wells’s grievance because the grievance involved a dispute over “the meaning, application, or interpretation” of article X(A) of the CBA, which contains a provision that “[n]o disciplinary action shall be taken against an officer except for just cause.” The parties dispute whether the termination of the Grievant was a “disciplinary action” and disagree over the application of the just cause provision to the Grievant’s termination. Thus, the dispute falls within article VIII(A)’s definition of a grievance as “an unsettled complaint concerning any alleged violation, misinterpretation, or misapplication of any of the provisions of this Agreement.” The arbitrator found the grievance to be arbitrable by construing those provisions of the contract and applying them to the issues in the case. Consequently, the Board held that the arbitrator acted within his jurisdiction to analyze and interpret the applicable provisions of the CBA.<sup>21</sup>

Turning to DCPS’s claim that the Award was contrary to law and public policy, the Board noted that an interpretation that renders two words of a statute interchangeable is not favored because it makes one of the two superfluous, thereby contravening a basic rule of statutory construction. That rule is “to avoid conclusions that effectively read language out of a statute whenever a reasonable interpretation is available that can give meaning to each word in

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<sup>16</sup> Request ¶ 11.

<sup>17</sup> Request ¶¶ 11- 12.

<sup>18</sup> Request ¶ 13.

<sup>19</sup> Request ¶ 15 (citing *F.O.P./Dep’t of Corrs. Labor Comm. v. D.C. Pub. Emp. Relations Bd.*, 973 A.2d 174, 179 (D.C. 2009)).

<sup>20</sup> Request ¶ 15.

<sup>21</sup> *D.C. Pub. Sch. v. Council of Sch. Officers, Local 4*, 62 D.C. Reg. 14658, Slip Op. No. 1540 at 4, PERB Case No. 15-A-05 (2015) (citing *D.C. Metro. Police Dep’t v. F.O.P./Metro. Police Dep’t Labor Comm.*, 61 D.C. Reg. 11609, Slip Op. No. 1487 at p. 9, PERB Case No. 09-A-05 (2014)).

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the statute.”<sup>22</sup> If retention has a different meaning than reappointment, then the termination of Wells might have been an exercise of the Chancellor’s discretion under subsection 520.2. If that discretion is not reviewable by an arbitrator, then the arbitrator’s authority may be limited or eliminated. The Board observed that “DCPS has not expressly asserted that section 520.2 supersedes the just cause provision of the CBA, and conversely the Union has not expressly asserted that a chancellor’s decision not to retain a principal during a term is subject to the just cause provision of the CBA notwithstanding section 520.2.”<sup>23</sup>

In view of the foregoing, the Board found, pursuant to Board Rule 538.2, that there may be grounds to modify or set aside the Award. The Board’s order so notified the parties and requested “that the parties fully brief their position regarding Rule 5-E520 of the D.C. Municipal Regulations, particularly sections 520.2 and 520.3, whether either of those sections supersedes the just cause provision of the CBA, and the effect of those sections on the arbitrability of this matter.”<sup>24</sup> The order further stated, “Please address in your briefs the issues discussed in this decision and order and any other argument, issue, and federal or District laws or policies which you deem relevant.”<sup>25</sup>

#### **D. The Parties’ Briefs**

The Union takes the position in its brief that while a decision not to reappoint a principal falls outside of the CBA’s just cause provision, a decision not to retain a principal who had been reappointed does not.<sup>26</sup> The Union makes two arguments in support of its position. First, DCPS has never before interpreted subsection 520.2 to empower the Chancellor with discretion over retention of principals during a term of appointment and consequently the interpretation of subsection 520.2 that DCPS now advances is not entitled to deference.<sup>27</sup> Second, DCPS’s view that principals and assistant principals may be terminated during the school year for no reason would withdraw from them the just cause protections of the CBA, making the just cause provision “nugatory”<sup>28</sup> and making the principals and assistant principals at-will employees.

