



## District of Columbia Judiciary Committee Oversight Hearing

### Office of the Attorney General

February 16, 2017

#### Testimony of Meg Maguire, Vice Chair, Committee of 100 on the Federal City

Mr. Chairman: I am Meg Maguire, Vice Chair of C100. Thank you for this opportunity to testify on the Office of the Attorney General.

First, we want to commend the Attorney General (AG) and his staff for working closely with DCRA to stop the rogue behavior of DigiMedia as it raced through the city putting up illegal digital billboards. The AG's team has very ably argued the case before the DC Superior Court, based on the careful and well-documented inspection reports from DCRA. *This is the way that city government is supposed to work to protect the public interest.*

*What if any role could the AG play to better balance its role as counselor to city agencies along with protection of the public interest? We ask this question because our experience in the rather specialized area of sign control highlights how both the Executive and the Council too-often fail to protect the public interest. A few examples:*

- First, Citywide Sign Regulations - The AG's staff serves as a member of, and legal advisor to, the city agencies charged with rewriting the sign regulations – DDOT, DCRA and OP. While many citizens agreed that consolidating the sign regulations in one place was long overdue, few were prepared in the 2012 draft for the broad influence the digital billboard industry was accorded in drafting those regulations, particularly in light of the city's historic ban on new billboard construction. This was not consolidation: It was a total reversal of policy.

In 2015, after extensive public opposition, a new draft emerged with favors to the billboard industry and its clients virtually unchanged. Once again, the draft regulations garnered even greater opposition from ANCs and advocacy groups around the city who sent in over 1,000 public comments. Meanwhile, in the absence of final sign regulations, the city has become the Wild West of Digital Billboards, Special Signs drape buildings outside the downtown boundaries, and pressure continues for massive electronic signs in unsuspecting neighborhoods. The delay in the sign regulations is unfathomable and unconscionable. *What is the role of the AG in representing the public's interest when policy is made through bodies on which it serves?*

- Second, Nationals Park - During the Nationals Park public hearing on digital billboards, two developers appeared to request that they also be permitted to put up digital billboards. And so, the Ballpark Designated Entertainment Area (DEA) was added to the bill with no public hearing, no ANC review, no visual representations of how the buildings would look or be designed to accommodate these machines, no limitation on the number of billboards, and no impact analysis from the perspective of other buildings that would be affected by the harsh glare. Even the name of this new DEA is misleading: the developers are not building an entertainment complex but rather mixed-use buildings in a mixed-use neighborhood. Once again, *mixed use is becoming mixed abuse.*

*What, if any, is the role of the AG in advising Council to safeguard the public's right to an orderly and transparent public process as it considers legislation?*

- Third, re-permitting digital billboards at the Verizon Center - In 2012, prior to permitting billboards in this sensitive mixed-use neighborhood graced by historic public buildings, the Office of Planning was supposed to conduct a meaningful assessment of the effects of the proposed six digital billboards. OP failed to do so, citing lack of specific information. Four years later, after a drumbeat of resident, office worker and building owner complaints about the pulsating light from this massive concentration about 4,575sf of LED lights blasting into offices, the Smithsonian's America Art Museum, the Terrell Building, and the MLK Library, OP produced a 2 ½ page "assessment" of the signs' impacts that was a joke. It contained no data about impacts, misrepresented the Comp Plan and concluded that there were no adverse impacts to consider. (I request that the Committee of 100's letter to the Office of Planning be inserted into the record.) *What, if any, is the role of the AG in calling out the agencies when they act in this manner?*

Our questions for this Committee and for the Attorney General are based on our exasperation and exhaustion with biased government processes:

- Who represents the people's interests when city agencies are rewriting and completely transforming long-standing laws and regulations so that private interests will benefit from substantial financial gains?
- Who is calling out the agencies when they use a sham process to cover up special interests at work behind the scenes?
- Who is safeguarding public hearings so that the Council does not just add in whatever a developer requests with no public discussion?
- How can the powers of the Attorney General be strengthened so that we the people have a watchdog-with-teeth?

Trust in government is precious and fragile. Cynicism is dangerous.

The AG's insistence on code enforcement in the DigiMedia case, backed up with legal action, inspires citizen confidence. We urge the Council, the Executive and the AG to identify specific new ways to operate like this in all aspects of city governance.

Thank you.