

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL

April 22, 2008

**BY HAND**

Dr. Natwar M. Gandhi  
Chief Financial Officer for the District of Columbia  
John A. Wilson Building, Room 203  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

**Re: Opinion of the Attorney General – Release of \$191 Million under the  
Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008**

Dear Dr. Gandhi:

**I. Introduction**

This is to confirm my previous advice to you, in an e-mail dated April 10, 2008, that you can lawfully release the \$191.345 million under the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008 (“2008 Temporary Act”), effective for 225 days starting March 20, 2008, D.C. Law 17-121, as amended by section 3(b) of the Supplemental Appropriations Clarification Emergency Amendment Act of 2008 (“2008 Clarification Act”), effective for 90 days starting February 25, 2008, D.C. Act 17-314.<sup>1</sup>

**II. Conclusions**

The 2008 Temporary Act, as amended by the 2008 Clarification Act, permits the release, obligation, and expenditure of the full \$191.345 million under the 2008 Temporary Act if the Mayor has submitted a request to the Council for the following three reprogrammings: 1) \$26 million for facilities maintenance from the District of Columbia Public Schools (“DCPS”) to the

<sup>1</sup> The Council and the Mayor also adopted an emergency act that preceded the 2008 Temporary Act and contained substantively identical provisions. That was the Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2008 (“2008 Emergency Act”), effective for 90 days starting January 11, 2008, as amended by section 2(b) of the 2008 Clarification Act. The 2008 Emergency Act expired and the 2008 Temporary Act took its place.

Dr. Natwar M. Gandhi

April 22, 2008

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Office of Public Education Facilities Modernization ("OPEFM"); 2) \$173.2 million in capital budget authority from the DCPS to the OPEFM; and 3) \$101,345,668 for Early Childhood Development from the Department of Human Services to the Office of the State Superintendent of Education.

The Mayor has complied with this requirement by submitting three separate reprogramming requests: Reprogramming Request of \$26,017,958 for the Office of Public Education Facilities Modernization, circulated to the Councilmembers March 3, 2008 (Reprog. 17-94); Reprogramming Request of \$173,178,504 for the Office of Public Education Facilities Modernization, circulated March 12, 2008 (Reprog. 17-96); and Reprogramming Request of \$41,142,484 for the Office of the State Superintendent of Education, circulated March 31, 2008 (Reprog. 17-98).

I am aware that on April 15, 2008, the Council passed a bill that would change these requirements. In particular, the bill would condition the approval of the release of specified portions of the \$191.345 million on the Council's approval of three reprogrammings, including \$33.5 million (not \$26 million) for facilities maintenance from the DCPS to the OPEFM. This bill, however, has not yet become law. Therefore, until the bill takes effect, the Chief Financial Officer can release the full \$191.345 million, based on the request for reprogrammings that the Mayor has already submitted.

### **III. Discussion**

As you know, the 2008 Temporary Act authorizes an increase in Fiscal Year 2008 appropriation authority of \$191.345 million, with these funds consisting of composite amounts from the fiscal year 2007 fund balance pursuant to section 124 of the District of Columbia Appropriations Act, 2006 ("2006 Appropriations Act"), approved November 30, 2005, Pub. L. No. 109-115, 119 Stat. 2396, as extended by section 128 of a Joint Resolution Making continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007, Pub. L. No. 110-92, H.J. Res. 52, additional certified Fiscal Year 2008 revenues pursuant to section 126 of the 2006 Appropriations Act, and a designated amount from the 2008 Fiscal Year operating cash reserve fund in accordance with section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995, 109 Stat. 109, D.C. Official Code § 47-392.02(j)(3) ((2005 Repl.). The 2008 Temporary Act directs the allocation of specific amounts for specific purposes.

Section 3(b) of the 2008 Clarification Act amends section 6 of the 2008 Temporary Act to make the 2008 Clarification Act apply upon the Council's receipt of a request for the reprogramming of: 1) \$33.5 million in annual operating funds for facilities maintenance from the DCPS to the OPEFM, as required by the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007 ("Use of Funds Act"), effective for 225 days starting January 29, 2008,

D.C. Law 17-097;<sup>2</sup> 2) \$173.2 million in capital budget authority from DCPS to OPEFM; and 3) \$101,345,668 for Early Childhood Development from the Department of Human Services to the Office of the State Superintendent of Education.

The 2008 Clarification Act made the 2008 Temporary Act apply upon the Council's receipt from the Mayor of a request for these reprogrammings and did not require Council approval of the reprogrammings as a condition for the release of the \$191.345 million.

After the approved Fiscal Year 2008 budget was submitted to Congress but before the beginning of Fiscal Year 2008, DCPS reallocated its budget and reduced the \$33.5 million allocated to facilities and infrastructure in the DCPS Fiscal Year 2008 budget to \$26 million, pursuant to the authority in the District of Columbia Appropriations Act, 2008, Pub. L. 110-161, 309 and 749, 121 Stat. 1844, approved December 26, 2007, incorporating "Title III – District of Columbia Funds Summary of Expenses" of the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to Congress on June 7, 2007, as amended on June 29, 2007, heading entitled, "Public Education System." Also, the Use of Funds Act requires the reprogramming to OPEFM of "[a]ll assets, personnel, and funding authority for maintenance conducted by the District of Columbia Public Schools' Office of Facilities Management." This language indicates that the Council's intent in enacting the Use of Funds Act was to require the transfer of the funds available for maintenance in the DCPS budget to OPEFM to support OPEFM's performance of the maintenance function, which, at the time of the 2008 Clarification Act, was \$26 million. Given this inconsistency, and the fact that the 2008 Clarification Act directs the reprogramming of maintenance funds "as required" by the Use of Funds Act, it is reasonable to construe the 2008 Clarification Act as requiring the submission of a reprogramming limited to the \$26 million for maintenance currently in the DCPS budget. To construe the bill as requiring a transfer of the full \$33.5 million would contradict the Use of Funds Act by requiring DCPS to satisfy this provision by acquiring \$7.5 million for maintenance from another source, either within or outside of DCPS.

Likewise, the 2008 Clarification Act requires the transfer of \$101,345,668, representing the entire budget of the Early Care and Education Administration, from the Department of Human Services ("DHS") to the Office of the State Superintendent of Education ("OSSE"). Of the \$101,345,668 referenced, only \$41,142,484 is Local funds available for reprogramming. The remainder is composed of various Federal grants (primarily Child Care Development Fund and a portion of the Temporary Assistance for Needy Families ("TANF") block grant) and Intra-District funds. Although the Clarification Act directs that these resources be transferred via a "reprogramming request" submitted by the Mayor, reprogramming TANF funds to another agency would violate the terms of the District's TANF State Plan, which provides for DHS to receive all TANF funds directly. DHS does, however, have latitude to transfer TANF funds to

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<sup>2</sup> The School Modernization Use of Funds Requirements Temporary Act of 2007 followed a substantively identical emergency act, the School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007, effective December 27, 2007, D.C. Act 17-229.

OSSE via an Intra-District agreement. It is reasonable to assume that the legislation intended to transfer the ECEA budget from DHS to OSSE, without putting the District's TANF block grant at risk by violating the State Plan. Therefore it is reasonable to construe the 2008 Clarification Act requiring the transfer of resources according to appropriate procedures, rather than a reprogramming specifically. This interpretation is consistent with the interpretation of the requirement to reprogram operating budget authority from DCPS to OPEFM.