DCPS in its brief argues that the Board should set aside or modify the Award on one ground, that being that the award is contrary to law and public policy.<sup>29</sup> It states the issue before the Board as “[w]hether the arbitration award directing the parties to proceed to arbitration on the

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<sup>22</sup> *D.C. Pub. Sch. v. Council of Sch. Officers, Local 4*, Slip Op. No. 1540 at 6 (citing *State, ex rel. Winkleman, v. Ariz. Navigable Stream Comm’n*, 229 P.3d 242, 254 (Ariz. App. 2010) and *Sch. St. Assocs. Ltd. P’ship v. District of Columbia*, 764 A.2d 798, 807 (D.C. 2001)).

<sup>23</sup> *D.C. Pub. Sch. v. Council of Sch. Officers, Local 4*, Slip Op. No. 1540 at 7.

<sup>24</sup> *Id.* at 7.

<sup>25</sup> *Id.*

<sup>26</sup> Union’s Br. 1.

<sup>27</sup> Union’s Br. 1-2. At the arbitration, the Union introduced six letters notifying principals pursuant to subsection 520.2 that they would not be reappointed effective at the end of the school year. Award 17-18. Neither the Award nor DCPS’s brief refer to any letters notifying principals pursuant to subsection 520.2 that they would be terminated before the end of a school year. See Award App. A, Joint Stipulation of Facts ¶ 11.

<sup>28</sup> Union’s Br. 4.

<sup>29</sup> DCPS’s Br. 1-2.

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grievance challenging Ms. Wells' discharge is contrary to Title 5 of the DCMR and subject to being modified or set aside pursuant to title 1-605.02(6) of the D.C. Official Code?"<sup>30</sup>

Although the brief does not expressly contend that the arbitrator exceeded his jurisdiction under the CBA, DCPS quotes the CBA's definition of a grievance and then repeats its argument that Wells's termination is beyond the scope of grievances that the parties agreed in the contract to arbitrate:

[T]he parties' collective bargaining agreement does not contain an agreement to arbitrate disputes concerning the Chancellor's exercise of discretion under Title 5-E DCMR 520.2. The arbitration agreement is based solely on the grievance definition found in the collective bargaining agreement, which is limited to disputes regarding the terms and provisions of the contract itself. Furthermore, the contract contains an explicit provision excluding from the agreement to arbitrate any disputes that do not concern the terms and provisions of the contract itself. As the contract does not contain any provision referencing the Chancellor's exercise of discretion under Title 5-E DCMR 520.2, disputes concerning such discretion cannot be a violation of the contract for the purposes of the agreement to arbitrate.<sup>31</sup>

DCPS contends that an exercise of the Chancellor's discretion not to retain a principal is not a disciplinary action and thus is not subject to challenge under the just cause provision.<sup>32</sup>

DCPS notes that in an earlier case the D.C. Superior Court stated, "It is clear that the appointment and retention of a DCPS principal is at the sole discretion of the Chancellor."<sup>33</sup> DCPS stresses that both appointment and retention are at the Chancellor's discretion and distinguishes between the two, quoting a statement of the D.C. Court of Appeals that courts "must give effect to all of the provisions of the Act, so that no part of it will be either redundant or superfluous."<sup>34</sup> Arguing for an interpretation that renders neither "retention" nor "reappointment" superfluous in subsection 520.2, DCPS asserts that subsections 520.3 and 520.4 treat the two separately. Subsection 520.3 concerns reversion rights of principals and assistant principals who are not *retained*. In contrast, subsection 520.4 concerns reversion rights of principals and assistant principals who are not *reappointed*.

DCPS argues that to give meaningful effect to all provisions of the regulations, subsection 520.2 must be interpreted as bestowing two types of discretion on the Chancellor: (1)

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<sup>30</sup> DCPS's Br. 5.

<sup>31</sup> DCPS's Br. 11.

<sup>32</sup> DCPS's Br. 7-9.

<sup>33</sup> *D.C. Pub. Sch. v. D.C. Pub. Employee Relations Bd.*, No. 13 CA 7322, slip op. at 8 (D.C. Super. Ct. Jan. 8, 2015).

<sup>34</sup> *Office of the People's Counsel v. Pub. Serv. Comm'n*, 477 A.2d 1079, 1084 (D.C. 1984).

