

VINCENT C. GRAY
MAYOR

BY HAND

December 2, 2014

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

I write to communicate the Administration's position on legislation that will be before the Council for vote at the December 2, 2014 Legislative Meeting.

VOTE ON SUSTAINING MAYORAL VETO

Bill 20-0726, the "Student Nutrition on Winter Weather Days Act of 2014"

I urge the Council to sustain my veto of Bill 20-726, the *Student Nutrition on Winter Weather Days Act of 2014*. After reviewing the e-mail noticing the proposed override of my veto,¹ there appears to be confusion between a "feasibility study" and an "implementation plan." Bill 20-726 is the latter. It requires a prescriptive plan including the feeding sites, number of meals, and restricts the eligible students to District of Columbia Public School enrollees.

Had this legislation required a feasibility study, then it would indeed be appropriate in allowing the future Mayor to review and determine: (1) if a winter feeding program were possible, and, if so; (2) which facilities and funding sources are most appropriate. However, that is not the case here. This bill

¹ N. Rentz (email, Request for the December 2, 2014 Legislative Meeting, November 26, 2014)

instead requires the Office of the State Superintendent of Education to prepare a plan to implement a free meals program to children in high-poverty areas who attend District of Columbia Public Schools on days when the District Government is closed due to winter weather. The bill further requires the plan to be implemented by October 2015 and specifies the use of federal Summer Food Service Program (SFSP) funds to be utilized first in the Winter Weather Day program.

The challenge with this prescriptive approach is that it requires the Mayor to submit an implementation plan for something that is impossible – a set up for failure. The United States Department of Agriculture, which operates the National School Lunch Act program that contains the SFSP, has indicated that it will likely disapprove the use of federal funds in order to pay for meals for students during winter weather closures. Further, the program guidelines specifically restrict the ability of a state to use funds for meals that are designed to be eaten off school grounds, something specifically noted as an option in the current bill.

Moreover, the current bill requires the Executive to present a plan with the potential of endangering thousands of children and adults by asking them to venture into a dangerous winter weather situation. When the District of Columbia Government closes due to winter weather, it does so in order to protect residents, including our children. Furthermore, Bill 20-726 includes no identified funding source for hazard pay for our employees who would be forced into a storm under its provisions.

Another concern with requiring the future Executive to comply with this prescriptive approach is that it excludes District of Columbia Public Charter School students from the winter weather plan. The Council has not identified a legitimate state purpose for classifying charter school students as ineligible and clearly would exclude more than 35,000 children who would otherwise be eligible if they were attending a traditional public school.

For the reasons stated above, I urge the Council to sustain this veto. There is ample opportunity to address the stated goals of this legislation in a feasibility study.

***READING AND VOTE ON EMERGENCY LEGISLATION
AT THE REQUEST OF THE MAYOR***

PR 20-1105, the “Career and Excepted Service Employees Compensation System Changes for Fire Officials Emergency Approval Resolution of 2014”

I urge the Council to approve the proposed compensation system changes for certain uniformed members of the Fire and Emergency Medical Services Department (FEMS) not covered by collective bargaining by passing this emergency resolution. PR 20-1105 would adjust the salary schedules for non-union fire officials in the Career and Excepted Service by 3% for the period of April 6, 2012 through April 6, 2013; by 3.5% for the period of April 7, 2013 through April 5, 2014; and by 3.5% for the period of April 6, 2014 through October 4, 2014.

These officials were previously included in a pay increase retroactive to April 6, 2012. However, the Settlements and Interest Arbitration Award between FEMS and the firefighters union, enacted July 30, 2014, provided for salary increases for union members. The salary increase for non-union members

proposed in PR 20-1105 will reduce the current gap (pay compression) between collective bargaining unit and non-collective bargaining unit uniformed members of FEMS. The Council must act on an emergency basis in order to remedy the pay compression disparity.

The “The Brookings Institution Revenue Bonds Project Emergency Approval Resolution of 2014” (and accompanying measure)

I urge the Council to approve this bond to authorize and provide for the issuance, sale, and delivery of up to \$50 million in principal of District of Columbia revenue bonds in one or more series. The bonds would assist The Brookings Institution in financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The project includes the refinancing of bonds that were issued in 2009 for renovation to 1775 and 1755 Massachusetts Avenue, N.W. and the acquisition of and renovations to 1780 Massachusetts Avenue, N.W.

