ENROLLED ORIGINAL

A RESOLUTION

17-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed $40 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to the American Association for the Advancement of Science to assist in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "American Association for the Advancement of Science Revenue Bonds Project Approval Resolution of 2007".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the American Association for the Advancement of Science, a Massachusetts nonprofit corporation exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Financing Documents" means the documents, other than Closing Documents,

ENROLLED ORIGINAL

that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(10) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower in one or more loans.

(11) "Project" means the financing, refinancing, or reimbursing of all or a portion of the borrower's costs of:

(A) The refunding of certain outstanding bonds issued previously by the District on behalf of the borrower in 1997;

(B) The cost, if necessary, of credit enhancement and liquidity for the bonds;

(C) The capitalized interest and other reserves, if necessary or appropriate; and

(D) The issuance costs for the bonds.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $40 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education,

ENROLLED ORIGINAL

economic development of the District.

(4) The project is an undertaking in the area of education and contributes to the health, safety and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed $40 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

ENROLLED ORIGINAL

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

ENROLLED ORIGINAL

(d) The bonds shall not be issued until the Mayor receives an approving opinion from bond counsel as to the validity of the bonds and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

ENROLLED ORIGINAL

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall

be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated

ENROLLED ORIGINAL

under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Ms. Judith E. Heumann as the Director of the Department on Disability Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department on Disability Services Judith E. Heumann Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Judith E. Heumann
3133 Connecticut Avenue, N.W., #427
Washington, D.C. 20008
(Ward 3)

as the Director of the Department on Disability Services, established by section 102 of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 1-761.02), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve the proposed rules to establish specific policies, procedures, and guidelines relating to the procurement, management, control, and disposal of supplies, services, and construction for the District of Columbia Public Library.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Library Procurement Regulations Approval Resolution of 2007".

Sec. 2. Pursuant to section 5(c) of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244: D.C. Official Code § 39-105(c)), the Board of Library Trustees on April 30, 2007 transmitted to the Council rules governing the procurement of goods and services for the District of Columbia Public Library. The Council approves the proposed rules to amend Chapter 43 of Title 19 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Board of Library Trustees of the District of Columbia Public Library.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Ms. Narda M. Newby to the District of Columbia Sports and Entertainment Commission Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Sports and Entertainment Commission Board of Directors Narda M. Newby Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Narda M. Newby
2034 Flagler Place, N.W.
Washington, D.C. 20001
(Ward 5)

as a member of the District of Columbia Sports and Entertainment Commission Board of Directors, established by section 4 of the Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1403), replacing Lloyd J. Jordan, whose term ended December 31, 2006, for a term to end December 31, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Mr. Trent T. Williams to the District of Columbia Small and Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Small and Local Business Opportunity Commission Trent T. Williams Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Trent T. Williams
701 12th Street, N.E.
Washington, D.C. 20002
(Ward 6)

as a member of the District of Columbia Small and Local Business Opportunity Commission, established by section 2321 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.21), replacing Richard F. Johns, whose term ended March 28, 2007, for a term to end March 28, 2009.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve proposed rules to impose a limit of 10 retailer's licenses Class CT, CN, CX, DT, DN, or DX issued in the Adams Morgan Moratorium Zone.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adams Morgan Liquor License Moratorium Amendment Approval Resolution of 2007".

Sec. 2. Pursuant to section 25-211(b)(2) of the District of Columbia Official Code, the Mayor on April 27, 2007 transmitted to the Council proposed rules to impose a limit of 10 retailer's licenses Class CN, CT, CX, DT, DN, or DX issued in the Adams Morgan Moratorium Zone. The Council approves the proposed rules, published at 54 DCR 2380, to amend Chapter 3 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.
The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. Fiscal impact statement.
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.
This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Ms. Lucinda Babers as the Director of the Department of Motor Vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Motor Vehicles Lucinda Babers Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Lucinda Babers
350 G Street, S.W., N419
Washington, D.C. 20024
(Ward 6)

as the Director of the Department of Motor Vehicles, established by section 1822 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-901), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Mr. Leon J. Swain, Jr. to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Taxicab Commission Leon J. Swain, Jr. Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Leon J. Swain, Jr.
1202 Savannah Street, S.E.
Washington, D.C. 20032
(Ward 8)

as chairperson of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304), replacing Causton A. Toney, to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

17-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Shari M. Barton, Ph.D., to the Board of Real Estate.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Estate Shari M. Barton Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Shari Barton, Ph.D.
2920 Upton Street, N.W.
Washington, D.C. 20008
(Ward 3)

as a real estate broker member of the Board of Real Estate, established by D.C. Official Code § 47-2853.06(h)), replacing Jacqueline Dorfmann, whose term ended December 13, 2006, for a term to end December 13, 2009.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the reappointment of Mr. Richard E. ("Rick") Morgan to the Public Service Commission of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Service Commission of the District of Columbia Richard E. ("Rick") Morgan Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Richard E. ("Rick") Morgan
5902 32nd Street, N.W.
Washington, D.C. 20015
(Ward 4)

as a member of the Public Service Commission of the District of Columbia, established by section 8(97) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 1995; D.C. Official Code § 34-801), for a term to end June 30, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To confirm the appointment of Ms. Leila Finucane Edmonds as the Director of the Department of Housing and Community Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Housing and Community Development Leila Finucane Edmonds Confirmation Resolution of 2007".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Leila Finucane Edmonds
52 Overlook Road
Upper Montclair, NJ 07043

as the Director of the Department of Housing and Community Development, established by Reorganization Plan No. 3 of 1975, effective July 3, 1975, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve the FY 2008 Consolidated Annual Action Plan for the District of Columbia, which provides a single annual grant application for 4 grant programs provided by the United States Department of Housing and Urban Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "FY 2008 Consolidated Annual Action Plan for the District of Columbia Approval Resolution of 2007".