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discretion over reappointment decisions tied to the expiration of a principal's term and (2) discretion over retention of a principal that is not restricted to the end of a term.<sup>35</sup>

DCPS asserts in conclusion that “the Arbitrator’s finding that the Agency’s termination of Ms. Wells was subject to arbitration is contrary to District law, supporting Regulations, and the unambiguous terms of the collective bargaining agreement.”<sup>36</sup>

### III. Discussion

Although no longer couched in terms of jurisdiction, the argument DCPS makes regarding article VIII(A) of the CBA is the same argument the Board rejected in Opinion No. 1540. DCPS claims that article VIII(A)’s definition of grievance excludes the present case. That definition states:

A grievance is defined as an unsettled complaint concerning any alleged violation, misrepresentation, or misapplication of any of the provisions of this Agreement. A difference or dispute not involving the meaning, application or interpretation of the terms and provisions of this Agreement shall not constitute a grievance for the purpose of this Article, but may be addressed through other appropriate administrative or legal procedures.

DCPS’s contention that under subsection 520.2 the termination was not a “disciplinary action” as the term is used in the just cause provision places the case squarely within article VIII(A)’s definition of a grievance. This matter involves “the meaning, application or interpretation” of the words “disciplinary action.” It also involves an “alleged violation” of the just cause provision of the CBA, as the arbitrator concluded:

In the instant matter, Grievant claims that DCPS disciplined her and removed her without cause. DCPS attempts to argue that the agreement to arbitrate does not include the instant dispute. The Arbitrator finds that *Dickerson [v. District of Columbia]*<sup>37</sup> lends additional authority to the Arbitrator’s conclusion that the language of the CBA between the parties is broad enough to encompass an alleged breach of contract of the kind alleged in the instant dispute. In the instant matter, the alleged breach is the failure by DCPS to demonstrate just cause to remove (i.e., to discipline and discharge) Grievant during the term of her one-year appointment.<sup>38</sup>

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<sup>35</sup> DCPS’s Br. 6.

<sup>36</sup> DCPS’s Br. 11.

<sup>37</sup> 70 F. Supp. 3d 311, 321 (D.D.C. 2014) (holding that a claim of former principals for breach of the contract between DCPS and the Union is cognizable as a grievance as defined in the contract).

<sup>38</sup> Award 22.

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The parties bargained for the arbitrator's interpretation of article VIII(A), and absent a violation of law evident on the face of the Award, the Board will not substitute its interpretation, or DCPS's, for that of the arbitrator.<sup>39</sup>

Accordingly, the Union's challenge to Wells's termination is a grievance under article VIII(A). In article VIII(B)(6)(c), the parties agreed to submit unresolved grievances to arbitration. Therefore, pursuant to article VIII, the parties agreed to arbitrate this dispute. Having done so, the parties thereby agreed to be bound by the arbitrator's interpretation of subsection 520.2: "Unless expressly provided to the contrary, when parties agree to submit a matter to arbitration they not only agree to be bound by the Arbitrator's interpretation of the collective bargaining agreement but also to his interpretation of related rules and/or regulations."<sup>40</sup>

DCPS has cited no provision stating that the parties do not agree to be bound by the arbitrator's interpretation of subsection 520.2 or of any other regulation. The only express exclusion DCPS cites is the statement in article VIII(A) of the CBA that a "difference or dispute not involving the meaning, application or interpretation of the terms and provisions of this Agreement shall not constitute a grievance for the purpose of this Article. . . ." As discussed above, article VIII(A) does not exclude this grievance. The arbitrator found that the present dispute does involve the meaning, application, or interpretation of the terms and provisions of the agreement. In asserting that article VIII(A) excludes "from the agreement any disputes that do not concern the terms and provisions of the contract itself," DCPS seems to be restricting arbitration to cases that involve a contractual issue and nothing else, not even the issue of a related regulation that DCPS raised as a defense. It is clear, however, that an arbitrator will need to resolve disputes on matters not written in the CBA (e.g., procedural and evidentiary issues).

