

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen *CA*
RE: Request to Agendize Measures for the December 1, 2020 Additional Committee of the Whole and Regular Legislative Meeting
DATE: November 25, 2020

Measures from Committee

I am requesting that you agendize the following measures for the December 1, 2020 Additional Committee of the Whole, should one be scheduled, pursuant to a waiver of Committee of the Whole Rule 403(b), and should one not be scheduled, for the Regular Legislative Meeting pursuant to Council Rule 426:

- [B23-0127](#), the “Omnibus Public Safety and Justice Amendment Act of 2020”
- [B23-0141](#), the “Uniform Fiduciary Access to Digital Assets Act of 2020”
- [B23-0165](#), the “Initiative and Referendum Process Improvement Amendment Act of 2020”
- [B23-0181](#), the “Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020”
- [B23-0409](#), the “Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020”
- [B23-0501](#), the “Sanctuary Values Amendment Act of 2020”

These measures were approved by the Committee at its Additional Meeting on November 23 and have been timely filed with the Secretary.

Emergency Contract Legislation at the Request of the Executive

- [PR23-1022](#), the “Modifications to Contract No. CW67648 with Summit Food Services, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2020”
- [B23-1001](#), the “Modifications to Contract No. CW67648 with Summit Food Services, LLC Approval and Payment Authorization Emergency Act of 2020”

This emergency legislation would approve Modification Nos. 4, 5, and 6 to Contract No. CW67648 with Summit Food Services, LLC to provide and manage the resident food service program at the Central Detention Facility and Correctional Treatment Facility. By Modification No. 4, dated September 15, 2020, the Office of Contracting and Procurement, on behalf of the Department of Corrections, exercised part of Option Year One for the period from September 15, 2020 through November 14, 2020 in the not-to-exceed amount of \$1,000,000. Modification No. 5 was an administrative modification that did not add additional costs to the contract. Modification No. 6 is now necessary to exercise the remainder of Option Year One for the period from November 15, 2020 through September 14, 2021, which will increase the total contract not-to-exceed amount for Option Year One by \$3,184,082 to \$4,184,082. Council approval is required

because these modifications increase the contract to more than \$1,000,000 during a 12-month period.

These measures have been timely filed by the Executive, and copies are attached. Please contact Sonia Weil, Senior Legislative Counsel, at sweil@dccouncil.us with any questions.

Emergency Contract Legislation at the Request of the Attorney General

- [PR23-1035](#), the “Contract No. DCCB-2020-F-0026 with Edelson PC, Approval and Payment Authorization Emergency Declaration Resolution of 2020”
- [B23-1006](#), the “Contract No. DCCB-2020-F-0026 with Edelson PC, Approval and Payment Authorization Emergency Act of 2020”

There exists a need to immediately approve [Contract No. DCCB-2020-F-0026](#) with Edelson PC, to allow the Office of the Attorney General (“OAG”) to obtain outside legal services to assist OAG with its consumer protection litigation against Facebook, Inc. Contract No. DCCB-2020-F-0026 is a multi-year contract with a not-to-exceed amount of \$55,000,000, with a five-year base period calculated from July 31, 2020. The contract is the definitized version of a letter contract the parties executed on July 31, 2020 that had a maximum amount of less than \$1 million. It is also a contingency fee contract with a cost reimbursement component, calculated as a percentage of any monetary award obtained by Edelson PC on behalf of the District, payable only upon the District’s receipt of such an award. Council approval is further necessary because the contract could require the payment of more than \$1 million during a 12-month period.

These measures were filed by the OAG, and copies are attached. Please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us with any questions.

Congressional Review Emergency Legislation

- “Sanctuary Values Congressional Review Emergency Declaration Resolution of 2020”
- “Sanctuary Values Congressional Review Emergency Amendment Act of 2020”

On September 22, 2020, the Council passed the Sanctuary Values Emergency Amendment Act of 2020, effective October 14, 2020 (D.C. Act 23-414; 67 DCR 12241) (“emergency act”), which will expire on January 11, 2021. The emergency act limits the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order. On October 6, 2020, the Council passed the Sanctuary Values Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-446; 67 DCR 13034) (“temporary act”), which is currently pending congressional review. The projected law date for the temporary act is currently available. On November 23, 2020, the Committee on the Judiciary and Public Safety approved the permanent version of this legislation – Bill 23-0501 – and it will come before the full Council for first reading on December 1, 2020. In order to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act, it is now necessary to approve this congressional review emergency legislation.

Draft copies of these measures are attached. Please contact Sonia Weil, Senior Legislative Counsel, at sweil@dccouncil.us with any questions.

- “Sexual Assault Victims’ Rights Clarification Congressional Review Emergency Declaration Resolution of 2020”
- “Sexual Assault Victims’ Rights Clarification Congressional Review Emergency Amendment Act of 2020”

On September 22, 2020, the Council passed the Sexual Assault Victims’ Rights Clarification Emergency Amendment Act of 2020, enacted on October 14, 2020 (D.C. Act 23-412; 67 DCR 12237) (“emergency act”). The emergency act expires on January 11, 2021. On October 6, 2020, the Council passed the Sexual Assault Victims’ Rights Clarification Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-444; 67 DCR 13032) (“temporary act”), which is pending congressional review and for which no projected law date is currently available. This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

Draft copies of these measures are attached. Please contact Kevin Whitfield, Policy Advisor, at kwhitfield@dccouncil.us with any questions.

Emergency Legislation

- “Police Reform Commission Extension Emergency Declaration Resolution of 2020”
- “Police Reform Commission Extension Emergency Amendment Act of 2020”
- “Police Reform Commission Extension Temporary Amendment Act of 2020”

On July 7, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020, effective July 22, 2020 (D.C. Act 23-336; 67 DCR 9148) (“emergency act”). Section 122 of the emergency act created a Police Reform Commission (“Commission”) to examine policing practices in the District and provide evidence-based recommendations for reforming and revisioning policing in the District. The emergency act provided that the Commission shall submit its recommendations in a report to the Mayor and Council by December 31, 2020, and shall sunset upon the delivery of its report or on December 31, 2020, whichever is later. The emergency act expired on October 19, 2020.

On July 21, 2020, the Council passed the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, enacted on August 12, 2020 (D.C. Act 23-399; 67 DCR 9920) (“temporary act”), which is pending congressional review and is projected to become law on December 7, 2020. On September 22, 2020, the Council passed the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, effective October 28, 2020 (D.C. Act 23-437; 67 DCR 12993) (“congressional review emergency act”). The congressional review emergency act was passed to avoid a gap in the law between the expiration of the emergency act and the effective date of the temporary act, and it is set to expire on January 25, 2021.

Since the passage of the emergency act, the Commission's membership has been appointed, the Commission and its committees have met numerous times, and the Council has procured a contractor to support the Commission's activities and the development of its required report. This emergency legislation is now necessary to enable the Commission to complete its work, and it extends, in coordination with the Commission's Co-Chairs, the report submission deadline and the Commission's sunset date to April 30, 2020.

Draft copies of these measures are attached. Please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us with any questions.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director
Mayor's Office of Policy and Legislative Affairs