Sec. 2. The Council finds that:

(1) The primary objective of the FY 2008 Consolidated Annual Action Plan for the District of Columbia ("Action Plan") is the development of a viable urban community by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income.

(2) The District of Columbia government is required to submit an annual Action Plan for the District of Columbia to the United States Department of Housing and Urban Development ("HUD") under Title I of the Housing and Community Development Act of 1974, approved August 22, 1987 (88 Stat. 633; 42 U.S.C. § 5301 *et seq.*).

(3) The Action Plan is the successor to the Community Development Program established pursuant to regulations issued by HUD under 24 CFR Part 91, Consolidated Submissions for Community Planning and Development Programs, on January 5, 1995.

(4) Under section 3 of the District of Columbia Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1002), the Council is required to adopt a resolution approving the proposed Action Plan, as the program is defined in Title I of the Housing and Community Development Act of 1974, approved August 24, 1974 (88 Stat. 633; 42 U.S.C. § 5301 *et seq.*).

(5) The Mayor has prepared the Action Plan, identifying resources and program activities to address the District's housing and community development needs.

(6) The Mayor has submitted to the Council for approval the proposed Action Plan, identifying resources and program activities, and requests Council approval before the August 2007 submission to HUD.

ENROLLED ORIGINAL

(7) The Council has reviewed the proposed Action Plan.

Sec. 3. Pursuant to section 3(c) of the District of Columbia Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1002(c)), the Council approves the FY 2008 Consolidated Annual Action Plan for the District of Columbia, and related program funding for the Community Development Block Grant program, the HOME Investment Partnerships Program, the Housing Opportunities for Persons with AIDS program, and the Emergency Shelter Grant program.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

(a) The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

(b) The FY 2008 Consolidated Annual Action Plan for the District of Columbia, reflects the strategy of the Department of Housing and Community Development that is consistent with established goals for activities and programs required to meet the continued eligibility requirements for federal funding. There is no fiscal impact to the District of Columbia because the spending elements of the FY 2008 Consolidated Annual Action Plan for the District of Columbia are materially the same as the department's fiscal year 2008 budget submission.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve measures that are necessary to support action taken on the District's fiscal year 2008 proposed budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2008 Budget Support Emergency Declaration Resolution of 2007".

Sec. 2. (a) The Fiscal Year 2008 Budget Support Act of 2007, signed by the Mayor on June 28, 2007 (D.C. Act 17-63) ("permanent act"), which contains measures necessary to support the Fiscal Year 2008 Budget and Financial Plan, has been sent to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(b) There are time-sensitive provisions that need to be in place for the new fiscal year on October 1, 2007, and the permanent act is not estimated to become law prior to that date.

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 Fiscal Year 2008 Budget Support Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to prohibit commercial tour buses, except tour buses used for government purposes, within the Capitol Hill Historic District, except on identified roads.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Capitol Hill Historic District Protection Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to prohibit commercial tour buses, except tour buses used for government purposes, within the Capitol Hill Historic District.

(b) Beginning June 9, 2007, the United States Capitol Police banned all commercial tour buses from several streets surrounding the Capitol Complex Grounds, including Independence Avenue (between Washington Avenue, S.W., and 2nd Street, S.E.), Constitution Avenue (between Louisiana Avenue, N.W., and 2nd Street, N.E.), 1st Street (between Maryland Avenue, S.W., and Independence Avenue, S.W.), 1st Street (between D Street, N.E., and D Street, S.E.) and 2nd Street (between D Street, N.E., and D Street, S.E.). The ban has resulted in commercial tour buses inappropriately travelling through adjacent Capitol Hill neighborhoods and idling, parking, and staging loading and unloading of passengers on narrow residential streets.

(c) Tour buses on residential streets occupy multiple street parking spaces, impose on surrounding homes and on narrow streets, and risk compromising the mobility of emergency vehicles on, and their accessibility to, those streets.

(d) Idling diesel vehicles along the narrow residential streets pose a threat to public health by increasing air pollution in the neighborhoods. The use of residential streets for idling, parking, and loading and unloading passengers is having a significant impact on the people living in Capitol Hill neighborhoods.

(e) To preserve and protect the residential quality of these neighborhoods, a prohibition, with specified exceptions, of commercial tour buses within the Capitol Hill Historic District is necessary.

ENROLLED ORIGINAL

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 Capitol Hill Historic District Protection Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17- 275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve the establishment of the Capitol Riverfront Business Improvement District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Capitol Riverfront Business Improvement District Emergency Declaration Resolution of 2007".

Sec. 2. (a) Capitol Riverfront BID encompasses an area that is presently undergoing tremendous residential and business growth and is an active construction zone with multiple projects in various stages of completion.

(b) Employment density is increasing swiftly in the Capitol Riverfront BID area with over 4 million square feet of new office buildings expected to be developed in the near future.

(c) Residential and hotel density also will increase dramatically as thousands of new housing units and hotels are developed.