It is equally clear that when a party raises a regulation as a defense to a grievance, the arbitrator may need to interpret the regulation in order to determine how it impacts the alleged contractual violation being grieved. Only an express provision excluding a particular type of grievance from arbitration can overcome the presumption of arbitrability,<sup>41</sup> and the provision DCPS relies upon does not expressly exclude a dispute that involves interpretation of terms of the contract as well as interpretation of a related regulation. Indeed, the only contractual provision that refers to DCPS regulations, a contractual provision the parties have not addressed either in the arbitration or in this arbitration review, would seem to override any objection based upon subsection 520.2. Article V of the CBA provides, "The provisions of this Agreement shall supersede any Rule of the Board of Education pertaining to the specific provisions herein, to the extent that such provisions in this Agreement are lawful and are inconsistent with such Rule."

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<sup>39</sup> *D.C. Metro. Police Dep't v. D.C. Pub. Employee Relations Bd.*, 901 A.2d 784, 789 (D.C. 2006); *D.C. Dep't of Corrs. v. F.O.P./Dep't of Corrs. Labor Comm.*, 9 D.C. Reg. 12702, Slip Op. No. 1326 at 6, PERB Case No. 10-A-14 (2014)

<sup>40</sup> *D.C. Pub. Sch. v. Teamsters Local No. 639*, 49 D.C. Reg. 4351, Slip Op. No. 423 at 5, PERB Case No. 95-A-06 (1995). The Board has reaffirmed many times that by submitting a matter to arbitration, parties agree to be bound by the arbitrator's interpretation of related rules and regulations. *See, e.g., D.C. Pub. Sch. and Washington Teachers' Union-Local 6*, 60 D.C. Reg. 12096, Slip Op. No. 1406 at 5, PERB Case No. 12-A-08 (2013).

<sup>41</sup> *D.C. Dep't of Fire & Emergency Med. Servs. v. AFGE. Local 3721*, 59 D.C. Reg. 9757, Slip Op. No. 1258 at p. 3, PERB Case No. 10-A-09 (2012).



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Because this dispute is a grievance and the CBA does not exclude from arbitration grievances involving a regulatory issue, the parties agreed to submit this dispute to arbitration and to be bound by the arbitrator's interpretation of subsection 520.2.

In Opinion No. 1540, we observed that the question of whether subsection 520.2 gives the Chancellor discretion over retention of a principal in the midst of a term was presented in neither of the cases of non-reappointment of principals that DCPS has raised, *Gray v. D.C. Public Schools*<sup>42</sup> and *D.C. Public Schools v. D.C. Public Employee Relations Board*.<sup>43</sup> What the arbitrator said about *Gray* applies equally to *D.C. Public Schools v. D.C. Public Employee Relations Board*. The case concerned "the situation in which the Chancellor, pursuant to Section 520 of the DCMR, elects not to retain or to reappoint a principal at the end of that employee's one-year term of appointment . . . [and] does not address the fact situation presented by this dispute—that is, that Grievant was still in the status of a reappointed principal with a one-year term of appointment."<sup>44</sup> The arbitrator rejected DCPS's argument that subsection 520.2 empowers the Chancellor to remove a principal during a term without just cause review, finding the regulation to be no bar to the arbitrability of the grievance.<sup>45</sup> The Board will not set aside an award due to a party's disagreement with an arbitrator's interpretation of a related regulation, such as subsection 520.2.<sup>46</sup>

Further, the regulations presently in effect do not support DCPS's contextual argument for its interpretation of subsection 520.2. DCPS argues that retention and re-appointment are two distinct discretionary acts the consequences of which the regulations treat separately:

Title 5-E DCMR §520 contains separate provisions establishing an employee's reversion rights in circumstances of either non-retention (Title 5-E DCMR §520.3) or non-reappointment (Title 5-E DCMR § 520.4). Title 5-E DCMR § 520.3 specifically concerns an employee's right to revert - in the event of non-retention - to the highest level of employment held prior to "his or her removal from the position of Principal or Assistant Principal;" while Title 5-E DCMR § 520.4 refers to an employee's reversion rights "upon the expiration of his or her term appointment."

. . . While reappointment decisions are specifically tied to the expiration of an employee's term appointment under DCMR §

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<sup>42</sup> OEA Matter No. 1601-0122-08 (Oct. 23, 2009).

<sup>43</sup> No. 13 CA 7322 (D.C. Super. Ct. Jan. 8, 2015).

