

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

Natwar M. Gandhi
Chief Financial Officer



2006 JUL 11 AM 11:02

CHAIRMAN CROPP

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: JUL 11 2006

SUBJECT: Fiscal Impact Statement: "Crispus Attucks Park Indemnification Act of 2006"

REFERENCE: Bill 16-324, Draft Committee Print (June 13, 2006)

Conclusion

The fiscal effects of the proposed legislation are unknown at this time. Because the legislation would require District indemnification for future events, costs which may be incurred by the District cannot be quantified at this time. Implementation of the proposed legislation will be subject to the availability of appropriations.

Federal and District anti-deficiency laws prohibit District officers and employees from exceeding agency appropriations in any fiscal year. The indemnification of future events may result in additional expenditures, but anti-deficiency laws prohibit such expenditures from exceeding the availability of District resources.

Background

Crispus Attucks Park is located at 77 "U" Street, N.W. in the District's Ward 5. The proposed legislation would require the District government to indemnify the owner(s) against any claim, demand, expenses, and liability arising from an occurrence in the Park for which the owner would otherwise be liable. The proposed legislation makes three exceptions:

1. Adjudicated fraudulent, willful, wanton misconduct, or gross negligence by the owner(s);
2. Any claim or liability with respect to a criminal proceeding against the owner(s); and
3. Damage in excess of actual economic loss.

The proposed legislation has no ceiling or cap on benefits and will be subject to the availability of appropriations. The proposed legislation also stipulates that failure to appropriate, or otherwise authorize, funds to support the indemnification obligation shall not create a District government default or create a breach of contract against the government.

Financial Plan Impact

The District Office of the Chief Financial Officer cannot quantify the potential fiscal effects of this bill, or predict what staff or resources will be required to implement the provisions of the proposed legislation.