



Brianne K. Nadeau
Councilmember, Ward 1

**Council of the District of Columbia
COMMITTEE ON PUBLIC WORKS AND OPERATIONS**

FY2024 Committee Budget Markup Remarks

April 26, 2023

I. INTRODUCTION & QUORUM

Good afternoon. I am Brianne K. Nadeau, Councilmember for Ward 1 and Chairperson of the Council’s Committee on Public Works and Operations. Today is Wednesday, April 26, 2023, and this meeting is being held in the Council Chambers at the John A. Wilson Building. The time is ____ p.m., and I’m calling to order this Additional Meeting of the Committee.

For the record, I’d like to note that we have a quorum consisting of _____ and myself.

Today, the Committee will consider and vote on its Report and Recommendations on the Fiscal Year 2024 Budget for Agencies under its Purview.

And for a quick note about the procedures of today’s Additional Meeting. After my remarks, I will move the Report and the proposed recommendations on the Budget Support Act *en bloc*. All members will have an opportunity, if they so choose, to provide remarks before we vote.

After the vote, we will briefly adjourn and then return to session to consider PR25-0071, “Director of the Department of Public Works Timothy Spriggs Confirmation Resolution of 2023”.

II. BUDGET RECOMMENDATIONS

This year's budget season comes as I conclude six years as chairperson of the Committee on Human Services and begin a new role as chair of the newly formed Committee on Public Works and Operations. To be sure, this is a very different portfolio from my past work. But it also has areas of critical importance to the public. Several of the agencies in our committee are charged with providing access to justice for our residents, whether its consumer protection, upholding human rights and worker protections, access to public benefits or the ability to adjudicate fines, these agencies impact people's lives day-to-do. This committee also oversees critical daily functions of our government such as waste management and parking enforcement – the bread and butter of local government. I am energized by this new portfolio and excited to share this year's report.

This Report of Recommendations of the Committee on Public Works and Operations on the Fiscal Year 2024 Budget for Agencies under its Purview was developed with research and public and stakeholder engagement. The Committee held seven performance oversight hearings and five budget oversight hearings on the agencies in its portfolio.

I want to thank all of our agency directors and my colleagues on the committee for your tireless work during this oversight process. I especially want to thank the District residents and stakeholders who joined us online, emailed written testimony, left voicemails, and scheduled meetings to make sure the Committee was well informed when making recommendations for this budget. Your experiences and insights helped shape these recommendations.

I also want to thank all of our colleagues in the OCFO's office and in the executive branch for taking on the very daunting challenge of preparing multiple budgets, all with the additional complication of less favorable revenue estimates forcing late-hour adjustments. Although I may not agree with every choice made, I appreciate your hard work and commitment to the agencies under this committee's purview, responsible for executing many of the District's most essential services.

Now I will discuss some of the committee's key recommendations in more detail.

A. Empowered Workforce

Building an empowered government workforce is a challenge. It means ensuring agencies have adequate staff, resources, and support to effectively perform their responsibilities. It means equipping agencies with efficient technology to conduct their day-to-day tasks with ease. It means maintaining a sustainable workload for employees. And finally, it means to strive toward a culture of continuous improvement.

The Committee's budget recommendations restore funding for FTEs to agencies and provides funding for new FTEs, in order to give all our interim, acting, and new agency directors a *truly* fair shot to succeed. This includes:

- \$72,000 in recurring funding for a full-time Resource Center Coordinator at the Office of Administrative Hearings
- \$90,000 in recurring funding for a new Workforce Development Navigator at MOLGBTQA
- \$266,000 in recurring funding for three full-time Law Clerks and one Legal Assistant at the Office of Administrative Hearings
- \$133,000 to fund two IT Specialists who will focus on OAH's eFiling Portal
- \$657,000 across the financial plan from the Committee on Judiciary and Public Safety to fund one Deputy Clerk and one Legal Assistant to support OAH's anticipated concealed pistol license appeals work
- \$386,000 to restore 3 Equal Opportunity Specialist FTEs at the Office of Human Rights to support the Office's intake and investigations
- \$350,000 to fund the OHR-related provisions of the Domestic Worker Employment Rights Amendment Act of 2022, including 2.5 FTEs: one Investigator/Intake Specialist, one Attorney, and a part-time Outreach Specialist
- Funding 52 positions at the Department of Public Works, including:
 - Restoring all Parking Enforcement Officers and Booters cut by the Mayor's proposed FY2024 budget;
 - Restoring all SWEEP inspector positions;
 - The addition of PEMA support staff; and
 - Adding flexible Motor Vehicle Operator positions, which can be used to support improved graffiti removal, towing, and leaf services.

