



Councilmember Elissa Silverman

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To request, on an emergency basis, the Mayor to submit a supplemental budget recommendation
2 to the Council; and to declare the sense of the Council in support of using supplemental
3 funds available from the Fiscal Year 2021 surplus or additional Fiscal Year 2022
4 revenues, as may be necessary, to issue high-quality masks to students and school staff,
5 to provide temporary premium pay for substitute teachers and other hard-to-fill school
6 staff, to improve and repair HVAC systems if necessary, to provide temporary COVID
7 leave benefits for District employees, and to offer additional emergency rental and utility
8 assistance, and on related matters.

9 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
10 resolution may be cited as the “Omicron Response and Fiscal Year 2022 Supplemental Budget
11 Request Emergency Resolution of 2022”.

12 Sec. 2. (a) Pursuant to section 442(d) of the District of Columbia Home Rule Act,
13 approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42(d)), and this
14 resolution, the Mayor shall prepare and submit to the Council a supplemental budget
15 recommendation for Fiscal Year 2022 by March 16, 2022.

16 (b) The supplemental budget recommendation shall include the information set forth in
17 section 4 of the Fiscal Year Budget Submission Requirements Resolution of 2021, effective
18 December 24, 2021 (Res. 24-311; 68 DCR 13776).

19 Sec. 3. (a) The Council finds that:

20 (1) Beginning in December 2021, the District was among the first U.S.
21 jurisdictions to experience the Omicron wave of the COVID pandemic;

22 (2) During the Omicron wave, the District's daily case rate exceeded 300 per
23 100,000 population, over 6 times higher than daily case rates observed at any prior time of the
24 pandemic;

25 (3) High case rates have strained the capacity of hospitals, required some
26 classrooms and schools to switch from in-person to virtual instruction, and diminished the
27 availability of District employees to perform critical functions such as snow removal, solid waste
28 management, law enforcement, and public education;

29 (4) The Mayor has implemented a range of initiatives, including implementation
30 of a test-to-return protocol following the winter break at D.C. Public Schools; the issuance of
31 high-quality masks to public school teachers; a modest pay increase for part-time substitute
32 teachers; efforts to mitigate deficient heating, ventilation, and air conditioning systems in
33 schools, including through the use of space heaters; personal pandemic leave for District
34 employees who personally test positive for COVID, retroactive to December 1, 2021; and
35 obtained approximately \$17 million in additional federal funding for emergency rental and utility
36 assistance, reallocated from other jurisdictions that have not promptly spent their initial
37 allocations;

38 (5) The Mayor’s initiatives are productive, and the District’s response to the
39 Omicron wave could be further strengthened by refining or expanding these initiatives in a way
40 that could have a fiscal impact;

41 (6) Recently enacted emergency legislation, such as the Returning to School
42 Safely Emergency Amendment Act of 2022, passed January 18, 2022 (enrolled version of Bill
43 24-611), has established, broadened, or reiterated certain notice and reporting requirements;
44 however, emergency legislation is generally constrained by the need to avoid a fiscal impact;

45 (7) Although only the Mayor can initiate a supplemental budget, the Home Rule
46 Act provides for the Council, by resolution, to request a supplemental budget recommendation
47 from the Mayor, and the Mayor must prepare and submit a supplemental budget recommendation
48 if the Council by resolution requests the Mayor to make such a recommendation;

49 (8) The Mayor’s staff is currently developing the Fiscal Year 2023 budget
50 proposal, which is due to be submitted on March 16, 2022, and a supplemental budget
51 recommendation for Fiscal Year 2022 may also be in development but is not required;

52 (9) On December 30, 2021, the Chief Financial Officer published revised
53 quarterly revenue estimates certifying an increase of local revenues of \$576.0 million in FY 2021
54 and \$357.8 million in FY 2022, and the District’s Annual Comprehensive Financial Report for
55 FY 2021 is due on February 1, 2022; and

56 (10) In light of the availability of substantial additional financial resources, we
57 desire to request a supplemental budget from the Mayor and to identify a limited number of
58 funding priorities to strengthen the District’s Omicron response.