(d) At present, there exists a problem of trash- and debris-strewn streets and sidewalks and safety concerns from the residents and businesses that require immediate attention.

(e) Capitol Riverfront BID cannot collect the taxes necessary to implement its support services until it has been fully registered and, without this emergency legislation, the Office of Tax and Revenue cannot establish the assessment district for the next taxable quarter.

(f) Waiting for a 2nd reading and Congressional review of the permanent version will cause significant delay of up to 6 months and prevent the organization from beginning its work to improve and support the revitalization of this neighborhood.

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 Capitol Riverfront Business Improvement District Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17- 276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to extend the life of the free clinic assistance program until the earlier of October 1, 2008 or the date that a captive insurance company, to be formed at the direction of the Department of Insurance, Securities, and Banking, certifies to the Mayor and the Council that it will offer medical liability insurance to free clinics.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Free Clinic Assistance Program Extension Emergency Declaration Resolution of 2007".

Sec. 2. (a) The Free Clinic Assistance Program of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.21 *et seq.*) ("Act"), will sunset on October 1, 2007.

(b) On June 15, 2007, the Chairman of the Council, at the request of the Mayor, introduced the Free Clinic Assistance Program Extension Amendment Act of 2007. On June 25, 2007, the bill, Bill 17-255, was referred to the Committee on Public Services and Consumer Affairs.

(c) Because of the Council recess period, the permanent legislation cannot be enacted before the October 1, 2007 sunset of the Act.

(d) The District of Columbia has become increasingly reliant on a network of free non-governmental clinics to provide health care to the District's poorest and most vulnerable residents. These institutions, most of them small and thinly capitalized, are caught in a tightening vise between health insurers, including Medicaid, that are paying less for the services that the clinics provide and malpractice health insurers who are charging substantially more for liability insurance. Many of these organizations are facing the threat of bankruptcy or the cessation of their operations.

(e) Three years ago, the Council enacted the Free Clinic Assistance Program Extension Amendment Act of 2004. In that act, the Mayor was charged with establishing a working group to study other alternatives to provide professional liability insurance or indemnification under the Free Clinic Assistance Program, including examining the potential effects of covering clinics through commercial insurance and subsidizing part of the cost of the private insurance for clinics that are ineligible for the program.

(f) A feasibility study was conducted and found that the best approach was the establishment of a government-owned captive insurance company.

(g) In the Fiscal Year 2007 Budget Support Act of 2006, the Council allocated funds to establish the captive insurance company. The Department of Insurance, Securities, and Banking is in the process of hiring a vendor to establish and operate the free clinic captive insurance company.

(h) The Committee on Public Services and Consumer Affairs has been told by the Department of Insurance, Securities, and Banking that the free clinic captive insurance company will be operational by the end of 2007.

(i) It is essential to extend the Act to ensure there are no gaps in professional liability coverage until the clinics have access to professional liability insurance through a newly-organized captive insurance company.

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 Free Clinic Assistance Program Extension Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to amend the Advisory Commission on Sentencing Establishment Act of 1998 to authorize the District of Columbia Sentencing and Criminal Code Revision Commission to promulgate, implement, and revise a system of voluntary guidelines, publish instructions and provide technical assistance to the court and practitioners, review and analyze sentencing data, file reports with the Council, and review and research sentencing policies and practices, to exempt ex officio members from term limits, and to repeal provisions that are outdated.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Sentencing and Criminal Code Revision Commission Emergency Declaration Resolution of 2007".

Sec. 2. (a) On March 29, 2007, the Committee on Public Safety and the Judiciary ("Committee") held a public hearing on Bill 17-137, the District of Columbia Sentencing and Criminal Code Revision Commission Amendment Act of 2007. The Committee marked up Bill 17-137 on June 12, 2007, and it passed first reading on June 21, 2007.

(b) On June 21, 2007, the Council amended the bill to increase the Chief of the Fire and Emergency Medical Services Department's salary to enable the Mayor to pay him a $165,000 salary. The Council approved this amendment unanimously.

(c) For the District of Columbia Sentencing and Criminal Code Revision Commission to continue monitoring and making necessary modifications to the District's voluntary sentencing guidelines, this legislation must be passed immediately.

(d) For the Fire Chief to receive his appropriate salary, this legislation must be passed immediately.

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 District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17- 278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to repeal section 2 of the Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Temporary Act of 2006 to allow the Department of Mental Health to seek alternative sites to relocate its Comprehensive Psychiatric Emergency Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Emergency Declaration Resolution of 2007".

Sec. 2. (a) The Comprehensive Psychiatric Emergency Program ("CPEP") provides on-site emergency psychiatric evaluations and treatment for individuals 18 years of age and older who are in a psychiatric crisis. The program also serves as a connector to both inpatient and outpatient mental health services throughout the District. These services are essential for those individuals living with mental illness who can afford little delay in accessing treatment.

(b) In 2006, CPEP saw an average of 280 individuals per month. Over 1/3 of the people seen at CPEP are in such a severe state of mental distress as to justify admittance to an inpatient unit. Of those individuals who are admitted for inpatient treatment, on average, 43% are admitted to St. Elizabeth's Hospital, the District's mental health facility, 40% are admitted to Greater Southeast Community Hospital, and 17% are admitted to the Psychiatric Institute of Washington.