The Brookings Institution is a nonprofit public policy organization based in the District. Their mission is to conduct high-quality, independent research and based on that research, to provide innovative, practical recommendations that advance three broad goals: (1) strengthen American democracy; (2) foster the economic and social welfare, security and opportunity of all Americans; and (3) secure a more open, safe, prosperous and cooperative international system.

The proposed revenue bonds project will allow the operations of a worthwhile District-based institution to take advantage of low interest rates on tax-exempt bonds so that the borrower can maximize interest savings and continue its dedication to improving the lives of the residents of the District and the nation.

The “Education Licensure Commission Emergency Amendment Act of 2014” (and accompanying measures)

I urge the Council to approve this proposed emergency legislation to require postsecondary institutions that provide online or distance learning courses to District of Columbia residents to register with the Education Licensure Commission (ELC). The ELC is a five member Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia. The Commission establishes standards for postsecondary educational operations, authorizes operations, approves programs, issues or denies licenses to, and oversees all private postsecondary educational institutions in the District of Columbia. The measures will also align current law with federal rules by permitting the District to enter into reciprocity agreements with other states and territories, so that it is easier for students to take online courses offered by postsecondary institutions in a state other than the one where they reside.

The “Early Learning Quality Improvement Network Emergency Amendment Act of 2014” (and accompanying measures)

I urge the Council to approve this emergency legislation in order to establish a pilot community-based Quality Improvement Network (QIN) that will allow children and families to benefit from early, continuous, intensive, and comprehensive child development and family support engagement services, including educational, health, nutritional, behavioral, and family support services. In August 2014, the

Office of the State Superintendent (OSSE) applied for a federal grant for this purpose. The grant requires recipients to provide children enrolled in the QIN free childcare and comprehensive services. Under current District law, this is not possible. While a child's family may receive subsidy to cover his or her child care, current law requires the parent to pay for a portion of the child care based on a sliding scale adjusted for the guardian's income level. This emergency will ensure that the pilot may begin upon award of the grant.

The "Wage Theft Prevention Correction and Clarification Emergency Amendment Act of 2014" (and accompanying measures)

I urge the Council to adopt these recommended changes to these measures that would clarify and improve the laws prohibiting wage theft and the enforcement of those laws in the District of Columbia.

On September 19, 2014, the Council enacted Bill 20-671, the "Wage Theft Prevention Act of 2014," to ensure that workers in the District promptly receive the wages and leave to which they are entitled, by strengthening the laws that hold employers responsible for any failure to live up to their obligations. However, Bill 20-671 includes provisions that were legally objectionable, ambiguous, or otherwise problematic according to the Office of Attorney General - Legal Counsel Division. The bill under consideration would clarify when certain provisions shall take effect; who may bring an action on behalf of an employee, amend criminal penalties, clarify when amounts in the Wage Theft Prevention Fund may be spent; authorize the Mayor to issue rules; and clarify how the Mayor shall make certain information available to manufacturers.

I would like to thank the Committee on Business, Consumer and Regulatory Affairs and the Council's General Counsel for working with my Administration and the Office of the Attorney General (OAG) to address these matters. This emergency bill will enhance the Department of Employment Services' (DOES) ability to enforce laws prohibiting wage theft, thus protecting victims of employers who fail to perform the basic obligation of paying employees for work completed.

The "Modification No. 4 to Contract No. CW24705 Approval and Payment Authorization Emergency Act of 2014" (with Tri-Gas & Oil, Inc.)

I urge the Council to retroactively approve this contract for biodiesel fuel. The Department of General Services (DGS) is responsible for coordinating the fuel orders for various District agencies, including the Fire and Emergency Medical Services, the Metropolitan Police Department, and the Department of Public Works. The proposed contract action is for the exercise of the full first year option period on the contract. Failure to provide biodiesel will adversely impact the daily operations of District agencies.