And finally, I would like to thank the collaborative effort of advocates, stakeholders, Committee and Council staff who worked so hard to bring the Street Vendor law to life:

- The Committee budget funds all DLCP-related costs for the “Street Vendor Advancement Amendment Act of 2023.” This includes:
 - 1 FTE to serve as Vending Zone Program Staff;
 - 1 FTE for an additional Inspector for Vending Enforcement;
 - Replacement of Special Purpose Revenue with recurring Local Funds to account for reduced revenue due to the reduction of licensing fees; and
 - \$125,000 in recurring funds to support the Columbia Heights-Mount Pleasant Vending Zone management contract.

B. Public Safety

My approach to public safety has always been a holistic one; no one tool alone is going to reduce crime. The solution is a mix of short-term immediate interventions and longer-term measures, and the Committee's budget recommendations reflect this. The recommendations are largely based on a coordinated approach to addressing violence and proven methods of creating safer communities. I will briefly discuss the ones that have been my priority:

- The Committee provides, through a transfer to the Committee on Judiciary and Public Safety, \$800,000 for enhancements to Ward 1 Violence Interruption program service areas and associated staffing at ONSE.
- The Committee establishes, through a transfer to the Committee on Judiciary and Public Safety of \$250,000, a Safe Commercial Corridors in Adams Morgan to support the hiring of additional Safety Ambassadors.
- It also expands the targeted outreach ecosystem approach piloted in the Columbia Heights Civic Plaza through a transfer to the Committee on Business and Economic Development of \$750,000 to support continued grantmaking. This funding will address the similar challenges of individuals in the adjacent neighborhoods to ultimately support holistic community development in Ward 1.
- The Committee accepts \$30,000 from the Committee on Judiciary and Public Safety to enable the Office of LGBTQ Affairs to issue a grant to a District-based organizations to provide LGBTQA+ cultural competency training to District first responders. Thank you, Councilmember Pinto.

- The Committee provides, through a transfer to the Committee on Housing, \$405,000 in recurring funds starting in FY 2025 for the Domestic Violence Training and Technical Assistance Program.
- And finally, the Committee funds a \$900,000 self-release boot pilot at DPW's Parking Enforcement Management Administration, to increase the effectiveness, efficiency, and overall safety of DPW's parking enforcement staff.

C. Reliable and Accessible Transit

Today the Public Works and Operations Committee is proposing a bold move to align transportation priorities in the District, that should be considered just a first step in what needs to be a comprehensive, city-wide effort.

While some aspects of our society have been slow to return to pre-pandemic levels, one thing that has bounced back, with a vengeance, is vehicular traffic. Downtown is snarled with gridlock, leading to pollution, noise and an unwelcoming environment to residents, workers and visitors.

At the same time, transit ridership is down. This balance is unsustainable and it's harmful to our downtown corridor, our workers, and our residents. We have to act now to fundamentally reshaping our approach to transportation policy in the District.

The Mayor's budget completely defunded the Metro for DC program that would have provided free bus starting this July. And today, I'm doing my part to reverse that cut. Making public transit reliable, affordable, and available is critical to residents, workers, their livelihoods and the businesses - especially hospitality businesses - that count on them.

This budget establishes a For-Hire Vehicle Congestion Management Program, levying a \$2 fee on digital dispatch rides, except for wheelchair accessible rides, entering or exiting the Central Business District during peak hours of traffic.

- Funds \$10.3 million in recurring dollars for the Fare-Free Bus Service Fund, projected to cover the cost of funding at least twelve of the highest-ridership Metrobus routes in the District to run 24-hours, at headways of 20 minutes or less.

