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2 Chairman Phil Mendelson



Councilmember Mary M. Cheh

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6 A PROPOSED RESOLUTION
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To declare the existence of an emergency with respect to the need to amend section 47-362 of
16 the District of Columbia Official Code to state that intra-District transfers shall not be
17 used to establish new programs or to change allocations specifically denied, limited, or
18 increased by the Council in the budget act, or the accompanying budget report or mark-
19 up sheets.
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21 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
22 resolution may be cited as the "Intra-District Transfer Limitation Emergency Declaration
23 Resolution of 2019".

24 Sec. 2. (a) In the Mayor's proposed budget for FY 2020, as transmitted to the Council,
25 the Mayor proposed moving administration of Automated Traffic Enforcement ("ATE") from
26 the Metropolitan Police Department ("MPD") to the District Department of Transportation
27 ("DDOT"). Although the Committee on the Judiciary and Public Safety recommended approving
28 that move, the Committee on Transportation and the Environment recommended disapproving
29 the transfer of this program and associated funding from MPD to DDOT.

30 (b) The Committee on Transportation and the Environment's budget report expressed
31 concerns about initiating this transfer through the budget process. The Committee recommended
32 that the transfer be considered as standalone legislation, which would provide an opportunity for
33 public comment on the proposed change, as well as opportunity for the Council, Executive, and

public to better understand the financial and administrative changes associated with the proposed transfer.

(c) The final budget approved by the Council and signed by the Mayor did not include funding for this transfer. Funding for administration of the ATE program remained in the budget for MPD.

(d) Following the enactment of the budget, the Committee on the Judiciary and Public Safety and the Committee on Transportation and the Environment noticed a joint public roundtable on Proposed Transfer of the Automated Traffic Enforcement Program from MPD to DDOT.

(e) This fall, the Council was made aware that the Executive intended to initiate the transfer of the ATE program from MPD to DDOT. Members of the Council reached out for clarification from Chief Financial Office Jeffrey Dewitt ("CFO") to understand under what legal mechanism the Mayor could initiate such a transfer, given the Council's explicit repudiation of this funding transfer in the FY 2020 budget.

(f) Under D.C. Official Code § 47-362(b), the Executive may not use reprogrammings to establish new programs or change allocation specifically denied, limited, or increased by the Council in the budget act.

(g) In a September 13, 2019 letter, the CFO noted that the Mayor has the statutory authority to create a program within DDOT to administer the ATE program. The CFO confirmed his understanding that reprogrammings could not be used to fund this new program, stating that any new program would need to be funded through other means in compliance with the District budget. The CFO did not clarify what means those would be.

56 (h) Other than reprogrammings, the only mechanism to fund this new program at DDOT
57 using funds allocated in the FY 2020 budget would be an intra-District transfer.

58 (i) Immediate legislative action is necessary to prevent action from being taken counter to
59 the explicit intent of the Council in the FY 2020 budget and to ensure that the funding and
60 administration of the ATE program remains with MPD, as intended, until standalone legislation
61 is introduced and considered.

62 Sec. 3. The Council of the District of Columbia determines that the circumstances
63 enumerated in section 2 constitute emergency circumstances making it necessary that Intra-
64 District Transfer Limitation Emergency Amendment Act of 2019 be adopted after a single
65 reading.

66 Sec. 4. This resolution shall take effect immediately.