The Mayor has submitted requests to the Council for the three reprogrammings described above, including a request for the reprogramming of \$26 million for maintenance from DCPS to OPEFM. For the reasons stated above, this request satisfied the condition in the 2008 Clarification Act for the release and use of the \$191.345 million under the 2008 Temporary Act.<sup>3</sup>

I am aware that on April 15, 2008, the Council passed Bill 17-720, the "Supplemental Appropriations Release of Funds Emergency Amendment Act of 2008" ("bill") and an accompanying emergency declaration resolution, as well as passed on first reading an identical temporary version of the bill. The bill would amend section 6 of the 2008 Temporary Act, which was previously amended by the 2008 Clarification Act, to make the Council's approval of the expenditure of \$93.12 million of the \$191.345 million in supplemental funds authorized by the 2008 Temporary Act apply upon the Council's receipt and approval of three reprogramming requests. These reprogramming requests are the same as in the 2008 Clarification Act and are for: 1) \$33.5 million in annual operating funds for facility maintenance from DCPS to OPEFM; 2) \$173.2 million in capital budget authority from DCPS to OPEFM; and 3) \$101,345,668 for Early Childhood Development from DHS to OSSE. The bill would also prohibit the release of the \$93.12 million (which includes allocations to DCPS, the Office of the Chief Technology Officer, the Sports and Entertainment Commission, the Office of the Attorney General, the Workforce Investment Fund, and the District Department of Transportation) until the entire \$33.5 million in facility maintenance funds has been reprogrammed. Finally, the bill's amendments to section 6 of the 2008 Temporary Act would be made retroactively applicable to March 20, 2008.

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<sup>3</sup> I note that the requirement for the reprogramming of \$101,345,668 for Early Childhood Development from DHS to OSSE, as required by section 503a of the Early Intervention Program Establishment Act of 2004 ("Early Intervention Act"), effective June 12, 2007, D.C. Law 17-9, D.C. Official Code § 7-863.03a (2007 Supp.), raised a potential problem that could, however, be resolved while still carrying out the Council's intent. It appears that portions of the \$101,345,668 subject to the reprogramming requirement consist of federal funds that must be expended by DHS for specific purposes. For example, at least \$10,187,079 of the relevant funds are received as part of the District's Temporary Assistance for Needy Families ("TANF") grant and must be used by DHS for an authorized TANF purpose. As a result, although it was possible to reprogram some of the funds included in the \$101,345,668 to OSSE, some of the funds may have to be transferred to OSSE by an intra-District transfer with an accompanying memorandum of understanding governing their use.

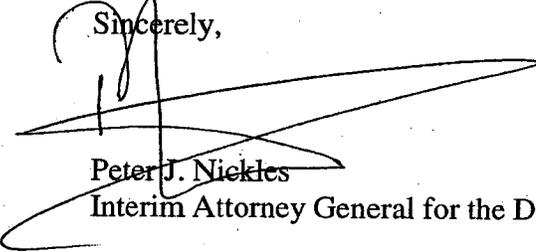
Dr. Natwar M. Gandhi

April 22, 2008

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Bill 17-720, however, has not yet become law. By amending the 2008 Temporary Act in a way that conditions the approval of the release and the expenditure of the specified funds on the Council's approval of the three reprogrammings – including a reprogramming of the full \$33.5 million in facilities maintenance funds – the Council has changed the existing law. As described above, the existing law does not require such a reprogramming and is satisfied by the Mayor's request for a reprogramming of only \$26 million in appropriations for facilities maintenance. Accordingly, until Bill 17-720 takes effect, you can release the full \$191.345 million, where the Mayor has made a request to the Council for the three reprogrammings, including \$26 million (not \$33.5 million) for facilities maintenance.

Sincerely,



Peter J. Nickles

Interim Attorney General for the District of Columbia

PJN/lae, wcw

(AL-08-118 E)

cc: Adrian Fenty, Mayor  
Dan Tangherlini, City Administrator  
JoAnne Ginsberg, Director, Office of Policy and Legislative Affairs  
Carrie Brooks, Director, Communications  
Vincent Gray, Chairman, Council of the District of Columbia  
Yvette Alexander, Council of the District of Columbia  
Marion Barry, Council of the District of Columbia  
Muriel Bowser, Council of the District of Columbia  
Kwame Brown, Council of the District of Columbia  
David Catania, Council of the District of Columbia  
Mary Cheh, Council of the District of Columbia  
Jack Evans, Council of the District of Columbia  
Jim Graham, Council of the District of Columbia  
Phil Mendelson, Council of the District of Columbia  
Carol Schwartz, Council of the District of Columbia  
Harry Thomas, Jr., Council of the District of Columbia  
Tommy Wells, Council of the District of Columbia

COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

! URGENT

Memorandum

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To: Members of the Council  
From: *Cynthia Brock-Smith*  
Cynthia Brock-Smith, Secretary to the Council  
Date: March 3, 2008  
Subject: Notice of Reprogramming Request of \$26,017,958 for the Office of Public Education Facilities Modernization  
Reprog. (17-94)

Notice is given that the attached request to reprogram \$26,017,958 of Fiscal Year 2008 local funds budget from the District of Columbia Public School (DCPS) to the Office of Public Education Facilities Modernization was filed in the Chairman's Office on February 29, 2008. The reprogramming will allow for the transfer of all assets, personnel, and funding associated with the maintenance of DCPS facilities as required under the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007 and the Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007.

The Council's 14 day review begins March 3, 2008 and the request will be deemed approved on March 17, 2008, unless a notice of disapproval is filed prior to that time which would extend the review period to 30 days. The request would then be deemed approved on the 31<sup>st</sup> day of receipt unless an approval or disapproval resolution is adopted prior to that time.

Copies are available in Legislative Services, Room 10.

TITLE: Reprogramming Request of \$26,017,958 for the Office of Public Education Facilities Modernization

INTRODUCED BY: Chairman Gray at the request of the Mayor

Retained by the Council with comments from the Committee of the Whole.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services



CHAIRMAN GRAY

2008 FEB 29 AM 10:22

ADRIAN M. FENTY  
MAYOR

**FEB 28 2008**

The Honorable Vincent C. Gray  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, D.C. 20004

**SUBJECT: Reprogramming Request for the Office of Public Education  
Facilities Modernization**

Dear Chairman Gray:

I am transmitting a request to reprogram \$26,017,958 of Fiscal Year 2008 local funds budget authority from the District of Columbia Public Schools (DCPS) to the Office of Public Education Facilities Modernization (OPEFM). This reprogramming will allow for the transfer of all assets, personnel, and funding associated with the maintenance of DCPS facilities as required under the *School Modernization Use of Funds Requirements Emergency Amendment Act of 2007* and the *Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007*. Pursuant to the Reprogramming Policy Act of 1980, D.C. Official Code §47-363(a-1) (3) (A) (ii) and the District of Columbia Appropriations Act, 2008, P.L. 110-161 approved December 26, 2007, I am transmitting this request as required. I have also submitted this request to the Chief Financial Officer so that he can certify that funds are available for this reprogramming.

This reprogramming will move budget authority from DCPS to OPEFM to comply with provisions contained within the *School Modernization Use of Funds Requirements Emergency Amendment Act of 2007* (Act), which conveys authority over the maintenance of DCPS facilities to OPEFM. In addition, the request satisfies the requirements of the *Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007*, which requires this reprogramming transaction to occur prior to its enactment.

According to the Act, OPEFM is required to support the current and planned maintenance of DCPS facilities, which include routine maintenance and general up keep of items such as boilers, electrical, mechanical and roof systems. This includes the transfer of 383 full-time equivalents whose positions are funded accordingly. The Act excludes janitorial services, which still remain under DCPS control. If it is later mutually agreed, OPEFM will transfer

The Honorable Vincent C. Gray, Chairman  
Reprogramming Request for the Office of Public Education Facilities Modernization  
Page 2

assets not related to facilities maintenance back to DCPS. This transfer may be done through the use of an intra-District agreement or through other appropriate methods.