A partial option was exercised for the period November 7, 2014 through January 31, 2015 to allow the contractor to continue to provide the required fuel in the estimated amount of \$990,000. Council action is necessary to approve the full option year one period from November 7, 2014 through November 6, 2015. The estimated amount of the contract (inclusive of the partial option period) is \$2,000,000.

**READING AND VOTE ON PROPOSED RESOLUTIONS
AT THE REQUEST OF THE MAYOR**

PR20-1099, the “Public Employee Relations Board Ann Hoffman Confirmation Resolution of 2014”

I urge the Council to approve this nomination. Ann Hoffman has an extensive background in labor and employment law, with experience in collective bargaining, legislation and lobbying, and a variety of workplace issues. She was a member of the Public Employee Relations Board (PERB) from 2004-2008 and 2012-2014. She has worked for the International Ladies’ Garment Workers’ Union, UNITE, the Communications Workers of America, and the National Boarder Council/AFGE. She is also an officer of the National Writers Union/UAW.

Ms. Hoffman has served as an Adjunct Professor at the University of Maryland School of Law and Cornell University, and she was a co-founder of the Women’s Law Center of Maryland. She received her undergraduate degree from Barnard College and her law degree from the University of Maryland School of Law.

PR20-1100, the “Public Employee Relations Board Yvonne Dixon Confirmation Resolution of 2014”

I urge the Council to approve this nomination. Ms. Dixon has more than thirty years of experience in the field of labor-management relations, having spent her entire career with the National Labor Relations Board (NLRB). With the NLRB, she served as the Director of the Office of Appeals from 1993-2013, Acting Deputy General Counsel from 1992-1993, Assistant General Counsel from 1990-1992, Deputy Assistant General Counsel from 1986-1990, and Special Counsel from 1979-1986. In these capacities, Ms. Dixon reviewed decisions of regional directors, managed staff, provided legal advice and policy recommendations, negotiated bargaining agreements, and represented the Agency in personnel actions and bargaining disputes. She was awarded the Presidential Meritorious Executive Rank Award in 1999. She retired from the Agency in 2013.

Ms. Dixon received her undergraduate degree from Earlham College and her law degree from New York University School of Law.

Bill 20-0855, the “Executive Service Compensation System Changes and Pay Schedule Approval Amendment Act of 2014:” and PR 20-895, the “Excepted Service Public Safety Compensation System Changes Resolution of 2014”

I urge the Council to support these measures, which will permit the creation of new Executive Service and Excepted Service Schedules, specifically for public safety professionals. The *Executive Service Compensation System Changes and Pay Schedule Approval Amendment Act of 2014* will address the District’s challenges in attracting and retaining leaders in medical and forensic sciences by creating an Executive Schedule for junior agency leaders in medical officer and public safety positions. The *Excepted Service Public Safety Compensation System Changes Resolution of 2014* permits the Mayor to create a separate Excepted Service Public Safety Cluster Salary Schedule.

This legislation is the result of a comprehensive study of these positions, and their relative compensation in similar jurisdictions. Within that study, District Department of Human Resources (DCHR) reviewed the Chief Medical Examiner and other Medical Officer positions across Public Safety agencies, inclusive of agencies that have functions paramount to Public Safety (e.g., Department of Youth and Rehabilitation Services).

Among the most important results of the study, DCHR made the following core conclusions: (1) the duties and responsibilities of medical positions within the Public Safety Cluster are in line with state and large city functions; (2) surrounding city and municipal jurisdictions (Alexandria, Fairfax, Montgomery, and Prince George's) do not have similarly situated positions with like functions and responsibilities; (3) the District's compensation for unrepresented medical positions within the Public Safety Cluster significantly lags behind the market; (4) no changes to compensation for non-union employees in past six years, and (5) the demand for the specialized field in comparison to the availability of medical professionals. Most importantly, as a vast metropolitan area with large concentrated populations in addition to a steady influx of visitors on a daily basis, the activities in the District are similar to that of cities such as New York and Los Angeles.