- Establishes \$500,000 in recurring funding to improve affordable access to accessible for-hire vehicles for all D.C. residents with mobility impairments.

D. Keeping Our City Clean and Livable

The Committee budget recommendations also prioritize ensuring that our city is clean and livable. From exploring alternatives to providing basic trash and recycling services, to making sure our commercial areas are clean and vibrant, to making sure that residents and visitors alike can find a restroom that can be accessed readily without having to patronize a business, we wanted to make sure the District is attractive and workable for all. To accomplish this, the Committee:

- Provides \$1,137,000 million to DPW to implement a pilot program to provide solid waste collection services through shared containers to residential homes currently serviced by DPW via front-of-home pick up, in order to explore alternative waste containerization, hauling methods, and rodent abatement strategies;
- Provides, through a transfer to the Committee on Business and Economic Development, \$8,000 to expand the service area of the Shaw Clean Team to the 1900 block of 8th Street, N.W.; and
- Enhances DPW's budget by \$347,000 in one-time funding in FY 2024 to seek out a contract or partnership with a private company to place and manage four standalone public restrooms. And I do want to make sure to thank Councilmembers Robert White and Lewis-George and their staffs for working closely with us to figure out a new strategy to advance the cause of accessible public restrooms and for being supportive of this investment.

E. Supporting the District's Most Vulnerable Residents

Although I no longer chair the Committee on Human Services, that is where I got my feet wet as a committee chair and serving the District's most vulnerable residents will always remain one of my top priorities.

I am proud that in this year's budget, the Committee was able to continue this work with:

A transfer of \$1,000,000 to the Committee on Housing to enhance the Emergency Rental Assistance Program. ERAP, as it is also known, is perennially underfunded. In fact, Council was recently informed that ERAP funds have already dried up this year, despite the Mayor investing a large amount of federal disaster relief funds to it. I plan to continue to partner with Councilmember Robert White, Chair of the Housing Committee and the rest of Council to find additional ERAP funding.

The Committee is also transferring \$561,000 recurring starting in FY25 to the Committee on Housing to fund twenty LRSP vouchers for Returning Citizens. Councilmember White, thank you for your partnership on these two initiatives.

The Committee is also making two transfers out to the Committee on Health. First, \$200,000 to fund a pilot program that provides substance abuse and behavioral health services in the vicinity of the 600 block of T St. N.W. This program builds on inter-agency and community efforts Second, \$225,000 for a grant to a home visiting program for first-time mothers who are eligible for Medicaid, a program I have supported and that has helped create positive health outcomes and family stability in the District since it was first implemented.

I am thrilled that the Committee was able to find \$1,594,000 to transfer to the Committee on Facilities and Family Services in order to fund L24-039, the “Preserving Our Kids’ Equity Through Trusts” Amendment Act of 2022. This funding will start in FY24 and be funded through the financial plan. The POKETT Act effectively ends poverty and homelessness for our youth aging out of foster care. It ends CFSA’s practice of taking the Social Security benefits of children in foster care and using them to pay for the routine costs of care that the Agency is already obligated to cover under District law, and instead invests that money for youth to access when they age out of care. It also requires CFSA to access federally available vouchers for youth aging out of care.

The POKETT Act also builds on the work I started with my committee colleague, Councilmember Trayon White, to recognize the importance of close relative caregivers and make those programs permanent.

We owe it to our most vulnerable youth not to abandon them when they exit the system but to set them up for success. Thank you to Councilmember Lewis George for continuing this important work – I know it is in good hands.

F. Good Governance and Efficient Use of Funds

To conclude my summary of the Committee's recommendations to the Local Budget Act, I want to emphasize that all of the critical enhancements made within the Committee and outside of it have one common theme— good governance. In other words, the Committee's recommendations are largely based on identifying inefficient or wasteful spending and reallocating those funds to the most important priorities of District residents. I have already discussed many of the priorities that the Committee was able to support, so I will briefly conclude by discussing a handful of recommended reductions in the report.

First, the Committee makes a number of small dollar reductions in FY2023 as well as in the FY2024 financial plan because of historic underspending.