Budget authority is available in DCPS because the *School Modernization Use of Funds Requirements Emergency Act of 2007* explicitly allows for the transfer of funds for this purpose. According to DCPS, the reprogramming request constitutes the remaining balance within the program, transferring it in its entirety (except janitorial functions) to OPEFM. Additionally, OPEFM will assume all of the year-to-date and on-going expenditures associated with the program. The transfer of expenditures will occur subsequent to the processing of the reprogramming request.

Thank you for your consideration of this request. I look forward to the Council's favorable action on this request.

Sincerely,



Adrian Fenty  
Mayor of the District of Columbia

Enclosure

cc: Natwar M. Gandhi, Chief Financial Officer  
Lucille Dickinson, Chief of Staff, OCFO  
Gordon McDonald, Deputy CFO for Budget and Planning  
Lolita Alston, Director of Legislative Support, EOM

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Chief Financial Officer

Natwar M. Gandhi  
Chief Financial Officer



FEB - 1 2008

The Honorable Vincent C. Gray, Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, D.C. 20004

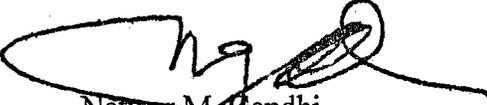
Dear Chairman Gray:

Pursuant to the Reprogramming Policy Act of 1980, D.C. Official Code §47-363(a-1) (3) (A) (ii) and the District of Columbia Appropriations Act, 2008, P.L. 110-161, approved December 26, 2007, the Office of the Chief Financial Officer has reviewed the Mayor of the District of Columbia's request to reprogram local funds budget authority from the District of Columbia Office of Facilities Management (OFM) to the Office of Public Education Facilities Modernization (OPEFM). This reprogramming request for \$26,017,958 will cover the costs associated with the transfer of 383 full-time equivalents. It will also cover the costs of the transfer of all records related to maintenance operations, office, field and stored assets utilized by or assigned to the OFM maintenance staff.

Budget authority is available because the DCPS fiscal year 2008 approved budget included \$26,017,958 to finance the maintenance activities of the OFM.

The Office of Budget and Planning's analysis indicates that the reprogramming will not have any adverse impact on the agency's budget or the District's financial plan. Accordingly, the Office of the Chief Financial Officer recommends that the District Council approve this request.

Sincerely,



Natwar M. Gandhi  
Chief Financial Officer

cc: Honorable Adrian M. Fenty, Mayor of the District of Columbia  
Dan Tangherlini, City Administrator, EOM  
Lucille Dickinson, Chief of Staff, OCFO  
Gordon McDonald, Deputy CFO for Budget and Planning  
Lolita Alston, Legislative Support, EOM



**ADRIAN M. FENTY**  
MAYOR

**FEB 28 2008**

Natwar M. Gandhi  
Chief Financial Officer  
Office of the Chief Financial Officer  
1350 Pennsylvania Avenue, NW, Suite 209  
Washington, D.C. 20004

Dear Dr. Gandhi:

Pursuant to the Reprogramming Policy Act of 1980, (D.C. Official Code § 47-363 et seq.), I am submitting a request to reprogram and transfer \$26,017,958 in local funds from the District of Columbia Public Schools' Office of Facilities Management (DCPS OFM) to the Office of Public Education Facilities Modernization (OPEFM). This reprogramming is required by the "School Modernization Use of Funds Requirement Emergency Amendment Act of 2007" to effect the transfer of "all assests, personnel, and funding authority for maintenance conducted by the District of Columbia Public Schools' Office of Facilities Management" to the Office of Public Education Facilities Modernization (OPEFM). Specifically this request will reprogram and transfer the following:

- A) \$26,017,958 in DCPS maintenance, operating budget authority;
- B) 383 full time equivalent (FTEs) positions funded with annually appropriated operating funds. This transfer should include all personnel records and related files (including electronic copies and files, if available) of current maintenance employees;
- C) All records related to maintenance operations (including electronic copies of files, if available), including plans, designs, solicitations, proposals, awards, contracts, change orders, budget and projections, reports, studies, etc; and
- D) All office, filed and warehoused assests utilized by and/or assigned to the DCPS OFM maintenance staff, including furniture, equipment, machines, vehicles, tools, systems, supplies, part materials, etc. The assests transferred to OPEFM should include District owned or leased office space, buildings, and warehouse occupied and utilized by the above reference maintenance personnel.

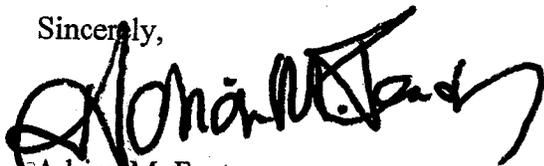
Should DCPS and OPEFM mutually agree that certain DCPS OFM's transferred services are not facilities maintenance related, then such services with funding would be transferred back to DCPD. If determination is made in FY 2008, an intra-district memorandum of understanding would be utilized to execute the transfer.

OPEFM request that personnel records of separated DCPS OFM maintenance employees be maintained in compliance with District laws and policies, and be easily accessible to OPEFM. Further, OPEFM request that records related to prior fiscal years' DCPS OFM operational activities be maintained in compliance with District laws and policies, and be easily accessible to OPEFM.

Additionally, since the reprogramming would occur during the fiscal year, year-to-date FY 2008 expenditure balances would follow the budget authority to OPEFM. Thus, all budgetary and financial transactions what have occurred since October 1, 2007 will be moved from DCPS' books to OPEFM's books.

Details of the request are contained in the agency's submission. Thank you for your consideration of this request. I look forward to the Chief Financial Officer's favorable review of this request.

Sincerely,



Adrian M. Fenty  
Mayor of the District of Columbia

Enclosure

AMF/lsa

cc: Gordon McDonald, Interim Deputy CFO for Budget and Planning  
Tene Dolphin, Chief of Staff



## DISTRICT OF COLUMBIA PUBLIC SCHOOLS

OFFICE OF THE CHANCELLOR  
825 North Capitol Street, NE, 9<sup>th</sup> Floor  
Washington, D.C., 20002-1994  
(202) 442-5885 - fax: (202) 442-5026

### MEMORANDUM

TO: Adrian M. Fenty

FROM: Michelle Rhee  
Chancellor  
District of Columbia Public Schools

DATE: February 27, 2008

SUBJECT: Request to Reprogram the DCPS OFM Operating Program to OPEFM

An operating budget reprogramming request is required by the "School Modernization Use of Funds Requirement Emergency Amendment Act of 2007" to effect the transfer of "all assets, personnel, and funding authority for maintenance conducted by the District of Columbia Public Schools' Office of Facilities Management" (DCPS OFM) to the Office of Public Education Facilities Modernization (OPEFM).

Specifically, this request will reprogram and transfer from DCPS to OPEFM:

- A) \$26,017,958 in DCPS maintenance, operating budget authority;
- B) 383 full-time equivalents (FTEs) positions funded with annually appropriated operating funds. This transfer should include all personnel records and related files (including electronic copies and files, if available) of current maintenance employees;
- C) All records related to maintenance operations (including electronic copies of files, if available), including plans, designs, solicitations, proposals, awards, contracts, change orders, budgets and projections, reports, studies, etc; and
- D) All office, field and warehoused assets utilized by and/or assigned to the DCPS OFM maintenance staff, including furniture, equipment, machines, vehicles, tools, systems, supplies, parts materials, etc. The assets transferred to OPEFM should include District owned or leased office space, buildings, and warehouses occupied and utilized by the above reference maintenance personnel.