PR20-0847, the "Barnaby Road Parcel 238/40 Disposition Approval Resolution of 2014;" and PR20-0846, the "Barnaby Road Parcel 238/40 Surplus Declaration Resolution of 2014"

I urge the Council to support these resolutions to authorize the sale of an unimproved piece of land owned by the District and known as Parcel 238/40 located on Barnaby Road, SE, between Bonini Road and Chesapeake Street, SE, to Ways of the World Community Development Corporation (WOW-CDC, a subsidiary of the Temple of Praise) for the price of \$300,000. After sale, WOW-CDC will be able to join the property with other land already controlled by WOW-CDC. This joint property will be developed to create affordable and workforce housing.

PR20-0906, the "Rental Housing Commission Peter Szegedy-Maszak Confirmation Resolution of 2014"

I urge the Council to approve the re-nomination of Peter Szegedy-Maszak to the Rental Housing Commission (Commission). For many years, the Rental Housing Commission was severely hampered by backlog. Mr. Szegedy-Maszak and his fellow Commissioners have done their best to reduce the backlog and to institute a more streamlined workflow to ensure that cases brought before the Commission are heard in a timely fashion according to the law. Mr. Szegedy-Maszak has served on the Commission since 2007 and as Chairman since 2011.

PR20-0917, the "Housing Finance Agency Board of Directors Derek Ford Confirmation Resolution of 2014"

I urge the Council to confirm the re-nomination of Derek Ford as Chairman of the Housing Finance Agency Board of Directors (Board). Mr. Ford has extensive experience in the financial side of housing in the District, including fifteen years of progressively increasing responsibilities in various entities of private industry, non-profits and government. Mr. Ford has been confirmed multiple times by the Council to the Board where his insight, especially in financial and compliance oversight issues, is important.

PR20-1093, the “Housing Production Trust Fund Board Oramenta Newsome Confirmation Resolution of 2014;” PR20-1094, the “Housing Production Trust Fund Board David J. Roodberg Confirmation Resolution of 2014” and PR20-1095, the “Housing Production Trust Fund Board Sue Ann Marshall Confirmation Resolution of 2014”

I urge the Council to approve the re-nominations of Oramenta Newsome, David Roodberg, and Sue Ann Marshall to the Housing Production Trust Fund Board (Board). Each of the nominees brings unique experience to the Board and will ensure that the Board continues its vital work providing affordable housing in the District.

Oramenta Newsome will continue to serve on the Board as a representative of an organization that advocates for the production, preservation and rehabilitation of affordable housing for lower-income households. As Executive Director of the Washington, D.C. office of Local Initiatives Support Corporation (LISC), Newsome has been directly involved in implementing LISC’s Building Sustainable Communities strategy which includes: expanding investment in housing and other real estate, increasing family income and wealth, stimulating economic development, improving access to quality education, and supporting healthy environments and lifestyles.

David Roodberg currently serves as CEO and President of Horning Brothers, a firm with deep experience in the District. He will continue to represent the for-profit housing industry on the Board. His knowledge of development from leasing, property management and financing of an apartment, within retail, residential, and mixed use projects, has been a significant boon to the Board.

Sue Ann Marshall, Executive Director of The Community Partnership for the Prevention of Homelessness will continue her service on the Board representing the non-profit housing production community. Her devotion to the production of housing for the homeless on the Board pairs well with her experience in marshalling community resources to create innovative strategies that prevent homelessness.

PR20-1082, the “McMillan – Residential Townhomes Parcel Disposition Approval Resolution of 2014;” PR20-1083, the “McMillan – Residential Multifamily Parcels Disposition Approval Resolution of 2014;” PR20-1084, the “McMillan – Commercial Parcels Disposition Approval Resolution of 2014;” and PR20-1081, the “McMillan Surplus Declaration and Approval Resolution of 2014”

I urge the Council to support the McMillan redevelopment project by voting in favor of these resolutions. The McMillan Sand Filtration Site offers a unique opportunity for the District to reshape a long languishing property into an enormous benefit for residents and the city as a whole. Public input into the development plan has been extensive and widespread. I am confident that the redevelopment strikes the appropriate balance between the historic nature of the property and the needs of the community for additional housing and retail space.

