

A RESOLUTION

23-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To declare the existence of an emergency with respect to the need to amend section 47-362 of the District of Columbia Official Code to provide that intra-District transfers shall not be used to establish new programs or to change allocations specifically denied, limited, or increased by the Council in the budget act, or the accompanying budget report or mark-up sheets.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Intra-District Transfer Limitation Emergency Declaration Resolution of 2019”.

Sec. 2. (a) In the Mayor’s proposed budget for Fiscal Year 2020 (“FY 2020 budget”), as transmitted to the Council, the Mayor proposed moving administration of automated traffic enforcement (“ATE”) from the Metropolitan Police Department (“MPD”) to the District Department of Transportation (“DDOT”). Although the Committee on the Judiciary and Public Safety recommended approving that move, the Committee on Transportation and the Environment recommended disapproving the transfer of the ATE program and associated funding.

(b) The Committee on Transportation and the Environment’s FY 2020 budget report expressed concerns about initiating this transfer through the budget process. The Committee recommended that the transfer be considered as standalone legislation, which would provide an opportunity for 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 FY 2020 budget approved by the Council and signed by the Mayor did not include funding for this transfer. Funding for the administration of the ATE program remained in the FY 2020 budget for MPD.

(d) Following the enactment of the FY 2020 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.

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(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 Officer, 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.

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

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

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

Sec. 4. This resolution shall take effect immediately.