

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES
ROBERT C. WHITE, JR., CHAIR

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White Jr.
Chair, Committee on Government Operations and Facilities
DATE: April 29, 2021
RE: Requests for the May 4, 2021 Legislative Meeting



I request that the following measures be agendized for the May 4, 2021 Legislative Meeting:

Ceremonial Resolution

I request that the following three Ceremonial Resolution be agendized for the May 4, 2021 Legislative Meeting.

- **“Asian American and Pacific Islander Heritage Month Recognition Resolution of 2021”**

The resolution recognizes May as Asian American and Pacific Islander Heritage Month and celebrates the contributions of the Asian American and Pacific Islander communities in the District of Columbia, honors their history in this country and city, and stands against the racially motivated crimes targeted at this community, particularly over the past year after the onset of the COVID-19 pandemic.

Proposed Resolutions

I request that the following two appointment resolutions be agendized for the May 4, 2021 Legislative Meeting. Both measures were marked up by the Committee on Government Operations and Facilities on April 21, 2021.

- **PR24-0070, “Monica Palacio Director of the Office of Human Rights Resolution of 2021”**

This resolution would confirm the appointment of Mónica Palacio as the Director of the Office of Human Rights (OHR). OHR handles a variety of critically important responsibilities, including providing a free administrative forum for complaints of unlawful discrimination under the Human Rights Act of 1977.

Mónica Palacio, a Ward 4 resident, previously served as OHR Director for approximately 6 years, and resumed the role as acting Director at the start of 2021. Based on this and other experience, she satisfies the statutory requirement that the Director possess a demonstrated background in District and federal anti-discrimination laws.

As detailed in the Committee Report, the Committee has become aware of some concerns about OHR’s performance in recent years, including under Director Palacio’s prior leadership.

These include a backlog of cases in the OHR Enforcement Division, allegations of mistreatment and low morale within OHR, and deficiencies in responsiveness to Council oversight. Still, the Committee has decided to advance this nomination to the Council and recommend approval for several reasons. OHR was understaffed for much of Director Palacio's prior tenure and is still in the process of becoming right sized. Director Palacio has provided an action plan to eliminate inefficiencies in the Enforcement Division. Finally, Director Palacio has committed to a focused effort to close backlogged cases where possible.

The Committee intends to continue its vigorous oversight of OHR's performance and emergency legislation is proposed below to institute a term limit on the OHR Director role in order to ensure periodic review of agency performance.

- **PR24-0086, "Chief Administrative Law Judge of the Office of Administrative Hearings Margaret Colleen Currie Confirmation Resolution of 2021"**

PR24-0086 would confirm the appointment of Margaret Colleen Currie, a Ward 4 resident, as Chief Administrative Law Judge (ALJ) of the Office of Administrative Hearings for a six-year term.

Judge Currie is currently Acting Chief ALJ for OAH and has been with OAH since September 2016. During her time with OAH, she has adjudicated cases arising from decisions by the District of Columbia Public Schools, Department of Consumer and Regulatory Affairs, Department of Public Works, Department of For-Hire Vehicles, Department of Housing and Community Development, Office of Risk Management, Department of Employment Services, and Office of the State Superintendent of Education. Since 2018, Judge Currie has been the Principal ALJ for Employment matters, and since February 2020 she has served as the Principal ALJ for Information Technology matters.

Emergency and Temporary Legislation from the Committee

I request that the following two sets of emergency and temporary legislation be agendized for the May 4, 2021 Legislative Meeting.

- **"Director of the Office of Human Rights Term of Office Emergency Declaration Resolution of 2021"**
- **"Director of the Office of Human Rights Term of Office Emergency Amendment Act of 2021"**
- **"Director of the Office of Human Rights Term of Office Temporary Amendment Act of 2021"**

The proposed measures seek to institute a 3-year, renewable term limit on the OHR Director position, applicable immediately. The work of OHR is too important to allow any Director to continue in their role indefinitely, without opportunity for Council to review performance, particularly given concerns about the backlog of cases at the agency. The Mayor, public, and Council should periodically revisit OHR's leadership through periodic re-nominations, hearings, and confirmations as appropriate. The proposed measures would not

impede the Mayor’s ability to remove an OHR Director prior to the expiration of a 3-year term. Emergency legislation is necessary to ensure that the new term limit is established concurrently with the confirmation of the current nominee. Permanent legislation will be introduced to the same effect.

- **“Returning Citizens Cannabis Equity Emergency Declaration Resolution of 2021”**
- **“Returning Citizens Cannabis Equity Emergency Amendment Act of 2021”**
- **“Returning Citizens Cannabis Equity Temporary Amendment Act of 2021”**

These measures would amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to set aside medical marijuana facility registrations for each type of facility—dispensary, cultivation center, and testing laboratory—for applicants that have at least 51% ownership by one or more returning citizens and that have met minimum criteria established by ABRA, provided that the returning citizen or citizens were previously incarcerated for the manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance.

These returning citizens were among those most deeply impacted by the failed war on drugs and should benefit from equitable participation and representation in this growing industry. Unfortunately, the medical cannabis program currently suffers from a lack of adequate diversity and representation among populations most impacted by earlier policies.

This legislation would also provide a 50-point preference for a medical cannabis business with at least 51% ownership by one or more returning citizens who were previously incarcerated for the manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance.

This legislation would apply retroactively as of March 22, 2021 to match previously passed emergency legislation impacting the upcoming application cycle. Emergency legislation is necessary to ensure that eligible returning citizens have equitable access to apply for licenses during ABRA’s upcoming application period. The current deadline to submit a letter of intent to apply for a license is May 21, 2021.

Drafts of all measures are attached. Please contact Shawn Hilgendorf, Committee Director, at 202-724-8077 or shilgendorf@dccouncil.us if you have any questions.