<sup>44</sup> Award 16.

<sup>45</sup> Award 17-20.

<sup>46</sup> *D.C. Pub. Sch. and Washington Teachers' Union-Local 6*, 60 D.C. Reg. 12096, Slip Op. No. 1406 at 4-5, PERB Case No. 12-A-08 (2013) (deferring to arbitrator's interpretation of 5-E DCMR § 1401.2(b)); *D.C. Office of the Chief Fin. Officer and AFSCME, Dist. Council 20, Local 2776 (on behalf of Gonzales)*, 60 D.C. Reg. 7218, Slip Op. No. 1386 at 3, 6, PERB Case No. 12-A-06 (2013) (deferring to arbitrator's interpretation of the District Personnel Manual).

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520.4, exercise of the Chancellor's discretion for retention is not restricted in the same way under Title 5-E DCMR §520.3.<sup>47</sup>

DCPS acknowledges, however, that subsection 520.4 refers to a "person who is not reappointed . . . upon the expiration of a three (3) year term of appointment," whereas subsection 520.1 authorizes one-year terms and accordingly DCPS has been appointing principals to one-year terms.<sup>48</sup> Notwithstanding the dichotomy DCPS attempts to create, the arbitrator found that subsection 520.3 has been used in all letters of non-reappointment since 2009.<sup>49</sup> He concluded that DCPS's customary usage of its own regulations "negates the argument that [retention and reappointment] are independent bases for the exercise of the Chancellor's discretion."<sup>50</sup>

DCPS's citation of only subsection 520.3 and not 520.4 in all its notices since 2009 was proper because subsection 520.4 was repealed in 1997. The predecessor of subsection 520.4 was initially adopted in 1982 under the heading "Three-Year Term Appointments to Principal and Assistant Principal Positions."<sup>51</sup> In 1997, the Emergency Transitional Education Board of Trustees issued a notice of final rulemaking that stated as follows:

**Delete the title and present language of Section 520 and substitute the following amended paragraphs:**

520 One Year Appointments of Principals and Assistant Principals

520.1 Persons appointed to a position as Principal or Assistant Principal shall serve one (1) year, without tenure in the position.

520.2 Retention and reappointment shall be at the discretion of the Superintendent.

520.3 A person who is not retained in the position of Principal or Assistant Principal and who holds permanent status in another position in the D.C. Public Schools shall revert to the highest prior permanent level of employment upon his or her removal from the position of Principal or Assistant Principal; Provided, that this right shall not include the right to any particular position or office previously held.<sup>52</sup>

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<sup>47</sup> DCPS's Br. 6 (footnote omitted).

<sup>48</sup> DCPS's Br. 6 n.4.

<sup>49</sup> Award 18.

<sup>50</sup> Award 19.

<sup>51</sup> 29 D.C. Reg. 4131 (Sept. 17, 1982).

<sup>52</sup> 44 D.C. Reg. 7536, 7537 (Dec. 12, 1997).

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Provisions including subsection 520.4 that related to three-year terms were deleted from section 520, which now concerns only one-year terms as its new title reflects. Due to an error in codification, the deleted regulations were retained in the version of section 520 on the website of the Office of Documents and Administrative Issuances through the date of the briefs filed in this case.

Since the repeal of subsection 520.4 in 1997, subsection 520.3 has been the only subsection that DCPS could cite in its notices for the reversion rights of principals who are not reappointed, and that subsection uses the word “retained” only. As the arbitrator wrote, “This usage by DCPS tends to lend credence to the interpretation that the terms ‘retention’ and ‘reappointment’ have been used interchangeably by DCPS rather than as separate bases for removal of a principal.”<sup>53</sup>

Even if DCPS’s interpretation of subsection 520.2 were supported by extant regulations, its disagreement with the arbitrator’s interpretation of subsection 520.2 would not be a basis for setting aside or modifying the Award any more than is its disagreement with the arbitrator’s interpretation of the CBA. It is the arbitrator’s interpretation of the CBA and related regulations, not the Board’s, for which the parties have bargained.<sup>54</sup> Should a party desire further clarification of the arbitrator’s interpretation of the related regulations, it may request such clarification from him as the arbitration proceeds to the merits.