(c) Located on the former D.C. General Hospital Campus ("campus"), CPEP operates a total of 6 beds, 2 of which are reserved for patients who must be restrained. Despite efforts of CPEP staff, the facility has deteriorated and now threatens the health and safety of both patients and Department of Mental Health ("DMH") employees. In addition, CPEP is frequently faced with overcrowding and lacks sufficient space to adequately provide appropriate services to individuals in need.

(d) The court monitor appointed pursuant to *Dixon v. Williams*, C.A. No. 74-285, has repeatedly raised concerns about the condition of the building and its location, as well as about the impact of the deterioration on the quality of services provided to District residents with mental illness. In a January 2006 report, the court monitor stated that the facility is "totally inadequate in terms of design, privacy, access to medical care and basic conditions of cleanliness and repair."

(e) In November 2006, the Council enacted the Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Temporary Act of 2006, effective November 14, 2006 (D.C. Law 16-298; 53 DCR 10204), ("temporary legislation"), which authorized DMH to enter into a long-term ground lease with Greater Southeast Community Hospital ("GSCH") and authorized the construction of a building, at the District's cost, to house CPEP on a site located at GSCH.

ENROLLED ORIGINAL

(f) The temporary legislation provided a solution to the ongoing concerns regarding CPEP's facility, while also providing needed financial support to GSCH and enabling the District to provide a higher level of quality psychiatric care and streamline the system for individuals entering in crisis mode, as well to take critical steps towards being released from the requirements of *Dixon v. Williams*. At the same time, a struggling hospital that was already receiving a large percentage of CPEP inpatients would be able to collect additional revenue through the provision of psychiatric services, which are among some of the highest reimbursable services through federal insurance programs.

(g) The new CPEP facility would also fill the need for observation areas for individuals who are suicidal or homicidal, with a size and design to maximize visibility and security for the protection of patients and staff. Additionally, intake space for registration and interview would be constructed to guarantee privacy and compliance with the confidentiality requirements of the Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 *et seq.*).

(h) Given the financial benefits, the temporary legislation was initially welcomed by officials at GSCH. Immediately following its effective date, DMH staff began a series of meetings with the Office of Zoning, the Office of Property Management, GSCH executives, and architects to determine a site on the campus to relocate CPEP. After months of planning, DMH and GSCH agreed on a location for the new CPEP facility.

(i) Despite the initial commitment from GSCH and months of negotiation between GSCH and DMH, on May 1, 2007, Envision Healthcare, Inc. ("Envision"), the parent company of GSCH, notified DMH that it would not enter into a ground lease with DMH because the "hospital is presently negotiating the sale of its assets, and thus cannot at this time commit to a lease with the Department of Mental Health."

(j) Envision has been in negotiations to sell GSCH since August 2006. Thus, Envision permitted and encouraged the District to proceed with the CPEP project in complete contemplation of the sale. Unaddressed in Envision's correspondence with DMH is why Envision allowed the District to proceed to its detriment with this project if it had no intention of allowing it to come to fruition.

(k) Since rescinding its commitment to the CPEP lease on May 1, 2007, Envision has declined to participate in any discussions about the future of CPEP while maintaining the contradictory position that healthcare for District residents remains a top priority. Any effort at communication by DMH has been directed to the attorney for GSCH's potential buyer, who has not responded.

(l) This failure of GSCH has stunted DMH's ability to improve psychiatric care to vulnerable citizens. In addition, Envision's blockage of CPEP's relocation to the GSCH campus has impeded the District's efforts to be released from the requirements of *Dixon v. Williams*, a top priority for DMH.

(m) To avoid continued and excessive delay in the relocation of CPEP, DMH must have the flexibility to identify alternative sites.

(n) There exists an immediate need to repeal section 2 of the temporary legislation to enable DMH to seek alternative sites to relocate CPEP as expeditiously as possible.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Emergency Amendment Act of 2007 be adopted after a single reading.

ENROLLED ORIGINAL

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to authorize the Mayor to seek the appointment of a receiver to operate a hospital under specific circumstances, including when the Mayor determines that the hospital has substantially or habitually violated standards of health, safety, or patient care.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Establishment of a Hospital Receivership Emergency Declaration Resolution of 2007".

Sec. 2. (a) Greater Southeast Community Hospital ("GSCH") is a 450-bed facility that serves as a critical access point for thousands of District residents seeking health services. It is the only District hospital located east of the Anacostia River.

(b) In 1999, Doctors Community Healthcare Corporation, now known as Envision Healthcare, Inc., purchased GSCH out of bankruptcy. Since then, service delivery at the hospital has steadily deteriorated, placing the health and safety of District residents at serious risk.

(c) Recent meetings between members of the Council of the District of Columbia, Department of Health ("Department") officials, GSCH management, and labor representatives have revealed a series of deficiencies at the hospital, placing patient safety and quality of care at risk.

(d) On May 23, 2007, the Committee on Health held a public hearing on patient safety and quality of care at GSCH. During the hearing, serious concerns regarding staffing, equipment, and supply shortages were raised.

(e) The May 23, 2007, hearing prompted the Department to conduct thorough on-site inspections of GSCH and the GSCH-managed ambulatory care center, located on the D.C. General Hospital campus, from May 29, 2007 to June 1, 2007. The Department's final report ("Report") confirmed many of the concerns raised at the hearing, including staffing deficiencies, medical supply shortages, and inadequate medical equipment.