In regard to item (A) above, should DCPS and OPEFM mutually agree that certain DCPS OFM's transferred services are not facilities maintenance related, then such services with funding would be transferred back to DCPS. If such a determination is made in FY 2008, an intra-District memorandum of understanding would be utilized to execute the transfer.

OPEFM requests that personnel records of separated DCPS OFM maintenance employees be maintained in compliance with District laws and policies, and be easily accessible to OPEFM. Further, OPEFM requests that records related to prior fiscal years' DCPS OFM operational activities be maintained in compliance with District laws and policies, and be easily accessible to OPEFM.

Additionally, since this reprogramming would occur during the fiscal year, year-to-date FY 2008 expenditure balances would follow the budget authority to OPEFM. Thus, all budgetary and financial transactions that have occurred since October 1, 2007 will be moved from DCPS' books to OPEFM's books.

#### **Why are the funds needed?**

The "School Modernization Use of Funds Requirement Emergency Amendment Act of 2007" authorizes OPEFM to perform and manage routine maintenance at DCPS facilities with the specific exception of not managing cleaning and

janitorial services. The funding is needed by OPEFM to fulfill its new, expanded responsibility by performing planned, routine maintenance and facilities operations in areas such as: boiler plant operations, energy management; and, mechanical, electrical, roofing, grounds and general maintenance.

**Is this a reprogramming to restore a budget cut authorized by the Mayor and/or Council?**

No.

**How will the funds be reprogrammed?**

The FY 2008 operating budget authority of \$26,017,958 will be transferred from DCPS' Facilities Maintenance Program to OPEFM's Repair and Maintenance Program. Specific budget account details are presented in the attached reprogramming form.

**Why are the funds available?**

DCPS' FY 2008 budget includes \$26,017,958 to finance the maintenance activities of its OFM. This reprogramming request will transfer the both annual appropriation and related year-to-date expenditures. This request to transfer the budget authority and related personnel is being submitted to comply with the "School Modernization Use of Funds Requirement Emergency Amendment Act of 2007."

**What programs, services or other purchases will be delayed as a result of the action, and the impact on the program or agency?**

If this reprogramming is not approved, facilities operations, repairs and maintenance that could have been performed in a timely manner will be delayed, negatively impacting the learning environments of DCPS' educational facilities. Also, not approving this reprogramming request will prevent the legal transfer of DCPS' maintenance program to OPEFM, an agency created to manage the maintenance of DCPS' facilities, as well as the modernization and new construction of DCPS' facilities.

Should you have any questions, please contact Lisa Ruda, Chief of Staff, at (202)442-5629 or Pamela Graham, Chief Financial Officer for DCPS, at (202)442-5300.

Attachment

cc: Dan Tangherlini, City Administrator  
Victor Reinoso, Deputy Mayor for Education  
Allen Lew, Executive Director, OPEFM  
Joanne Ginsberg, Deputy Chief of Staff, Office of Policy & Legislative Support  
Gordon McDonald, Deputy CFO for Budget and Planning  
Will Singer, Chief of Budget Execution, EOM  
Noah Wepman, Education Program Manager, EOM  
Eric Lerum, Chief of Staff, DME  
Lisa Ruda, Chief of Staff, DCPS  
Warren Graves, Chief of Staff, OPEFM  
Bert Molina, CFO, OPEFM  
Pamela Graham, CFO, DCPS



COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

! URGENT

Memorandum

To: Members of the Council  
From: *Cynthia Brock-Smith*  
Cynthia Brock-Smith, Secretary to the Council  
Date: March 12, 2008  
Subject: Notice of Reprogramming Request of \$173,178,504 for the Office of Public Education Facilities Modernization  
Reprog. (17-96)

Notice is given that the attached request to reprogram \$173,178,504 of capital budget authority from the District of Columbia Public Schools (DCPS) to the Public Education Facilities Modernization was filed in the Chairman's Office on March 12, 2008. The reprogramming will allow for the transfer of component replacement capital projects at DCPS facilities as required under the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007 and the Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007.

The Council's 14 day review begins March 13, 2008 and the request will be deemed approved on April 5, 2008, unless a notice of disapproval is filed prior to that time which would extend the review period to 30 days. The request would then be deemed approved on the 31<sup>st</sup> day of receipt unless an approval or disapproval resolution is adopted prior to that time.

Copies are available in Legislative Services, Room 10.

TITLE: Reprogramming Request of \$173,178,504 for the Office of Public Education Facilities Modernization

INTRODUCED BY: Chairman Gray at the request of the Mayor

Retained by the Council with comments from the Committee of the Whole.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

7  
The Honorable Vincent C. Gray, Chairman  
Reprogramming Request (Capital) for the Office of Public Education Facilities Modernization  
Page 2

\$79,351,504 of budget allotments in these projects had not been spent as of September 30, 2007. The *School Modernization Use of Funds Requirements Emergency Act of 2007* explicitly allows for the transfer of funds for this purpose. The reprogramming request constitutes the entire available capital budget for these projects. Additionally, OPEFM will assume all of the FY 2008 year-to-date and ongoing expenditures associated with the program. The transfer of expenditures will occur subsequent to the processing of the reprogramming request.

Thank you for your consideration of this request. I look forward to the Council's favorable action on this request.

Sincerely,



Adrian Fenty  
Mayor of the District of Columbia

Enclosure

cc: Natwar M. Gandhi, Chief Financial Officer  
Lucille Dickinson, Chief of Staff, OCFO  
Gordon McDonald, Deputy CFO for Budget and Planning  
Lolita Alston, Director of Legislative Support, EOM

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Chief Financial Officer

Natwar M. Gandhi  
Chief Financial Officer



FEB -1 2008

The Honorable Vincent C. Gray, Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, D.C. 20004

Dear Chairman Gray:

Pursuant to the Reprogramming Policy Act of 1980, D.C. Official Code §47-363(a-1) (3) (A) (ii) and the District of Columbia Appropriations Act, 2008, P.L. 110-161, approved December 26, 2007, the Office of the Chief Financial Officer has reviewed the Mayor of the District of Columbia's request to reprogram capital funds budget authority from the District of Columbia Office of Facilities Management (DCPS OFM) to the Office of Public Education Facilities Modernization (OPEFM). This reprogramming request for \$173,178,504 is for the component replacement capital projects to be performed by OPEFM.

Budget authority is available because the FY 2008 approved budget included \$93,827,000 of capital budget authority for DCPS for these projects, and prior unspent budget allotments in these projects totals \$79,351,504. Subsequent legislation has directed that these projects be moved to OPEFM and the capital budget be reprogrammed accordingly. Any FY 2008 expenditure or encumbrance activity charged to DCPS as of the date of the reprogramming will be transferred to OPEFM through a journal entry, so that all FY 2008 activity will be reflected in OPEFM.

The Office of Budget and Planning's analysis indicates that the reprogramming will not have any adverse impact on the agency's budget or the District's financial plan. Accordingly, the Office of the Chief Financial Officer recommends that the District Council approve this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natwar M. Gandhi', is written over a redacted area.

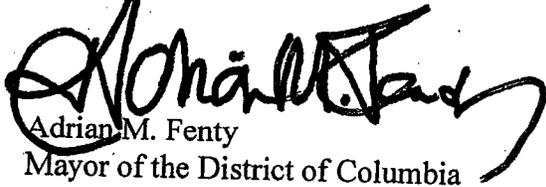
Natwar M. Gandhi  
Chief Financial Officer

cc: Honorable Adrian M. Fenty, Mayor of the District of Columbia  
Dan Tangherlini, City Administrator, EOM  
Lucille Dickinson, Chief of Staff, OCFO  
Gordon McDonald, Deputy CFO for Budget and Planning  
Lolita Alston, Legislative Support, EOM

Also, note that the fiscal year 2008 DCPS capital budget authority of \$21,203,000 will be transferred into OPEFM's capital project number GM120C\*, General Miscellaneous Repairs-Phase 4, Construction.