For the reasons discussed, no statutory basis exists for setting aside the Award; the Request is, therefore, denied.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The arbitration review request is denied. The 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**

Washington, D.C.

April 21, 2016

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<sup>53</sup> Award 18.

<sup>54</sup> *D.C. Dep’t of Youth Rehab. Servs. v. F.O.P/Dep’t of Youth Rehab. Servs. Labor Comm.*, 62 D.C. Reg. 5913, Slip Op. No. 1513 at 6, PERB Case No. 15-A-02 (2015).

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 15-A-05 was transmitted via File & ServeXpress to the following parties on this the 26th day of April 2016.

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**VIA FILE & SERVEXPRESS**

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**VIA FILE & SERVEXPRESS**

/s/ Sheryl Harrington  
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Washington, D.C. 20024

Government of the District of Columbia  
Public Employee Relations Board

_____	)	
In the Matter of:	)	
	)	
Department of General Services,	)	
	)	PERB Case No. 14-UM-02
Petitioner	)	
	)	Opinion No. 1575
and	)	
	)	
AFGE Local 631,	)	
AFGE Local 2741,	)	
AFGE Local 3444,	)	
AFSCME Local 2091,	)	
and Teamsters Nos. 639 and 730	)	
	)	
Respondents.	)	
_____	)	

**DECISION AND ORDER**

**I. Statement of the Case**

On June 27, 2014, the Department of General Services (“DGS” or “Agency”) filed a Unit Modification Petition (“Petition”), which was later amended on January 30, 2015 (“Amended Petition”). DGS filed the petitions due to the consolidation of certain agencies’ services into DGS, which resulted in a number of bargaining units being transferred to DGS. DGS requested that the Board make a unit determination regarding the consolidation of different bargaining units from different agencies into one agency, in which multiple labor organizations represented the same classifications within the agency.

Pursuant to Board Rule 504.3, a Notice was posted informing employees and interested labor organizations of their right to intervene. American Federation of Government Employees (“AFGE”) Locals 631, 2741, and 3444; American Federation of State, County and Municipal Employees Local, 2091(“AFSCME”); and the International Brotherhood of Teamsters (“Teamsters”) Nos. 639 and 730 requested and were granted the right to intervene. The AFGE Locals and AFSCME opposed DGS’s Amended Petition.

The matter was referred to a hearing to build a factual record of the issues concerning the Amended Petition. A hearing took place and a Hearing Examiner’s Report and Recommendation was issued. Exceptions and an Opposition were received. The Amended Petition is dismissed for the following reasons.

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## II. Background

The Hearing Examiner found the relevant factual background, which is quoted in full except as indicated:

DGS was created by an act of the City Council of the District of Columbia, an act entitled “Department of General Services Establishment Act of 2011” (Act). The purpose of the Act is to consolidate the acquisition and management of real property and building space for the government of the District of Columbia. Thus, this consolidation was not a mere reorganization by an agency head, but was the result of a statute passed by the D.C. City Council.

DGS began operations in the Fall of 2011, and as it is presently constituted, is composed of seven divisions, one of which is Facilities Management (FMD), and it was to that division that the trades, crafts and manual labor employees of four city agencies were transferred. The City Council was well aware of which agencies and which employees it wanted transferred to DGS. Thus, § 10-551.04 specifically stated that the Department of Real Estate Services (DRES) and the Office of Public Education Facilities Modernization (OPEFM) as well as the “capital construction and real property management function of other subordinate executive branch agencies..., as the Mayor considers necessary” were to be transferred to DGS.

The Act specified six activities that were to be the “primary organizational functions in the Department:” Agency Management, Capital Construction, Portfolio Management, Facilities Management, Contracting and Procurement and Protective Services. These functions became the divisions of the new DGS.