(f) The Report found that staffing inadequacies exist within the Emergency Department ("ED"), the blood bank, the hospital pharmacy, the Nuclear Medicine Division, the nursing staff, the radiology department, the rehabilitation department, and the respiratory therapy unit. The Department reported that these inadequacies have resulted in serious risks to patient safety and quality of care. For example, staffing inadequacies in the ED has led to the closure of the Fast Track triage area for at least 8 hours at a time, and respiratory therapy staffing inadequacies have resulted in having only 2 therapists available in the hospital for ventilator support, code blues, routine respiratory treatment, and reading electrocardiograms.

(g) The Department cited shortages in the maintenance, biomedical, and housekeeping divisions and that these shortages have resulted in GSCH not being maintained in a safe and sanitary manner. The Report noted a failure to maintain sanitary conditions and infectious

disease control, partly due to staff shortages of up to 16 people.

(h) The Report detailed incidents of inadequate patient care, including patients inaccurately triaged, admitted patients not being treated for acknowledged wounds, patients released without being seen by a physician, a failure to complete medication reconciliation forms, the inability to provide proper respiratory treatment, a lack of patient follow-up, and a failure to obtain contact information for released patients.

(i) The Report further noted that vital hospital equipment was not maintained in proper working condition, including blood bank and reagent refrigerators in the hospital labs, and life packs, intravenous pumps, monitors, and blood pressure machines in the ED. In the OB/GYN department, 4 of 7 regular hospital beds were out of service, while there was a deficiency of special obstetrics delivery beds. Two of 5 radiant heaters in the nursery were out of service, wheels on cribs were locked in place, and a portable air compressor was out of service. In the radiology department, equipment inadequacies included no working general purpose fluoroscopic units and no working magnetic resonance imaging or computed axial tomography, commonly known, respectively, as MRI and CAT, scanning equipment.

(j) The Report cited the failure of GSCH to follow incident reporting policy, specifically citing mislabeled specimens, malfunctioning or inadequate equipment, and service omissions or delay in ordered test procedures or treatments.

(k) With respect to the GSCH-managed ambulatory care center, the Report referenced inadequate physician coverage, such as often leaving Internal Medicine, Cardiology, Gastro Intestinal, and Oncology understaffed. At the same time, medical staff were redirected from the GSCH campus to the D.C. General Hospital Campus clinic, resulting in the closure of primary care clinic facilities at GSCH. The Report found a lack of hot water at the clinic facilities, uncalibrated or unserviced equipment, and a general lack of preventative maintenance, due to a lack of payment to vendors.

(l) Based on the findings in its Report, the Department provided GSCH with a statement of deficiency on June 8, 2007, and requested that GSCH submit a plan of correction. GSCH submitted its final plan of correction on June 26, 2007. On June 29, 2007, the Committee on Health held an additional public hearing to review the plan. At the hearing, the Department testified that the plan of correction was a step in the right direction, but that without continued financial support from Envision, continued correction could not be sustained.

(m) Though GSCH's recent effort to implement its plan of correction has been well received, similar promises have been made by both GSCH and Envision Healthcare, Inc., in the past with little follow-through and few positive results. It is essential that the District have at its disposal all the necessary tools to ensure that patient safety and quality of care at GSCH is not compromised.

(n) The viability of GSCH is of enormous importance to the entire healthcare infrastructure of the District. Its deterioration not only affects those individuals who utilize the hospital as their main point of care, but the District as a whole, for GSCH currently provides over $26 million in community care services, including breast and cervical cancer screenings, inpatient and outpatient care for Medicaid beneficiaries, acute care for individuals with mental illness, and health services for individuals housed at the D.C. Jail.

(o) Given the critical role GSCH plays within the community and the prior history of failed efforts at maintaining patient safety and quality of care improvements, it is imperative that the District have the ability, if necessary, to appoint a receiver to assist this ailing hospital, to correct its noted deficiencies, and to ensure patient safety and welfare.

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 Establishment of a Hospital Receivership Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to allow students in the District to carry and self-administer their medication to treat asthma attacks and other life-threatening reactions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Student Access to Treatment Emergency Declaration Resolution of 2007".

Sec. 2. (a) Nationally, asthma is the most common chronic childhood disease, affecting nearly 10 million children. It is the third-ranking cause of hospitalization among children, accounting for 14 million lost schools days every year. The cost of treating childhood asthma is estimated to be $3.2 billion per year.

(b) The impact of asthma is disproportionately felt by minorities and low-income citizens. For children ages 0 to 4, asthma is twice as prevalent among black children as among white children, regardless of income. As children age and begin school, black children remain between 34% to 58% more likely to have asthma than white children of similar age.

(c) In the District, 12% of children (over 12,600) are affected by asthma, compared to a national rate of less than 9%. A child suffering an asthma attack will often experience chest tightness, wheezing, and severe shortness of breath. Asthma attacks alter a child's mental status, causing agitation, anxiety, or lethargy. Mild attacks can become severe and cause respiratory collapse, which can lead to death if left untreated.

(d) Every year, District children make more than 7,000 asthma-related emergency room visits and stay in the hospital for an average of 3.7 days. In recent years, the number of trips to nursing suites in District of Columbia schools has increased sharply. In 2004, school children made 6,833 visits to nursing suites for asthma and respiratory complaints. In 2005, they made 7,566 visits, a 10% increase. Last year, there were 8,472 asthma-related visits, a 12% increase, and nearly 900 of those resulted in a referral to an area hospital.