Details of the request are contained in the agency's submission. Thank you for your consideration of this request. I look forward to the Chief Financial Officer's favorable review of this request.

Sincerely,



Adrian M. Fenty  
Mayor of the District of Columbia

Enclosure

AMF/lsa

cc: Gordon McDonald, Interim Deputy CFO for Budget and Planning  
Tene Dolphin, Chief of Staff

- D) All office, field, and warehoused assets utilized by and/or assigned to the DCPS Office of Facilities Management capital program staff, including furniture, equipment, machines, vehicles, tools, systems, supplies, parts, materials, etc. The assets transferred to OPEFM should include District-owned or leased office space, buildings, and warehouses occupied and utilized by the above referenced capital funded personnel.

OPEFM requests that personnel records of separated DCPS OFM employees be maintained in compliance with District laws and policies, and be easily accessible to OPEFM. Further, OPEFM requests that records for closed DCPS capital projects be maintained in compliance with District laws and policies, and be easily accessible to OPEFM.

Please note the reprogramming of capital budget authority includes \$6.0 million of master lease financing for the DCPS conversion to the PeopleSoft Human Resources system with funding allocated over two fiscal year; \$1,000,000 in FY 2008 and 5,000,000 in FY 2009. These monies will be transferred to the DCPS via an intra-District memorandum of understanding.

Also, note that the FTE count is taken from the FY 2008 budget, Schedule A records maintained by the DCPS Office of the Chief Financial Officer. The attached Schedule A represents an excerpt of FTE information applicable to this reprogramming request.

**Why are the funds needed?**

The "School Modernization Use of Funds Requirement Emergency Amendment Act of 2007" authorizes the OPEFM to perform and manage routine maintenance at DCPS facilities with the specific exception of not managing cleaning and janitorial services. The funding is needed by OPEFM to fulfill its new, expanded responsibility by performing planned, routine maintenance in the areas of component replacements (boilers, chillers, roofs, windows, etc.), small capital projects (minor remodeling for effective space utilization), and court ordered mandates (includes asbestos abatement, modifications for ADA compliance, and removal of underground storage tanks).

**Is this a reprogramming to restore a budget cut authorized by the Mayor and/or Council?**

No.

**How will the funds be reprogrammed?**

The fiscal year 2008 capital budget authority of \$22,203,000 will be transferred as follows: \$21,203,000 into OPEFM's capital project number GM120C\*, General Miscellaneous Repairs – Phase 4, Construction; and \$1,000,000 into agency ELC, Equipment Lease – Capital (project number to be determined).

*\*Note: to facilitate the transition of DCPS OFM capital projects to OPEFM, and providing the availability of a systems solution, the same projects numbers (but different agency) will be utilized for continuity purposes.*

**Why are the funds available?**

Due to facilities repairs and deferred maintenance being performed under the Stabilization Initiative as well as to uncertainties regarding the transition of DCPS OFM capital programs to OPEFM, FY 2008 small capital projects funds are unspent and unencumbered.

Attachment C - Capital

CAPITAL BUDGET REPROGRAMMING REQUEST					Originating Agency:						
Government of the District of Columbia											
Type of Change:			Approval Level:		Agency FROM Which Funds are Being Reprogrammed: GAO						
<input type="checkbox"/> Shift Between Capital Projects <input type="checkbox"/> Shift Between Phases <input type="checkbox"/> Shift Between Subprojects <input type="checkbox"/> Substantive Change in Scope of Work			<input type="checkbox"/> OBP <input type="checkbox"/> Council <input type="checkbox"/> Congress		Signature of Agency Director:						
					Signature of Implementing Agency Director:						
					Agency TO Which Funds are Being Reprogrammed: G00						
					Signature of Agency Director:						
					Signature of Implementing Agency Director:						
<b>TOTAL AMOUNT OF REPROGRAMMING REQUEST:</b>											
Fund	Project Title	App Year	AG	IAG	Appropriation Number	Project Code	Sub Project	Phase	Item	PCA	Decrease
300	Boiler Replacement	98	GAO			SG1	20	05	BS120	95101	(9,009.52)
300	Roof Replacement	98	GAO			SG1	01	01	BS11A	95101	(358,354.03)
300	Roof Replacement	98	GAO			SG1	01	03	BS11C	95101	(218,155.60)
300	Roof Replacement	98	GAO			SG1	01	04	BS11D	95101	(4,956,787.14)
300	Boiler Replacement	98	GAO			SG1	02A	04	MS12D	95101	(908.94)
300	Boiler Replacement	98	GAO		70561	SG1	02	01	BS12A	95101	(1,095,675.02)
300	Boiler Replacement	98	GAO		70562	SG1	02	03	BS12C	95101	(787,492.49)
300	Boiler Replacement	98	GAO		70564	SG1	02	04	BS12D	95101	(6,186,429.10)
300	Emergency Generators	98	GAO			SG1	03	04	BS13D	95101	(131.70)
300	HVAC Replacement	98	GAO		70561	SG1	04	01	BS14A	95101	(237,128.82)
300	HVAC Replacement	98	GAO		70563	SG1	04	03	BS14C	95101	(1,178,275.66)
300	HVAC Replacement	98	GAO		70564	SG1	04	04	BS14D	95101	(4,681,794.94)
300	Underground Storage Tanks	98	GAO			SG1	05	01	BS15A	95101	(148,880.17)
300	Underground Storage Tanks	98	GAO			SG1	05	03	BS15C	95101	(194,538.37)
300	Underground Storage Tanks	98	GAO			SG1	05	04	BS15D	95101	(665,212.51)
300	Underground Storage Tanks	98	GAO			SG1	05	05	BS15E	95101	(81,838.18)
300	Window Replacement	98	GAO			SG1	06	01	BS16A	95101	(1,132,897.09)
300	Window Replacement	98	GAO			SG1	06	03	BS16C	95101	(618,541.63)
300	Window Replacement	98	GAO			SG1	06	04	BS16D	95101	(17,218,355.31)
300	Structural Repairs	98	GAO			SG1	07	04	BS17D	95101	(1,342.00)
300	Plumbing	98	GAO			SG1	08	01	BS18A	95101	(698.18)
300	Plumbing	98	GAO			SG1	08	03	BS18C	95101	(15,228.80)
300	Plumbing	98	GAO			SG1	08	04	BS18D	95101	(16,887.15)
300	General Improvement	98	GAO			SG1	20	01	SG13A	95101	(129,481.05)
300	General Improvement	98	GAO			SG1	20	03	SG13C	95101	(89,034.05)
300	General Improvement	98	GAO			SG1	20	04	SG13D	95101	(811,988.89)
300	General Improvement	98	GAO			SG1	3E	04	SG13D	95101	(4,746,015.64)
300	Modernization	98	GAO			SG3	03A	03	WS15D	95101	(138,417.42)
300	Interior Finish Program	98	GAO			SG3	06	01	BS36A	95101	(81,758.07)
300	Interior Finish Program	98	GAO			SG3	06	03	BS36C	95101	(70,824.45)
300	Interior Finish Program	98	GAO			SG3	06	04	BS36D	95101	(654,869.48)
300	Interior Finish Program	98	GAO			SG3	06	05	BS36E	95101	(13,404.21)
300	Emergency Projects	98	GAO			SG3	07	01	BS37A	95101	(427,591.47)
300	Emergency Projects	98	GAO			SG3	07	04	BS37D	95101	(80,814.98)
300	New Schools	98	GAO			SG3	08	04	BS38D	95101	(10,885.20)
300	Energy Conservation	98	GAO			SG3	09	03	BS39C	95101	(40,244.67)
300	Energy Conservation	98	GAO			SG3	09	04	BS39D	95101	(995.00)
300	Bathroom Renovations	00	GAO			SG4	10	03	B410C	95101	(8,690.00)
300	Bathroom Renovations	00	GAO			SG4	10	04	B410D	95101	(14,087.80)
300	New Technology Center	00	GAO			SG4	11	01	B411A	95101	(0.37)
300	New Technology Center	00	GAO			SG4	11	03	B411C	95101	(25,000.39)
300	New Technology Center	00	GAO			SG4	11	04	B411D	95101	(0.24)
300	General Improvement	98	GAO			SG6	20	04	SG09	95101	(708.93)
300	Asbestos Fan Improvement	98	GAO			SG1	20	04	SK120	95101	(12,000,000.00)
300	Asbestos Abatement	98	GAO			SG3	01	01	BS31A	95101	(49,122.41)
300	Asbestos Abatement	98	GAO			SG3	01	03	BS31C	95101	(469,028.63)
300	Asbestos Abatement	98	GAO			SG3	01	04	BS31D	95101	(395,828.21)
300	Electrical Modifications	98	GAO			SG3	02	01	BS32A	95101	(448,042.88)
300	Electrical Modifications	98	GAO			SG3	02	03	BS32C	95101	(838,345.67)
300	Electrical Modifications	98	GAO			SG3	02	04	BS32D	95101	(9,895,180.47)
300	ADA	98	GAO			SG3	03	01	BS33A	95101	(1,471,779.79)
300	ADA	98	GAO			SG3	03	03	BS33C	95101	(98,504.12)
300	ADA	98	GAO			SG3	03	04	BS33D	95101	(5,445,437.39)
300	Life and Safety	98	GAO			SG3	04	01	BS34A	95101	(16,736.32)
300	Life and Safety	98	GAO			SG3	04	03	BS34C	95101	(15,128.03)
300	Life and Safety	98	GAO			SG3	04	04	BS34D	95101	(965,686.82)
<b>TOTAL: \$679,351,594.86</b>											
<b>JUSTIFICATION:</b>						<b>SCOPE OF WORK:</b>					