59 (b) It is the sense of the Council that:

60 (1) The supplemental budget request should fund the following one-time
61 expenditures:

62 (A) High-quality, well-fitting masks or respirators that provide greater
63 protection than cloth or surgical masks to be issued to students and staff of public schools and
64 public charter schools providing in-person instruction;

65 (B) Temporary premium pay for school-based staff in hard-to-fill
66 positions such as substitute teachers;

67 (C) The enhancement, maintenance, replacement, or repair of heating,
68 ventilation, and air conditioning systems as may be necessary to reduce the risk of transmission
69 of COVID-19 inside school facilities, office buildings, correctional facilities, or other indoor
70 spaces owned or occupied by the District;

71 (D) Temporary supplemental sick leave or personal pandemic leave for
72 District employees who are unable to work during a period of quarantine or isolation or while
73 providing care for family members who must quarantine or isolate; provided, that the availability
74 of such supplemental sick leave may be restricted to employees who do not have accrued sick
75 leave or access to banked leave in sufficient amounts; and

76 (E) Emergency rental assistance and utility assistance to prevent evictions
77 and utility shutoffs;

78 (2) To the extent that resources are appropriated in the revised budget for Fiscal
79 Year 2022 to support the expenditures listed in subsection (a) of this section, the Mayor may,
80 instead of including such expenditures in the supplemental budget request, concurrently submit
81 to the Council a document identifying the applicable funding source and amount or, with respect

82 to subsection (a)(3), certifying the proper functioning of adequate HVAC systems in all District
83 buildings;

84 (3) It is appropriate to pay for this supplemental budget request from the Fiscal
85 Year 2021 General Fund surplus or from additional Local revenues that have been certified by
86 the Chief Financial Officer for collection in Fiscal Year 2022;

87 (4) The issuance of high-quality, well-fitting masks to students and school staff
88 and the proper functioning of heating, ventilation, and air conditioning systems will complement
89 the other measures instituted at the direction of the Mayor and Chancellor to support in-person
90 instruction;

91 (5) We support the initiative of the Mayor and Chancellor to develop and launch a
92 forthcoming test-to-stay program for District of Columbia Public Schools, and the Council
93 encourages this program to be applied broadly to all students, teachers, and staff on a weekly
94 basis or at such other intervals as may be appropriate for future levels of community spread;

95 (6) We expect the Mayor and Chancellor to comply with all District laws,
96 including the legal requirement of classroom-based notifications following positive tests in
97 schools, as set forth in section 104 of the Protecting Our Children Emergency Amendment Act of
98 2021, effective October 25, 2021 (D.C. Act 24-190; D.C. Official Code § 38-971.04) and
99 reiterated in section 2 of the Returning to School Safely Emergency Act of 2022, passed by the
100 Council on January 18, 2022 (enrolled version of Bill 24-611);

101 (7) We welcome the actions taken by the Mayor and Interim Director of Human
102 Resources in promulgating DPM Issuance No. 2022-2, effective December 1, 2021, and support
103 expanding the availability of personal pandemic leave to employees who must quarantine or care
104 for family members;

105 (8) We applaud the Mayor’s efforts to request and partially obtain additional
106 federal funds for emergency rental and utility assistance, and further support the use of additional
107 District funds to prevent evictions and shutoffs; and

108 (9) Consistent with recent budget practice, we anticipate receiving a supplemental
109 budget recommendation for the current fiscal year at the same time as the Mayor’s proposed
110 budget for the next fiscal year, and this resolution is not intended to preclude the Mayor’s
111 supplemental budget recommendation from funding additional expenditures.

112 Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its
113 adoption, to the Mayor and the Chief Financial Officer.

114 Sec. 5. This resolution shall take effect immediately upon the first date of publication in
115 the District of Columbia Register.