As noted above, the petition here is limited to the Facilities Management Division (FMD) and the unit sought is composed of “all employees occupying a trades, crafts or manual labor position” in the FMD. At the time of the amended petition, the employees in this unit were represented by six unions in the following numbers:

AFGE Local 2741 – 78 positions transferred from Department of Parks and Recreation

AFGE Local 3444 – 1 position transferred from the Metropolitan Police Department (MPD)

AFGE Local 631 – 31 positions transferred from DRES

AFSCME Local 2091 – 38 positions transferred from DRES

Teamsters Local 639 – 72 positions transferred from OPEFM

Teamsters Local 730 – 119 positions transferred from OPEFM

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At the time of the transfer and consolidation of functions, the city discussed the matter with the affected unions. The City Administrator met with the unions, but the record does not reflect what agreements if any, were reached between the city and the unions. Dean Aqui, Interim Director of the Office of Labor Relations and Collective Bargaining testified that he was present at the meeting between the “CA (city administrator) and the union reps.” and that he was of the “opinion that we should have a new unit with one union representing all of the blue collar workers” and that his view “was shared with them.” Whatever else was discussed at the time is not reflected in the record, but it is clear that there was no agreement to consolidate the transferred employees into a single unit with an exclusive representative.<sup>1</sup>

### III. Discussion

As a threshold matter, the Board must consider whether it has subject-matter jurisdiction over the Agency’s Amended Petition, before proceeding to the merits of the Amended Petition. The AFGE Locals and AFSCME oppose the Amended Petition on jurisdictional grounds, arising from D.C. Official Code § 1-617.09(a). For the Board to determine whether it has subject-matter jurisdiction over the Amended Petition, it must find that it has statutory power to resolve the Amended Petition. The Amended Petition was filed by the Agency, requesting that the Board make a unit determination concerning the bargaining units that were transferred to DGS from different agencies. In order for the Board to make this unit determination, the Comprehensive Merit Personnel Act (“CMPA”), which governs the Board’s powers, must provide the Board with the authority to resolve this particular unit determination.

The following statutory provisions provide the Board’s subject-matter jurisdiction over unit determinations.

Section 1-605.02: The Board shall have the power to do the following: (1) Resolve unit determination questions and other representation issues (including but not limited to disputes concerning the majority status of a labor organization)....

Section 1-617.09(a): The determination of an appropriate unit will be made on a case-to-case basis and will be made on the basis of a properly-supported request from a labor organization. No particular type of unit may be predetermined by management officials nor can there be an arbitrary limit upon the number of appropriate units within an agency. The essential ingredient in every unit is community of interest: Provided, however, that an appropriate unit must also be one that promotes labor relations and efficiency of agency operations. A unit should include

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<sup>1</sup> Report and Recommendation at 2-4.

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individuals who share certain interests, such as skills, working conditions, common supervision, physical location, organization structure, distinctiveness of functions performed, and the existence of integrated work processes. No unit shall be established solely on the basis of the extent to which employees in a proposed unit have organized; however, membership in a labor organization may be considered as 1 factor in evaluating the community of interest of employees in a proposed unit.<sup>2</sup>

Section 1-605.02 appears to provide the Board with broad powers over resolution of unit determination questions, and section 1-617.09 appears to narrow the Board's powers over unit determinations.

The D.C. Court of Appeals has stated its "primary and general rule of statutory construction is that the intent of the lawmaker is to be found in the language that he [or she] has used."<sup>3</sup> The Court of Appeals notes, "The first step in construing a statute is to read the language of the statute and construe its words according to their ordinary sense and plain meaning. If the statute is clear and unambiguous, we must give effect to its plain meaning."<sup>4</sup>

The Board finds that the language in sections 1-605.02(1), and the language of section 1-617.09(a) are both clear and unambiguous on their face. There is a conflict in statutory construction when these sections are read together. Section 1-605.02 vests in the Board broad jurisdictional powers over unit determination issues.

In contrast, section 1-617.09(a) limits the type of unit determination issues that the Board is permitted to resolve by requiring that a unit determination can only be considered by the Board "on the basis of a properly-supported request from a labor organization." The two statutory provisions create conflicting powers.

To resolve such conflicting statutory interpretation, the U.S. Supreme Court has stated, "It is a commonplace of statutory construction that the specific governs the general."<sup>5</sup> The Court explained, "The general/specific canon is perhaps most frequently applied to statutes in which a general permission or prohibition is contradicted by a specific prohibition or permission. To eliminate the contradiction, the specific provision is construed as an exception to the general one."<sup>6</sup> The Court noted that, in the federal sector, this type of statutory construction is appropriate where "Congress has enacted a comprehensive scheme and has deliberately targeted specific problems with specific solutions."<sup>7</sup>

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<sup>2</sup> D.C. Official Code (2001 ed. & Supp. 2014).