Certification by Agency CFO: \_\_\_\_\_ (Print) Date: \_\_\_\_\_  
 \_\_\_\_\_ (Signature)

Certification by Agency CFO: \_\_\_\_\_ (Print) Date: \_\_\_\_\_  
 \_\_\_\_\_ (Signature)

COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

! URGENT

Memorandum

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To: Members of the Council

From: *Cynthia Brock-Smith*  
Cynthia Brock-Smith, Secretary to the Council

Date: March 31, 2008

Subject: Notice of Reprogramming Request of \$41,142,484 for the Office of the State Superintendent of Education  
Reprog. (17-98)

Notice is given that the attached request to reprogram \$41,142,484 of local funds budget authority from the Department of Human Services (DHS) to the Office of the State Superintendent of Education (OSSE) was filed in the Chairman's Office on March 31, 2008. The reprogramming facilitates the transfer of the Early Care and Education Administration (ECEA) from the DHS to OSSE.

The Council's 14 day review begins April 1, 2008 and the request will be deemed approved on April 15, 2008, unless a notice of disapproval is filed prior to that time which would extend the review period to 30 days. The request would then be deemed approved on the 31<sup>st</sup> day of receipt unless an approval or disapproval resolution is adopted prior to that time.

Copies are available in Legislative Services, Room 10.

TITLE: Reprogramming Request of \$41,142,484 for the Office of the State Superintendent of Education

INTRODUCED BY: Chairman Gray at the request of the Mayor

Retained by the Council with comments from the Committee of the Whole and the Committee on Human Services.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services



CHAIRMAN GRAY

2008 MAR 31 AM 10:11

ADRIAN M. FENTY  
MAYOR

MAR 31 2008

The Honorable Vincent C. Gray  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, D.C. 20004

**SUBJECT: Reprogramming Request for the Office of the State Superintendent of Education**

Dear Chairman Gray:

I am transmitting a request to reprogram \$41,142,484 of local funds budget authority from the Department of Human Services (DHS) to the Office of the State Superintendent of Education (OSSE) to comply with the "Supplemental Appropriations Clarification Emergency Declaration Resolution of 2008" (Resolution) recently approved by the Council of the District of Columbia. Pursuant to the Reprogramming Policy Act of 1980, D.C. Official Code §47-363(a-1)(3)(A)(ii) and the District of Columbia Appropriations Act, 2008, approved December 26, 2007 (P.L. 110-161), I am transmitting this request as required. I have also submitted this request to the Chief Financial Officer so that he can certify that funds are available for this reprogramming.

This reprogramming request for \$41,142,484 of local funds reflects the requirements stipulated in the recently passed Resolution (17-521). The Resolution states in Section 2 (c)(d) that as a prerequisite of the enactment of the "Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007", this reprogramming is required. This reprogramming facilitates the transfer of the Early Care and Education Administration (ECEA) from DHS to OSSE. This includes all of the appropriated budget authority, year-to-date expenditures, programs, activities, positions, property, and records associated with ECEA so that it is consistent with the Council-approved Resolution, Section 501 (a) of the Early Intervention Program Establishment Act of 2004 (D.C. Law 17-9, the D.C. Code § 7-863.03 (a)), and the "Public Education Reform Amendment Act of 2007".

Pursuant to the Resolution, an additional \$40,191,915 will be transferred from the Income Maintenance Administration within DHS to OSSE through an intra-District agreement. This intra-District will enable the agencies to comply with certain requirements associated with the federal Temporary Assistance to Needy Families (TANF) grant, which restricts the movement of

OFFICE OF THE  
SECRETARY

2008 MAR 31 AM 10:56

Honorable Vincent Gray, Chairman  
Reprogramming Request for the Office of the State Superintendent of Education  
Page 2

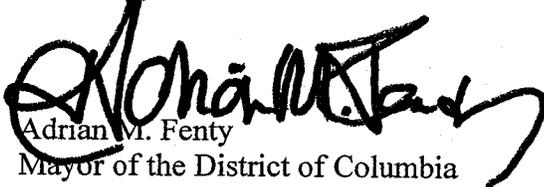
this funding without an agreement that articulates its uses. Finally, a total of \$20,011,269 in non-TANF-related federal funds will be transferred transfer from DHS to OSSE.

Including the local funds contained in this reprogramming request, the gross funds amount being transferred totals \$101,345,668. The table below shows a breakdown of the amounts and full-time equivalents by appropriated fund.

Summary - Early Care Education Administration from DHS to OSSE		
Appropriated Fund	Amount	FTEs
Local	\$41,142,484	4.0
Intra-District	40,191,915	5.0
Federal Grant	20,011,269	99.0
<b>Grand Total</b>	<b>\$101,345,668</b>	<b>108.0</b>

Thank you for your consideration of this request. I look forward to the Council's favorable action on this request.