The completed project will contain 146 Townhouses (9 affordable to 50% AMI; 13 affordable to 80% of AMI), 531 Apartments (85 senior units affordable to 50/60% AMI; 25 affordable to 80% of AMI), one million square feet of Healthcare Facilities, a 50,000 square foot grocery store, 30,000 square feet of Neighborhood-Serving Retail and an 8-acre park. Further, the development plan calls for a 17,000

square foot Community Center with pool, fitness center, multi-purpose rooms, gallery space and connection to a preserved underground cell.

PR20-0819, the “Stevens School Surplus Declaration and Approval Resolution of 2014”

I urge the Council to support the passage of the *Stevens School Surplus Declaration and Approval Resolution of 2014*. This legislation gives new opportunities to children on the Autistic Spectrum to receive the highest quality education possible within the boundaries of the District. District Government agencies are not currently able to utilize the facility, and it is not needed for other government uses. Once declared surplus, I intend to dispose of the property to secure facilities in the District for IvyMount School, Inc., to provide quality educational programs and therapeutic services to students with special needs from 4 to 21 years of age. IvyMount at Stevens will also operate as a training facility for District of Columbia Public Schools (DCPS) teachers, a significant benefit for DCPS and District children. It is my understanding that the disposition of this property will be considered at an Additional Legislative Meeting later today, I urge the Council to support the swift approval of this disposition.

***READING AND VOTE ON PROPOSED LEGISLATION
AT THE REQUEST OF THE MAYOR***

Bill 20-289, the “Clinical Laboratory Practitioners Amendment Act of 2014”

I urge the Council to approve the *Clinical Laboratory Practitioners Amendments Act of 2014*. Bill 20-289 amends the D.C. Code by defining the practice of cytotechnology, histologic technicians, histotechnology, medical laboratory technicians, and medical technology. The District Department of Health (DOH) framed this bill as a needed regulatory framework to ensure patient safety and promote public health by establishing the educational standards and minimum competency requirements for clinical laboratory personnel in the District of Columbia.

Bill 20-930, the “License to Carry a Pistol Amendment Act of 2014”

I urge the Council to support the *License to Carry a Pistol Amendment Act of 2014*. The Executive has appreciated the opportunity to work closely with Chairman Mendelson and Councilmember Wells in drafting this legislation in response to the ruling by the U.S. District Court in the case of *Palmer v. District of Columbia*. The Palmer ruling, which may be subject to revision after further consideration by the district court or in an appeal, is the first in the District finding that a person’s Second Amendment right to keep and bear arms for self-defense must extend beyond the home. The judge’s ruling in the case – that there is a constitutional right to carry a handgun in public for self-defense – goes beyond the 2008 Supreme Court ruling in *Heller v. District of Columbia*, which ruled that there is a constitutional right to have a handgun for self-defense specifically in the home. The proposed bill maintains our commitment to keeping guns out of the wrong hands, while fully respecting the Second Amendment of the U.S. Constitution.

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

I am grateful to the Council for the thoughtful process it undertook in reviewing the *District of Columbia Soccer Stadium Development Act of 2014*. This important legislation authorizes the Mayor to put together the pieces to complete the development of a soccer stadium in Buzzard Point. Specifically, the bill will allow the Mayor to assemble the soccer stadium site, approve the development agreement for the construction of the new stadium site, approve the development agreement for the construction of a new soccer stadium, authorize additional actions of the District required to execute the agreements, modify existing law regarding soccer to make it applicable to a new stadium, and provide several tax abatements in relation to the construction and future operation of the stadium.

Residents of the District have waited for years to be able to develop a world-class soccer facility that highlights the District’s commitment to its sports teams, its international appeal, and its ability to leverage one underused site to spur economic development and growth across the city. While the plan has changed from the version introduced earlier this year, the opportunity to move forward quickly with this stadium is something that the entire District wants. I urge the Council to pass the legislation.

READING AND VOTE ON EMERGENCY LEGISLATION

The “Trauma Technologists Licensure Emergency Amendment Act of 2014” (with accompanying measures)

I urge the Council to support these measures to extend the transition period for persons currently meeting the requirements for licensure as trauma technologists in the District. Previous Council legislation required the Board of Medicine to draft regulations that would require trauma technologists to become licensed, and those provisions went into effect earlier this year.