Second, the Committee was able to identify approximately \$4.7 million recurring in DPW's personnel services overtime budget to reduce and reallocate largely to the restoration of many critical positions cut by the Mayor. The Committee recognizes that DPW is an agency that has a real need for overtime spending to address the special nature of their work. However, we think the agency became over reliant on overtime under its previous Director and the Committee would like to help the agency right-size its workforce to reduce this reliance going forward and ensure consistent and robust service.

Right after this I'll be recommending the committee's approval of Timothy Sprigg's nomination to be DPW's permanent Director. Acting Director Spriggs has made it clear that building a robust workforce and focusing on hiring is a priority for him, and I hope the personnel budget changes we approve today will empower him to continue that work.

This budget does not allocate funds towards the Business and Entrepreneurship Support to Thrive Amendment Act, or BEST Act, which CM Pinto introduced last year along with myself, CM McDuffie and Chairman Mendelson. While I strongly support making business licensing more streamlined and affordable to support our businesses and DC's economy, there was too much uncertainty and a lack of available resources in this budget year to be able to move forward on full funding in this Committee. We unfortunately still do not have an updated Fiscal Impact on the bill, which may be much higher than originally estimated. I am also unsure that such a seismic shift in how DLCP operates and is budgeted can be easily absorbed

when it is technically still less than a year old. CM Pinto, I hope to be able to work with you through the rest of this Council Period to continue advancing this work.

Finally, I want to call attention to the SchoolConnect program at DFHV. You may notice what looks like a significant cut to that program of \$2.1 million recurring, but there is a lot going on under the hood.

The topline is that, based on the budget office's investigation and dialog with the CFO and OBP, it looks like that funding was not intended to be loaded in the budget as recurring from the general fund – but the money was there, clear as day. Like DFHV's other transport programs like NeighborhoodConnect, SchoolConnect was funded with federal ARPA dollars only – which means that unless there is a modification made by the mayor in next year's budget, the program is planned to sunset. We confirmed that the \$2.1 million would not have allowed for the continuation of the program – which makes sense, because it was never meant to do that when the Mayor submitted this budget. The program will continue to have a budget of \$8M in ARPA funding in next fiscal year.

Even if that error in the budget were not present, I have *significant* concerns about the operations of SchoolConnect.

The program goals are laudable: it is meant to compliment the Safe Passage program, ensuring that students susceptible to violence are able to travel between home and school safely.

While the 32 schools selected to participate in the program are in areas where youth are at risk of violence, the program does not appear to prioritize its limited enrollment for the most at-risk students. It might make sense, for instance, to work with school administration and staff at partner agencies in District Government who are familiar with students most in need of the services SchoolConnect provides.

It stands to reason that without identifying and prioritizing students who are most at risk of violence, the program instead is biased towards serving students with more engaged parents or guardians who are more quickly able to sign them up. However, for a program with such a specific goal, it does not appear that the enrollment strategy is reflective of the overall mission.

We have not been provided with any performance goals or metrics for the SchoolConnect program. It is unclear whether participation in the program actually

does reduce students' exposure to violence or improve other metrics like school attendance and performance.

Further, SchoolConnect is by far the largest single program within DFHV, with one out of every three people employed by DFHV working on SchoolConnect, a program that has only existed since late 2021.

The current capacity of SchoolConnect is 300 students, and it does not appear this budget plans to scale up that capacity. That equates to a per-student cost of close to \$27,000.

All that said: the reduction from SchoolConnect should not do any harm to the 300 students currently enrolled in the program. I agree that at least in concept, this is something we should be doing to ensure the safety of DC students. But if the Mayor is going to continue funding for this program after this budget cycle, Council is really going to need to see much more transparency, and a plan for the program's long-term sustainability.

III. BSA SUBTITLES

Next, I will discuss the six Budget Support Act subtitles proposed by the Mayor and the Committee.

A. MAYOR'S PROPOSALS

First, the Mayor introduced the **Office of the Chief Technology Officer Amendment Act of 2023** and the **Concealed Pistol License Appeals Amendment Act of 2023**.

Office of the Chief Technology Officer Amendment Act of 2023 clarifies OCTO's responsibility to safeguard District government assets against cybersecurity threats to better ensure the agency's ability to coordinate cybersecurity efforts, and requires the agency to appoint a Chief Information Security Officer to lead those efforts.