Sincerely,

  
Adrian M. Fenty  
Mayor of the District of Columbia

Enclosure

cc: Natwar M. Gandhi, Chief Financial Officer  
Lucille Dickinson, Chief of Staff, OCFO  
Gordon McDonald, Deputy CFO for Budget and Planning  
Lolita Alston, Legislative Support, EOM

Government of the District of Columbia  
Office of the Chief Financial Officer



Natwar M. Gandhi  
Chief Financial Officer

MAR 26 2008

The Honorable Vincent C. Gray, Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, D.C. 20004

Dear Chairman Gray:

Pursuant to the Reprogramming Policy Act of 1980, D.C. Official Code §47-363(a-1) (3) (A) (ii) and the District of Columbia Appropriations Act, 2008, P.L. 110-161 approved December 26, 2007, the Office of the Chief Financial Officer has reviewed the Mayor of the District of Columbia's request to reprogram \$41,142,484 of local funds budget authority from the Department of Human Services to the Office of the State Superintendent of Education (OSSE) to comply with an Emergency Resolution recently approved by the Council of the District of Columbia.

This reprogramming request transfers \$41,142,484 of local funds budget authority to comply with the provisions of the "*Supplemental Appropriations Clarification Emergency Declaration Resolution of 2008*". The Emergency Resolution requires the transfer of all appropriated budget authority, year-to-date expenditures, programs, activities, positions, property, and records associated with the Early Care and Education Administration. A gross funds total of \$101,345,668 will be transferred to OSSE pursuant to the Emergency Resolution. Of this amount, \$41,142,484 represents local funds.

Analysis by the Office of Budget and Planning indicates that the reprogramming will not have an adverse impact on the agency's local funds budget or the District's financial plan. Accordingly, the Office of the Chief Financial Officer recommends that the District Council approve the requested reprogramming.

Sincerely,

Natwar M. Gandhi  
Chief Financial Officer

cc: Honorable Adrian M. Fenty, Mayor of the District of Columbia  
Dan Tangherlini, City Administrator, EOM  
Lucille Dickinson, Chief of Staff, OCFO  
Gordon McDonald, Deputy CFO for Budget and Planning  
Lolita Alston, Legislative Support, EOM

A RESOLUTION

17-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2008

To declare the existence of an emergency with respect to the need to amend the Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007 and the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008 to allocate funding for the pre-kindergarten initiative to the Office of the State Superintendent of Education, to authorize 7 full-time equivalent positions for the District of Columbia Auditor, to revise the applicability provision to clarify the amount of funds required to be reprogrammed, and that the requirement shall be met upon the receipt, not approval, of the required requests, and to add the requirement of a reprogramming of the funding for Early Childhood Development from the Department of Human Services to Office of the State Superintendent of Education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Supplemental Appropriations Clarification Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007 and the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008 ("supplemental legislation") allocated funds to the District of Columbia Public Schools to provide start-up funding for the Pre-K-for-All initiative. The appropriate agency to receive this funding is the Office of the State Superintendent of Education.

(b) The supplemental legislation allocated \$750,000 to the District of Columbia Auditor to support increased operational and oversight capacity. The emergency legislation adds to that \$750,000 allocation authority for 7 full-time equivalent positions to enable the District of Columbia Auditor to utilize these additional funds effectively.

(c) As a condition of applicability, the supplemental legislation requires that \$99.827 million and other indefinite amounts be reprogrammed, in accordance with the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007. The emergency legislation clarifies the amount that is required to be reprogrammed, provides that the requirement shall be met upon the receipt, not approval, of the required requests, and adds the requirement of a reprogramming of the funding for Early Childhood Development from the

**ENROLLED ORIGINAL**

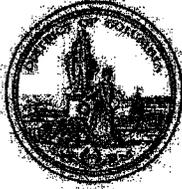
Department of Human Services to the Office of the State Superintendent of Education.

(d) The Public Education Reform Amendment Act of 2007 requires the transfer of the Early Care and Education Administration and the Early Intervention Program ("ECEA") from the Department of Human Services to the Office of the State Superintendent of Education. The Public Education Reform Amendment Act of 2007 has been law since June, 2007, but this transfer has not yet been effected. The Office of the State Superintendent of Education is ready to assume the responsibility for ECEA. It is important that the transfer take place to allow the Office of the State Superintendent of Education to accurately access its budgetary needs.

(e) Emergency legislation is needed to address the above-referenced matters.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Supplemental Appropriations Clarification Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ADRIAN M. FENTY  
MAYOR

MAR 4 2008

Natwar M. Gandhi  
Chief Financial Officer  
Office of the Chief Financial Officer  
1350 Pennsylvania Avenue, NW, Suite 209  
Washington, D.C. 20004

Dear Dr. Gandhi:

Pursuant to the Reprogramming Policy Act of 1980, (D.C. Official Code § 47-363 et seq.), I am submitting a request to reprogram \$41,142,484 from the Department of Human Services to the Office of the State Superintendent of Education. This reprogramming is needed because the District of Columbia Council has authorized the Department of Human Services to reprogram all positions, personnel, property, and records related to the Early Care and Education Administration to the Office of the State Superintendent of Education. Specifically, \$41,142,484 in local fund, \$20,011,269 in Federal funds and \$40,191,915 in intra-District Authority will be moved to the Office of the State Superintendent. The funds attached spreadsheet indicates the transfer of the entire amount to the Office of the State Superintendent of Education.

Details of the request are contained in the agency's submission. Thank you for your consideration of this request. I look forward to the Chief Financial Officer's favorable review of this request.

Sincerely,

Adrian M. Fenty  
Mayor of the District of Columbia

Enclosure

AMF/lisa

cc: Gordon McDonald, Interim Deputy CFO for Budget and Planning  
Tene Dolphin, Chief of Staff

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES



Office of the Director

MEMORANDUM

**TO:** Jo Anne Ginsberg  
Director  
Office of Legislative Support  
Executive Office of Mayor

**THROUGH:** Deloras Shepherd ~~\_\_\_\_\_~~  
Associate Chief Financial Officer  
Human Support Services Cluster

**THROUGH:** Mohamed Mohamed *M. Mohamed*  
Associate Chief Financial Officer  
Government Operations Cluster

**FROM:** Clarence Carter *CC*  
Director  
Department of Human Services

**FROM:** Deborah Gist *DG*  
State Superintendent of Education  
Office of the State Superintendent of Education

**DATE:** FEB 20 2008

**SUBJECT:** Request for Reprogramming to comply with the  
"Supplemental Appropriations Clarification Emergency  
Declaration Resolution of 2008".

This memo is to request the reprogramming of \$41,142,484 in budget authority to implement the conditions set forth in "Supplemental Appropriations Clarification Emergency Declaration Resolution of 2008" which authorizes the immediate transfer of the Early Care and Education Administration from the Department of Human Services to the Office of the State Superintendent of Education.

**Why are the funds needed?**

Funds are needed because the District of Columbia Council has authorized the Department of Human Services to reprogram all positions, personnel, property, and

*Supplemental Appropriations Clarification Emergency Declaration Resolution of 2008*  
*Page 2*

records related to the Early Care and Education Administration to the Office of the State Superintendent of Education. Specifically, \$41,142,484 in local funds, \$20,011,269 in Federal funds and \$40,191,915 in Intra-District Authority will be moved to the Office of the State Superintendent of Education.

**Is this a reprogramming to restore a budget cut authorized by the Mayor and/or Council?**

This reprogramming does not restore a budget cut authorized by the Mayor and/or Council.

**How will the funds be reprogrammed?**

The attached spreadsheet indicates the transfer of the entire amount to the Office of the State Superintendent of Education. It must be noted that, \$40,191,915 of these funds will be transferred via an Intra-District Agreement from the Income Maintenance Administration, DHS to the Office of the State Superintendent of Education. This is necessary, because the TANF grant cannot be moved from the Department of Human Services to another agency without an agreement that spells out how the funds will be utilized.

**Why are the funds available?**

Funds are available because the District of Columbia Council has authorized legislation for the Department of Human Services to reprogram all positions, personnel, property, and records related to the Early Care and Education Administration to the Office of the State Superintendent of Education.