A provision of that act allows individuals who have already met certain qualifications to be deemed trauma technologists for a period of twelve (12) months following January 25, 2014. The purpose of this provision is to cover individuals who have already been working full-time as trauma technologists, which is the DOH standard language to “grandfather” in existing professionals. Planned regulations have not been completed by the Board of Health, which would leave existing trauma techs in the position where their period of eligibility to apply is about to run out, while not being permitted to apply for licensure. Approval of this legislation is necessary as it will ensure that individuals who have been working as trauma technologists before the enactment of the “Trauma Technologist Amendment Act of 2013,” will continue to be given the opportunity to serve as trauma technologists.

The “District of Columbia Lots 36, 41 and 802 in Square 3942 and Parcels 01430107 and 01430110 Eminent Domain Emergency Authorization Act of 2014”

I urge the Council to approve the potential use of eminent domain to acquire Lots 36, 41 and 802 in Square 3942 and Parcels 01430107 and 01430110 (W Street Site). DC Water currently operates a site south of N Place, S.E., north of the Anacostia River and between 1st and Canal Streets, S.E. (DC Water Site). The District plans to revitalize and develop a portion of the DC Water Site and leverage other District investments, such as the South Capitol Street Bridge project and the Nationals Park, and serve to accelerate and promote economic vitality in the Capitol Riverfront neighborhood

The District of Columbia and DC Water have entered into a Memorandum of Understanding for DC Water to relocate a portion of the uses from the DC Water Site to a site in Prince Georges County. In order to ensure adequate response times to water and sewer emergencies, DC Water must also maintain a site west of the Anacostia River.

The W Street Site is currently occupied by a trash transfer station, and has been considered by many as blight to nearby communities.

READING AND VOTE ON PROPOSED LEGISLATION

Bill 20-790, the “Reproductive Health Non-Discrimination Amendment Act of 2014”

I urge the Council to postpone voting on this measure until significant legal concerns expressed by the Office of Attorney General are resolved. My staff shared with the Committee on the Judiciary a detailed review of the bill by OAG that deemed the legislation legally insufficient. The District of Columbia Human Rights Act (Human Rights Act) protects many facets of an individual’s identity (such as race, nationality, religion, and sexual orientation) from discrimination. Bill 20-790, the *Reproductive Health Non-Discrimination Amendment Act of 2014*, would expand these restrictions by prohibiting employers (and others) from discriminating against an individual based on that individual’s reproductive health decisions.

According to OAG, the bill raises serious concerns under the Constitution and under the Religious Freedom Restoration Act of 1993 (RFRA). Religious organizations, religiously-affiliated organizations, religiously-driven for-profit entities, and political organizations may have strong First Amendment and RFRA grounds for challenging the law’s applicability to them. Moreover, to the extent that some of the bill’s language protects only one sex’s reproductive health decisions, that language may run afoul of the Fifth Amendment’s equal protection guarantee. If the Council wishes to adopt this Bill or similar legislation, it should clarify the Human Rights Act’s existing exemption for religious and political organizations to ensure that the exemption protects the religious and political liberty interests that the First Amendment and RFRA are designed to secure.

While I applaud the goals of this legislation, as currently drafted, this legislation is legally problematic. I am committed to working with the Council on language necessary to make the changes needed.

Bill 20-0294, the “St. Elizabeths East Redevelopment Support Act of 2014”

I urge the Council to support the amended *St. Elizabeths East Redevelopment Support Act of 2014*. The introduced bill was the subject of close negotiations between the Office of the Deputy Mayor for Planning and Economic Development and the Committee on Economic Development. I am pleased to note that these negotiations have resulted in a streamlined bill that will provide the authorization for a “land swap” between the District and the Washington Metropolitan Area Transit Authority (WMATA) that ensures the ability of the District to construct an entrance to the St. Elizabeths East Campus as part of the redevelopment of that site. The Planning, Program Development and Real Estate Committee of WMATA has also approved their part of the land swap, so Council action today will provide the final authorization needed to authorize the transfer.