<sup>3</sup> *Corbin v. United States*, 120 A.3d 588, 597 (D.C. 2015) (citing *Wynn v. United States*, 48 A.3d 181, 188 (D.C.2012)).

<sup>4</sup> *O'Rourke v. D.C. Police & Firefighters' Ret. & Relief Bd.*, 46 A.3d 378, 383-84 (D.C. 2012)(citations omitted).

<sup>5</sup> *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 132 S. Ct. 2065, 2071, 182 L. Ed. 2d 967 (2012)(citing *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 384, 112 S.Ct. 2031, 119 L.Ed.2d 157 (1992)).

<sup>6</sup> *RadLAX Gateway Hotel, LLC*, 132 S. Ct. at 2071.

<sup>7</sup> *Id.*



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In the present case, the D.C. Council enacted the CMPA, which created the Board and its broad jurisdictional powers, and then provided a comprehensive scheme for the exercise of each of the Board's powers.<sup>8</sup> The creation of the labor-management relations program is found in section 1-617.02(a), which provides that the Board "shall issue rules and regulations establishing a labor-management relations program to implement the policy set forth in this subchapter," and the seven (7) areas of the program are enumerated in subsection (b):

- (1) A system for the orderly resolution of questions concerning the recognition of majority representatives of employees;
- (2) The resolution of unfair labor practice allegations;
- (3) The protection of employee rights as set forth in § 1-617.06;
- (4) The right of employees to participate through their duly-designated exclusive representative in collective bargaining concerning terms and conditions of employment as may be appropriate under this chapter and rules and regulations issued pursuant thereto;
- (5) The scope of bargaining;
- (6) The resolution of negotiation impasses concerning matters appropriate for collective bargaining; and
- (7) Any other matters which affect employee-employer relations.

These areas are detailed in the remainder of the subchapter. Through the D.C. Council's enactment of specific statutory provisions governing each of the areas of the labor-management relations program, the Board finds that the D.C. Council intended to enact a comprehensive scheme and identified particular issues to be considered in a particular manner. The Board concludes that section 1-617.09(a) narrows the scope of the Board's broad jurisdictional powers under section 1-605.02(1) to make unit determinations.

In order for the Board to have jurisdiction over the Amended Petition, the Amended Petition must meet the statutory requirements in section 1-617.09(a). The Agency is not a labor organization. It is clear in the record that no labor organization filed or supported the Amended Petition. AFGE Locals 631, 2741, and 3444, and AFSCME Local 2091 object to the Amended Petition. Teamsters Nos. 639 and 730 did not file a motion to dismiss, post-hearing briefs, or Exceptions; but there is no indication from the record that the Amended Petition is "properly-supported" by these labor organizations either. The Board finds that the Amended Petition is not properly supported by a labor organization, and as a consequence, the Board does not have subject-matter jurisdiction over the Amended Petition.

The Board has held that subject-matter jurisdiction cannot be waived and may be raised by the Board at any time.<sup>9</sup> The Board must dismiss the Amended Petition for lack of jurisdiction over the subject matter.

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<sup>8</sup> The District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139, Title 5 § 502 created the general powers of the Board, and concurrently, Title 17 created § 1709 the Board's powers regarding unit determinations (effective March 3, 1979).

<sup>9</sup> *FOP/MPD Labor Committee v. MPD*, Slip Op. No. 1372, PERB Case No. 11-U-52 (2013).

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### III. Conclusion

The Board finds that it does not have subject-matter jurisdiction over the Amended Petition. The merits of parties' arguments concerning the Amended Petition are rendered moot by the Board's lack of jurisdiction and have not been considered by the Board.

### Order

#### IT IS HEREBY ORDERED THAT:

1. The Department of General Services' Amended Petition 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.

April 21, 2016

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 14-UM-02 was served to the following parties via File & ServeXpress on this the 9th day of May 2016:

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