The subtitle also includes language to clarify OCTO's existing authority to leverage District owned telecommunications and infrastructure assets in order to ensure that all District residents and businesses have equitable and affordable access to high-speed internet service. This clarification will help to ensure that OCTO can incentivize non-governmental actors to take part in digital equity programming, and that excess capacity of District-owned telecommunications assets can be used to generate revenue for the District.

The subtitle also amends OCTO's current grantmaking authority by removing language that limits that authority exclusively to the use of funds granted by Congress under the American Rescue Plan Act of 2021. Removal of this limitation will ensure that OCTO's authority to make grants and sub-grants to stimulate, support, and promote the development of innovating technologies will be broad enough to implement the competitive sub-grant programming required by the federal Broadband Equity, Access, and Deployment Program.

Finally, the subtitle clarifies that OCTO's authority extends to all government agencies, including independent agencies, except for those explicitly excepted. This means that, other than for those excepted, all agencies will be subject to OCTO regulations; that OCTO must review and approve these agencies' proposals,

purchase orders, and contracts for the acquisition of information technology and telecommunications systems, resources, and services, and recommend approval or disapproval; and, that OCTO must review and approve the information technology and telecommunications budgets for these agencies. Extending OCTO's authority to non-subordinate agencies will help ensure that all agencies have sound cybersecurity policies and practices in place and help to prevent data breaches from occurring in the future and to mitigate their impact if they do.

The only change the committee print makes to the subtitle as introduced is to add the Office of the Ombudsperson for Children back in as one of the entities excepted from OCTO's authority. The Office of the Ombudsperson for Children is currently excepted from OCTO authority, and the subtitle as introduced would have removed that independence.

We recommend approval of this subtitle.

Regarding the **Concealed Pistol License Appeals Amendment Act of 2023**, currently, an individual who is denied a concealed pistol license or has an existing concealed pistol license revoked or suspended may file an appeal to the Concealed Pistol Licensing Review Board ("CPLRB"). This subtitle would dissolve the CPLRB and shift its duties to the Office of Administrative Hearings. Unfortunately, the Committee is unable to move it because it amends Title 22 of the D.C. Official Code, thus triggering a 60-day congressional review period instead of the typical 30-day review.

However, this Committee and the Committee on Judiciary and Public Safety is generally supportive of the intent of this legislation and for this reason, will work with the executive and the rest of the Council to move similar legislation this fiscal year. Additionally, 3 FTEs have been set aside to support the transfer of CPLRB's duties to OAH, two of which were funded with a transfer from the Committee on Judiciary and Public Safety.

B. COMMITTEE’S PROPOSALS

Moving to the Committee’s proposals, the Committee first recommends the adoption of the **Clean Curbs Pilot Program Act of 2023**.

This subtitle would establish a pilot program, expected to serve approximately 150 households, to establish curbside shared solid waste collection containers. These containers would be locked for use only by participating households on a selected pilot block – in essence, service similar to a multifamily building. The tradeoff for taking their trash and recycling a short walk down the block, if the program is successful, is less blocking of sidewalks, minimized litter spillage, and reduction in food supply for rodents and other pests. It is also intended as a “dump-and-forget” system from the perspective of resident, who would not have to worry about taking their trash carts to the curb and bringing them back on collection days.

The fiscal impact of this subtitle is \$215,000 for salary and fringe for two term FTEs, as well as \$1,115,000, for a total of \$1,330,000.

Second, the Committee recommends the adoption of the **Taxicab Advertising Permitting Authority Amendment Act of 2023**.

Despite broad authority over the regulation of taxicabs, DFHV does not have the explicit authority to permit rooftop advertising on taxicabs.

To address this, the Committee recommends moving a subtitle clarifying that the authority to permit advertising on taxicabs lies with DFHV, since there is currently regulatory uncertainty. The subtitle largely adopts language from Title 12A of D.C. Municipal Regulations, and allows for the establishment of new rules to effectuate DFHV’s authority.

This subtitle will not have a fiscal impact; however, it establishes the authority for charging permitting fees and directs the revenue from those fees.