Bill 20-0721, the “U Street/14th Street NW Great Streets Neighborhood Retail Priority Amendment Act of 2014”

I urge the Council to support this legislation expanding the eligible areas for the Great Streets program. As the Council is aware, Great Streets is a competitive program that provides reimbursable grants of up to \$85,000 for small business owners to improve their place of business. The purpose of the grants is to support existing small businesses, attract new businesses, increase the District’s tax base, create new job opportunities for District residents, and transform emerging commercial corridors into thriving and inviting neighborhood centers. I would further urge the Council to be cautious about inclusion of too many areas in the program without providing additional funding for the program.

Bill 20-891, the “Office of Motion Picture and Television Development Establishment Act of 2014”

I urge the Council to postpone consideration of B20-891. As stated in testimony before the Committee on Business, Consumer and Regulatory Affairs, the Office of Motion Picture and Television Development was established by Mayor’s Order in 1979 with the intent of working within the Office of Business and Economic Development, predecessor to the current Office of the Deputy Mayor for Planning and Economic Development. MPTD, by design, is a subordinate, economic development cluster agency and one of many tools designed to generate economic development-related revenues in the District of Columbia. Since MPTD is truly a function of the Mayor’s economic development platform, it is the position of DMPED that the appointment of MPTD’s Director should continue to remain exclusively with the Mayor. As such, I believe it appropriate to wait to alter the agency until after the next Mayor has had an opportunity to assess the economic development cluster agency landscape, and position the agencies to comport with her vision.

Bill 20-902, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2014”

I urge the Council to support the *Omnibus Alcoholic Beverage Regulation Amendment Act of 2014*. This legislative proposal would amend Title 25 of the D.C. Official Code in several respects. It would, among other things: create a new festival license; clarify that the Ward 4 moratorium applies to Class A and B off-premises licenses; clarify that Settlement Agreements are not enforceable when a license is transferred to a new location; delete the requirement that licensees must apply annually for holiday extended hours; and provide authority for ABRA investigators to seize a suspended, revoked or cancelled license.

Bill 20-48, the “Civil Asset Forfeiture Amendment Act of 2014”

I support passage of this legislation in Final Reading. Bill 20-48 creates a freestanding title for civil forfeitures, which includes sections on seizures, notice, contesting seizure, interim release of seized property, filing a complaint, forfeiture proceedings, return of property, disposal of forfeited property, adoptive seizures, reporting requirements, remission or mitigation, and the rule of lenity.

While I continue to have reservations about the limitations this bill places on the Executive Branch and the Office of the Attorney General (OAG), I recognize that the forfeiture of civil assets – and procedures for their timely return to the owner – is a significant one in the community that is in need of reform. OAG and the U.S. Attorney’s Office worked with the Committee on Judiciary and Public Safety on this legislation and was successful in making significant improvements to the requirements included in the legislation. I appreciate the work that the Committee has undertaken to include affected parties, and believe that while this compromise is a good one, future Executives may have to amend the law if the District experiences challenges with the procedures the law puts in place.

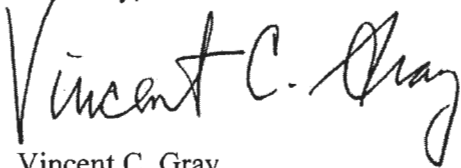
Bill 20-468, the “Limitation on the Use of Restraints Act of 2014”

With the amendments circulated on Monday, December 1, I support passage of this measure. Bill 20-468 limits the use of restraints on a woman or youth who is known to be pregnant or in post-partum recovery, including in limited circumstances while in transport to a medical facility or while receiving treatment at a medical facility.

The District of Columbia is considered a national leader in its treatment of pregnant inmates, and I support codifying existing procedures to continue to be a model to other state penal institutions. However, I do not want to overly burden the administration of our detention facilities with procedures that are unsafe both to inmates and corrections officers. The amendment being offered today strikes that balance.

Thank you for the opportunity to express the Administration’s views on these pieces of legislation.

Sincerely,



Vincent C. Gray

cc: Members of the Council of the District of Columbia