(e) Children diagnosed with asthma are instructed by their doctors to carry their inhalers at all times in order to treat symptoms immediately. When asthma is properly managed, children suffer milder symptoms, have fewer medical emergencies, and their school attendance improves.

(f) When treatment for an asthma attack is delayed, symptoms worsen and the eventual administration of treatment is less effective, requiring more medication over a longer period of time to return lung capacity to normal. For a child, the risk of side effects increases as additional medication is required.

(g) When an asthma episode is triggered by an allergic reaction, the child has only 3 to 5 minutes from the time the symptoms begin to the point where the airways are so swollen and congested that the child cannot breathe deeply enough to receive the medication. Once a child is short of breath, the very act of walking to the nursing suite to retrieve an inhaler can exacerbate the attack and lead to respiratory collapse.

(h) Forty-seven states allow school children to carry inhalers while in school to treat asthma attacks. Forty states allow students to carry epinephrine pens to treat severe allergic reactions. Even though many of these attacks begin at school, District law does not allow students to carry their inhalers or epinephrine pens in school. Without the authorization to carry and self-administer their medication, school children in the District remain at risk for serious complications that can result from delays in getting emergency treatment, which complications can, in turn, lead to missed school days for the child, missed work days for the caregiver, and additional strain on the emergency rooms of District hospitals.

(i) The Council must take immediate action so that school children will be adequately protected before the start of the 2007-2008 school year.

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 Student Access to Treatment Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to authorize an investigation by the Council of the District of Columbia's Committee on Health, pursuant to section 413(a) of the District of Columbia Home Rule Act, into the operations of Greater Southeast Community Hospital and its parent company, Envision Healthcare, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Greater Southeast Community Hospital Investigation Emergency Declaration Resolution of 2007".

Sec. 2. (a) Greater Southeast Community Hospital ("GSCH") is a 450-bed facility that serves as a critical access point for thousands of District residents seeking health services. It is the only hospital located east of the Anacostia River.

(b) In 1999, Doctors Community Healthcare Corporation, now known as Envision Healthcare, Inc. ("Envision"), purchased GSCH out of bankruptcy. Since then, service delivery at the hospital has steadily deteriorated, placing the health and safety of District residents at serious risk.

(c) In January 2007, GSCH officials informed the District of their intention to discontinue obstetrics services at the hospital. As the same time, the Medical Executive Committee at GSCH submitted a letter to District officials expressing "serious concerns about the ability of Greater Southeast Hospital to provide basic patient care." This letter prompted a review by the District of GSCH's operations and standards of care.

(d) Meetings between members of the Council, Department of Health ("Department") officials, GSCH management, and labor representatives revealed a disturbing picture of a facility where patient safety and quality of care were at risk. Among other things, serious concerns regarding staffing, equipment, and supply shortages were raised.

(e) According to March 2007 correspondence from GSCH officials, priority capital equipment needs at the hospital exceed $16 million, including such essential items as anesthesia machines, X-ray systems, ventilators, and echocardiogram machines, as well as basic supplies such as patient call systems and blood pressure monitors. The same correspondence identified a need for an additional 56 employees, including a clinical lab supervisor, a critical care nurse director, a pharmacist, and a director of medical records.

(f) During the spring of this year, GSCH's operations continued to deteriorate. The

ENROLLED ORIGINAL

failure of GSCH to pay Innovative Staffing Services, Inc., a staffing agency that supplied GSCH with approximately 80% of its emergency room nursing staff, led to the severance of that vendor's contract. As a result, the hospital's emergency room was so severely understaffed that it went on diversion, closing its doors to emergency vehicles for the weekend of May 11 through May 13, 2007.

(g) According to the most recent figures obtained by the Committee on Health ("Committee"), GSCH has closed its emergency room, gone on diversion, or closed OB/GYN services for a total of 899 hours – on average, 6 hours per day. This is, by far, the most of any District hospital.

(h) In response to the growing threat GSCH's instability poses to the health and safety of District residents, the Committee held a public hearing on May 23, 2007, on the status of patient safety and quality of care at GSCH. The Committee questioned representatives of Envision, including Chief Executive Officer Paul Tuft, about its fiscal management and corporate governance of the hospital and about how its practices have led to the rapid decline of the hospital's ability to serve its patients in a safe and effective manner. The Committee also received testimony from the Department, the Department of Mental Health, labor representatives, and members of the medical staff at GSCH as to the unsafe conditions at the facility.

(i) At the May 23, 2007, hearing, the Committee raised significant concerns about how GSCH has been managed by Envision. In particular, the Committee reviewed the conditions that had led the hospital to re-enter bankruptcy in 2002. Specifically, court documents revealed that in the year prior to declaring bankruptcy, Envision, then known as Doctors Community Healthcare Corporation, engaged in a multitude of questionable financial activities, including payments to Tuft-Redman Enterprises, a company owned by Tuft, of approximately $4.3 million in chartered travel expenses, $601,500 of which were made 90 days before bankruptcy papers were filed. In addition, the pleadings show that Tuft received more than $3 million in compensation the year preceding bankruptcy. The bankruptcy papers also reveal a web of nepotism that includes payments to the sisters, brothers, wives, husbands, and in-laws of shareholders. At the same time of these questionable financial activities, GSCH failed to keep current on invoices, which led vendors to sever relationships with the company, leaving the hospital in a constant state of uncertainty regarding available services and staffing levels.