**What hardship will the District face if the action is postponed until the subsequent fiscal year?**

If this action is postponed until the subsequent fiscal year, the Department of Human Services and the Office of the State Superintendent of Education, will be in violation of section 503a of the Early Intervention Program Establishment Act of 2004, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 7-863.03a), which was part of the "Public Education Reform Amendment Act of 2007".

**What programs, services or other purchases will be delayed as a result of the action, and the impact on the program or agency?**

Funding for items approved in the FY 2008 Supplemental Appropriations will not be available to District of Columbia agencies until this reprogramming is submitted and approved by the Council.

*Supplemental Appropriations Clarification Emergency Declaration Resolution of 2008*  
*Page 3*

Should you have any questions, please contact Jon Carver, Cluster Budget Director or Angelique Rogers, Special Assistant to the ACFO for the Human Support Services Cluster at (202) 671-4211.

Attachment

cc: Gordon Mc Donald, Acting Deputy CFO for Budget and Planning

OPERATING BUDGET REPROGRAMMING REQUEST				Requesting Agency Name and Code	Fund and Code	Year
Government of the District of Columbia						
APPROVAL REQUIRED FOR THE FOLLOWING:		APPROVAL LEVEL:		Agency Director	Secretary/Deputy Secretary/ASST	
Shift Between Agencies		Agency		Associate CPO	Comptroller General/Chief Clerk	
Shift Between Control Centers		Office of Origin		Budget Reprogramming Amendment Request	DATE	
Shift Between Responsibility Centers		DC Control		Prepared By		Total # of Pages
Shift Within Responsibility Centers		US Congress				

0100	4000	4600	CC1	ABDAY	BCC1	0499	0.00	0.00	0.00		
						0501	15,000,000.00	(15,000,000.00)	0.00		
						BCC1 Total	15,000,000.00	(15,000,000.00)	0.00		
						ABDAY Total	15,000,000.00	(15,000,000.00)	0.00		
				APCPD	BCC11	0401	1,728.00	(1,728.00)	0.00		
						0402	9,000.00	(9,000.00)	0.00		
						0404	1,603.00	(1,603.00)	0.00		
						0405	4,700.00	(4,700.00)	0.00		
						0408	5,500.00	(5,500.00)	0.00		
						0409	995,044.00	(995,044.00)	0.00		
						0411	11,834.00	(11,834.00)	0.00		
						0412	1,904.00	(1,904.00)	0.00		
						0501	7,180,816.00	(7,180,816.00)	0.00		
						BCC11 Total	8,212,129.00	(8,212,129.00)	0.00		
						APCPD Total	8,212,129.00	(8,212,129.00)	0.00		
				DPCC1	BCC11	0403	1,676.00	(1,676.00)	0.00		
						BCC11 Total	1,676.00	(1,676.00)	0.00		
						DPCC1 Total	1,676.00	(1,676.00)	0.00		
						CC11 Total	23,213,805.00	(23,213,805.00)	0.00		
				CC12	APCCD	BCC12	0501	16,598,808.00	(16,598,808.00)	0.00	
						BCC12 Total	16,598,808.00	(16,598,808.00)	0.00		
						APCCD Total	16,598,808.00	(16,598,808.00)	0.00		
						CC12 Total	16,598,808.00	(16,598,808.00)	0.00		
				CC21	APDPC	BCC21	0501	100,000.00	(100,000.00)	0.00	
						BCC21 Total	100,000.00	(100,000.00)	0.00		
						APDPC Total	100,000.00	(100,000.00)	0.00		
						CC21 Total	100,000.00	(100,000.00)	0.00		
						4020 Total	39,912,613.00	(39,912,613.00)	0.00		
				CD10	APDCD	BCC10	0111	79,954.00	(79,954.00)	0.00	
						0147	14,360.00	(14,360.00)	0.00		
						BCC10 Total	94,314.00	(94,314.00)	0.00		
						APDCD Total	94,314.00	(94,314.00)	0.00		
						CD10 Total	94,314.00	(94,314.00)	0.00		
				CD13	APCPD	BCC13	0201	5,000.00	(5,000.00)	0.00	
						0403	10,456.00	(10,456.00)	0.00		
						0701	5,000.00	(5,000.00)	0.00		
						0702	10,368.00	(10,368.00)	0.00		
						0705	13,000.00	(13,000.00)	0.00		
						BCC13 Total	45,824.00	(45,824.00)	0.00		
						APCPD Total	45,824.00	(45,824.00)	0.00		
						CD13 Total	45,824.00	(45,824.00)	0.00		
				CD16	ARMNC	BCC16	0111	96,864.00	(96,864.00)	0.00	
						0147	17,397.00	(17,397.00)	0.00		
						0301	15,000.00	(15,000.00)	0.00		
						0308	154,305.00	(154,305.00)	0.00		
						0309	576,079.00	(576,079.00)	0.00		
						0440	16,258.00	(16,258.00)	0.00		
						BCC16 Total	875,905.00	(875,905.00)	0.00		
						ARMNC Total	875,905.00	(875,905.00)	0.00		
						CD16 Total	875,905.00	(875,905.00)	0.00		
				CD17	APCHR	BCC17	0111	0.00	0.00	0.00	
						0409	15,000.00	(15,000.00)	0.00		
						BCC17 Total	15,000.00	(15,000.00)	0.00		
						APCHR Total	15,000.00	(15,000.00)	0.00		
						CD17 Total	15,000.00	(15,000.00)	0.00		
						4030 Total	1,031,041.00	(1,031,041.00)	0.00		
				4060	Q104	APCOA	BQ104	0111	87,487.00	(87,487.00)	0.00









OPERATING BUDGET REPROGRAMMING REQUEST										
Originating Agency Name and Code Government of the District of Columbia								Amount	Year	
APPROVAL REQUIRED FOR THIS ACTION			APPROVAL LEVEL			Agency Director	Maneuver/Change Requested	ACRONYM		
	Shift Between Agencies		Agency			Agency Code	Maneuver/Change Code	Change Desc		
	Shift Between Control/Center/Account		Office/Center			Agency Code	Maneuver/Change Code	Change Desc		
	Shift Between Responsibility Center/Program		DC Center			Agency Code	Maneuver/Change Code	Change Desc		
	Shift Within Responsibility Center/Program		US Center			Budget Reprogramming Amount Requested	DATE		Total # of Pages	
Information Balance Area										
0700	4000	4020	EC13	DCPSS	EC13	0411		2,200.00	(1,270.00)	0.00
						0501		3,455,768.00	(3,455,768.00)	0.00
						0710		12,882.00	(12,987.00)	0.00
						EC13 Total		4,656,888.00	(4,656,888.00)	0.00
						DCPSS Total		4,656,888.00	(4,656,888.00)	0.00
			EC13 Total					4,656,888.00	(4,656,888.00)	0.00
		4020 Total						4,992,528.00	(4,992,528.00)	0.00
		4030	CDH	IDDRS	CDH	0402		0.00	0.00	0.00
						ECDH Total		0.00	0.00	0.00
						IDDRS Total		0.00	0.00	0.00
				IDPQS	CDH	0402		164,360.00	(164,360.00)	0.00
						ECDH Total		164,360.00	(164,360.00)	0.00
				IDRCE Total				164,360.00	(164,360.00)	0.00
			CDH Total					164,360.00	(164,360.00)	0.00
		4030 Total						164,360.00	(164,360.00)	0.00
		4000 Total						5,156,888.00	(5,156,888.00)	0.00
		0700 Total						5,156,888.00	(5,156,888.00)	0.00
		Grand Total						101,345,668.00	(101,345,668.00)	0.00