Third, the Committee recommends adoption of the **For-Hire Vehicle Congestion Management Program Amendment Act of 2023**.

This subtitle addresses periods of high traffic congestion in the District’s core by levying a \$2 fee on digital dispatch companies for all rides entering the downtown core between 7:00am and 12:00pm, and rides departing the same area between 12:00pm and 7:00pm. The cordon area was determined by overlaying the CBD

boundary on DFHV’s map showing the highest-activity census tracts. The subtitle exempts wheelchair accessible vehicle rides. We’re working on a final map of the tracts selected, but the cordon area was determined by looking at DFHV’s data on the highest-activity census tracts with major congestion issues, which includes the central business district and southwest. It does not include the census tract with Union Station. The subtitle also exempts wheelchair accessible vehicle rides.

The revenue recognized by the addition of this subtitle will fund \$10.3 million in recurring funds deposited to the Fare-Free Bus Service Fund, which should be able to cover the cost of establishing a 24-hour bus network on at least 12 of our highest-ridership lines.

It also establishes a \$500,000 recurring Wheelchair-Accessible Vehicle fund.

This Congestion Management program will fulfill significant policy priorities of the District of Columbia – sustainability, Vision Zero, and livability, to name a few – while providing a critical funding source for public transit.

Investing the income generated by this subtitle into improved transit service, particularly 24-hour bus service, has very clear impacts on racial equity in the District. The committee report includes an excerpt from the Racial Equity Impact Assessment on Metro For DC outlining the disparity in transportation access in the District.

The Committee shares the Executive’s vision for a mixed-use, vibrant downtown core by investing in new housing and neighborhood services. In the Committee’s view, the current moment provides an opportunity to confidently assert the District’s values as this growth proceeds. A revitalized downtown – and the millions of people who travel to, from, and within it, deserves frequent, reliable, and fare-free public transit.

* * *

When we first received this budget, like many of my colleagues I had a lot of concerns. Concerns about the stark reality of our revenue situation, and concerns about the large reductions to the workforces of multiple agencies and zeroing out various Council-promoted programs. Frankly, I did not have a lot of hope for this budget.

Today, we are passing on a committee report that restores funding to critical programs, brings back agency positions needed to provide residents with the robust services they need and expect, and brings to life important programs and services that we've passed in the past two years and will reach and benefit District residents living in all eight wards.

I hope this is only the beginning of the progress we can make in strengthening our most essential government services. I know a number of people, including my colleagues, have noticed how excited I get about trash since I started as Chair of this committee – I won't deny it. I'm not sure there's a more quintessential role of government than taking care of the basic needs of residents. I am really looking forward to working with my council colleagues on this dais in the coming months and years to make public works really work for the public.

MOTION

With that, I move *en bloc* the Report on the Committee's recommendations on the Fiscal Year 2024 Proposed Budget and the Committee's recommendations on the Fiscal Year 2024 Budget Support Act of 2023 with leave for staff to make technical, conforming, and editorial changes. Are there any comments?

IV. CLOSING

Before I briefly recess, I want to take a moment to thank my own Committee staff for their work in preparing these recommendations:

1. David Meni, Legislative Director and Deputy Chief of Staff;
2. Ariel Ardura, Senior Legislative Counsel;
3. Sabrin Qadi, Legislative Aide;
4. Ben Davis, Special Assistant; and
5. Alex Joseph, our wonderful Spring Intern.

I also want to send a special thank you to the Committee's General Counsels, Sandra Karpinsky and Valerie Nadal; to all the great people at OSEC and in cable television for ensuring we are able to keep all of our hearings accessible to the

public; and the Council's Budget Office, including Joe Wolfe, Anne Phelps, Jen Budoff, and Averil Carraway.

With an extra special and heartfelt thank you for Sam Hodges, the Committee on Public Works and Operations' Budget Analyst. We rely on your guidance and appreciate the extra effort you gave us in our first year with this Committee.

Finally, I want to thank my personal office staff, without whom this Committee and I would not be able to do the work that we do on behalf of District residents. If there is no further business before the Committee, the time is _____, and this Additional Meeting of the Committee on Human Services is adjourned.