(j) Following the May 23, 2007, hearing, the Committee requested additional information from Envision necessary to continue the Committee's review of the matter, including details regarding the governance structure at both GSCH and Envision, financial statements for GSCH, including all outstanding debts and overdue accounts, and all governing health and safety protocols. The Committee also requested that Envision provide a remediation plan for GSCH. A complete response was never provided.

(k) The May 23, 2007, hearing prompted renewed scrutiny of GSCH by the Department. From May 29, 2007, to June 1, 2007, the Department conducted thorough on-site inspections of GSCH and the GSCH-managed ambulatory care center ("ACC"), located on the D.C. General Hospital campus. The Department's preliminary report showed severe staffing deficiencies,

medical supply shortages, and inadequate medical equipment, including 3 blood pressure units and 4 anesthesia machines that had not been serviced or calibrated due to a lack of payment to vendors. The final report also cited serious patient safety concerns, including the failure to complete medication reconciliation forms and an inability to provide proper respiratory treatment, and found that "maintenance services were not adequate to ensure that [GSCH] was maintained in a safe and sanitary manner."

(l) On the same day that the Department began its on-site inspections of GSCH and the ACC, ACC physicians walked off the job claiming that GSCH owed them nearly 3 months' wages. At present, GSCH receives more than $200,000 a month to assist with the operations of the ACC. The failure of GSCH to pay its physicians resulted in a serious disruption in patient care, including the rescheduling or cancellation of many appointments. Since June 2001, the District has paid GSCH nearly $46 million in access-maintenance payments to support health-care services on the former D.C. General Hospital Campus. At present, the Committee estimates that GSCH receives well over $5 million a year to operate the ACC, including access-maintenance payments and reimbursements for services provided. It is unclear to the Committee why GSCH is unable, or unwilling, to pay its staff and contractors in a timely manner.

(m) Based on its report, the Department provided GSCH with a statement of deficiency on June 8, 2007, and requested that GSCH submit a plan of correction. According to the Department, GSCH's plan of correction, submitted June 18, 2007, "fails to adequately address all the deficiencies identified." The Department found that the plan of correction failed to address quality assurance, provided completion dates that were either too far in the future or not specific, failed to provide an interim plan for staffing deficiencies, and failed to adequately address equipment, housekeeping, pharmaceutical, radiology, and laboratory deficiencies. The Department forwarded these findings to GSCH on June 22, 2007, and outlined the additional information needed before the plan of correction would be considered acceptable. The Department gave GSCH until June 26, 2007, to submit a revised plan of correction.

(n) On June 25, 2007, the Committee held another public hearing on the status of GSCH. The Department provided an update on its inspections and the progress being made toward correcting certain deficiencies. Though invited, GSCH's officials refused to participate.

(o) On June 26, 2007, GSCH submitted a revised plan of correction as required by the Department.

(p) On June 29, 2007, the Committee held another public hearing on the status of GSCH. The Department testified that it is satisfied with GSCH's plan of correction. However, the Department also testified that the success of the plan depends on the continued weekly financial support from Envision in an amount of $500,000. Without these resources, the Department stated that the operations of GSCH would be profoundly compromised.

(q) The viability of GSCH is of enormous importance to the entire healthcare infrastructure of the District. Its deterioration not only affects those individuals who utilize the hospital as their main point of care, but the District as a whole, for GSCH currently provides over $26 million in community care services, including breast and cervical cancer screenings, inpatient and outpatient care for Medicaid beneficiaries, acute care for individuals with mental

illness, and health services for individuals housed at the D.C. Jail.

(r) The District has worked hard to secure additional resources and services for GSCH, including acute care mental health beds, detoxification services, and the District's emergency psychiatric program. However, GSCH has rejected the District's assistance and has not increased capacity. In addition, GSCH has failed to improve its billing system, which would allow it to claim funds to which it is entitled under the District's Medicaid program.

(s) Recent effort by GSCH to implement a plan of correction was well received by the Committee. However, the Committee notes that similar promises have been made by GSCH and its parent company, Envision, in the past. To ensure compliance with the plan of correction, the Committee must have access to information that GSCH and Envision have refused to provide. Without this information, the Committee is unable to conduct meaningful oversight into patient safety and quality of care at GSCH.

(t) To ensure that the Council is accorded adequate legal authority to obtain necessary and relevant information regarding patient safety, quality of care, corporate governance, and fiscal management at GSCH, and whether GSCH and Envision are in compliance with the laws and regulations of the District of Columbia, the chairperson of the Committee on Health must be given the authority to conduct an investigation, including the use of subpoenas, pursuant to the authority provided in section 413(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C. Official Code § 1-204.13(a)), and section 601 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 17.

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 Greater Southeast Community Hospital Investigation Emergency Authorization Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To authorize, on an emergency basis, an investigation by the Council of the District of Columbia's Committee on Health, pursuant to section 413(a) of the District of Columbia Home Rule Act, into the operations of Greater Southeast Community Hospital and its parent company, Envision Healthcare, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Greater Southeast Community Hospital Investigation Emergency Authorization Resolution of 2007".

