



Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Office of District Waterways Management Establishment Act of 2022 to make the process for Mayoral appointment of members of the District Waterways Advisory Commission consistent with that of similar commissions, to add the Department of Parks and Recreation as an ex-officio non-voting member of the District Waterways Advisory Commission, to adjust the District Waterways Advisory Commission meeting schedule, to allow sufficient time for engagement with stakeholders and the District Waterways Advisory Commission in development of the Advisory Plan, and to provide the District Waterways Advisory Commission with authority to determine whether the Advisory Plan needs to be updated and extend the update period to at least every 3 years; and to amend the Confirmation Act of 1978 to make a conforming amendment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of District Waterways Management Establishment Congressional Review Emergency Declaration Resolution of 2024”.

Sec. 2. (a) Section 2(a) of the Office of District Waterways Management Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; D.C. Official Code § 8-191.01(a)) (“Act”), created the Office of District Waterways Management (“ODWM”) with a mandate to plan, promote, advocate for, and facilitate stakeholder cooperation for the diverse uses of and access to the Anacostia and Potomac Rivers, the Washington Channel, and adjacent property. The Act also established a District Waterways Advisory Commission (“Commission”) which will advise ODWM and develop and adopt a District Waterways Advisory Plan (“Advisory Plan”).

36 (b) ODWM plans to engage a consultant to co-facilitate meetings of the Commission and  
37 assist with public outreach efforts and the drafting of the Advisory Plan. To do so, ODWM must  
38 issue a request for proposals (“RFP”) that adheres to the Act, but important adjustments to the Act  
39 are needed to increase flexibility and streamline implementation.

40 (c) The Act outlines a timeframe of one year for the Commission to adopt an Advisory  
41 Plan and requires the plan to be updated at least every 2 years. ODWM’s extensive market research  
42 shows that 2 years is a more realistic timeframe for developing the initial Advisory Plan given the  
43 broad scope of topics that the Advisory Plan must address and the extensive stakeholder and public  
44 outreach and engagement that will be necessary. A 3-year frequency for updating the plan is more  
45 reasonable than 2 years so that ODWM can have more time to implement the plan before working  
46 with the Commission to update it.

47 (d) The Act dictates that the Commission meet at least once a month. Current and potential  
48 ex-officio Commission members have consistently told ODWM that they prefer bi-monthly  
49 meetings, especially as these are voluntary roles being taken on by working professionals.  
50 Additionally, given the Commission's large size, providing for bi-monthly meetings with more  
51 frequent engagement as needed will allow greater flexibility to coordinate schedules and thus  
52 ensure more robust engagement with Commission members.

53 (e) The Act further requires specific procedures to be followed for Council approval of  
54 mayoral appointees, with a 90-day active approval period. However, the Commission is similar to  
55 other bodies whose Council approval procedures involve a 45-day passive approval period. The  
56 Commission could begin its work more quickly if the mayoral appointees could be approved under  
57 the alternative Council approval procedures.

58 (f) To address the aforementioned concerns, the Council passed the Office of District  
59 Waterways Management Establishment Emergency Amendment Act of 2024, effective October  
60 18, 2024 (D.C. Act 25-0585; 71 DCR 12850) (“emergency act”). The emergency act is set to expire  
61 on January 16, 2025. The Council also passed the Office of District Waterways Management  
62 Establishment Temporary Amendment Act of 2024, enacted on November 13, 2024 (D.C. Act 25-  
63 0623; 71 DCR 14105) (“temporary act”). The temporary act is now pending congressional  
64 transmittal.

65 (g) This congressional review emergency legislation is therefore necessary to prevent a gap  
66 in the law between the expiration of the emergency act and the effective date of the temporary act.

67 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute  
68 emergency circumstances making it necessary that the Office of District Waterways Management  
69 Establishment Congressional Review Emergency Amendment Act of 2024 be adopted after a  
70 single reading.

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