Sec. 2. The Council of the District of Columbia finds that the circumstances surrounding the management of Greater Southeast Community Hospital warrant the conduct of an investigation, led by the chairperson of the Committee on Health, including the use of subpoenas, pursuant to the authority provided in section 413(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C. Official Code § 1-204.13(a)), and section 601 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 17. The investigation will examine issues surrounding patient safety, quality of care, corporate governance, and fiscal management at Greater Southeast Community Hospital, and whether Greater Southeast Community Hospital and its parent company, Envision Healthcare, Inc., are in compliance with the laws and regulations of the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to clarify the process for transferring the assets and responsibilities of the National Capital Revitalization Corporation and the Anacostia Waterfront Corporation to the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to clarify the process for transferring the assets and responsibilities of the National Capital Revitalization Corporation ("NCRC") and the Anacostia Waterfront Corporation ("AWC") to the District as enacted in subtitle P of Title II of the Fiscal Year 2008 Budget Support Act of 2007, signed by the Mayor on June 28, 2007 (D.C. Act 17-63).

(b) The Council has determined that:

(1) The board of directors of the corporations should be dissolved immediately so that the Mayor may directly facilitate a smooth transition from corporate control to District control;

(2) The right to accrued leave, pensions, and the employment status of any employee of the dissolved corporations who is hired by the District should be clearly defined in the law;

(3) The capital funds of the corporations should be segregated from the operational funds;

(4) Any Community Development Block Grant funds should be protected to avoid conflict with United States Department of Housing and Urban Development requirements; and

(5) Eminent domain authority granted to the Mayor should be clarified so that the Mayor may continue ongoing eminent domain proceedings over developments begun by the NCRC and the AWC.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the National Capital

ENROLLED ORIGINAL

Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to amend the Omnibus Sports Consolidation Act of 1994 to allow the Mayor to designate Allen Lew as the District of Columbia government official to serve as an ex-officio member of the District of Columbia Sports and Entertainment Commission Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Sports Consolidation Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to amend the Omnibus Sports Consolidation Act of 1994 to allow the Mayor to designate Allen Lew as an ex-officio member of the District of Columbia Sports and Entertainment Commission Board of Directors ("Board") based on his current position as a District of Columbia government official.

(b) Under current law, there are 11 members on the Board. An additional seat and an increase in the Board will allow the Mayor to designate Allen Lew as an additional ex-officio member.

(c) Allen Lew will soon be the former Chief Executive Officer ("CEO") of the District of Columbia Sports and Entertainment Commission ("Sports Commission"). On June 14, 2007, Mr. Lew was nominated by the Mayor to be the Executive Director of the newly created Office of Public Education Facilities Modernization for the District of Columbia Public Schools. This position and office was created as part of the education reform legislation that went into effect on June 12, 2007.

(d) With less than one year remaining before the completion of the Washington Nationals ballpark project, it is imperative that members of the Board be experienced in understanding the urgency and complexities regarding the timely completion of this project. Mr. Lew has invaluable experience with this project based on his previous position as the CEO of the Sports Commission. Therefore, Mr. Lew should serve as the Mayor's designee as an ex-officio member of the Board. This position will not interfere with his duties as the Executive Director of the Office of Public Education Facilities Modernization for the District of Columbia Public Schools.

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 Omnibus Sports Consolidation Emergency Amendment Act of 2007" be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve the disposition by the RLA Revitalization Corporation of certain real property legally described as Lot 27 and a portion of Lot 832 in Square 560 pursuant to an executed land disposition agreement, dated December 21, 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Lot 27 and a Portion of Lot 832 in Square 560 Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need for the RLA Revitalization Corporation to convey legal title to Lot 27 and a portion of Lot 832 in Square 560 in accordance with the provisions of a land disposition agreement ("LDA"), between the RLA Revitalization Corporation and MQW, LLC., dated December 21, 2005.

(b) The conveyance of legal title to this real property will permit the acquiring parties to commence the timely redevelopment of properties that have remained undeveloped and effectively vacant and a blight on the community for more than 30 years.

(c) The legal title to these properties was originally acquired and then owned by the District of Columbia Redevelopment Land Agency; the RLA Revitalization Corporation became the successor in title to these properties with the mandate to see to their redevelopment.

(d) The LDA provides that the RLA Revitalization Corporation was to deliver marketable and insurable legal title of these properties to any acquiring party.

(e) After the LDA was executed, it was determined that the legal title to these properties was legally flawed and encumbered requiring that an extensive amount of time be committed in attempting to remove the title exceptions and encumbrances in order to comply with the LDA requirements for delivery of marketable and insurable legal title.

(f) The LDA provided that settlement on the sale of these properties is to occur no later than July 17, 2007, the acquiring parties having made financial commitments which make that date not subject to extension.

(g) It was only recently determined that the RLA Revitalization Corporation had obtained authority from the Council to dispose of only some and not all of the properties

ENROLLED ORIGINAL

described in the LDA, and that further authorization was required from the Council in order to permit the disposal of all of the described properties in the LDA by July 17, 2007, the deadline for settlement specified in the LDA.

(h)Without authorization to dispose of all of the described properties by the July 17, 2007, deadline specified in the LDA, the RLA Revitalization Corporation could be declared in default under the LDA, and suffer adverse consequences from the default.

(i) If the RLA Revitalization Corporation loses the ability to dispose of the properties pursuant to the LDA due to an inability to convey legal title to all of the properties, it is likely that many of these properties could not be disposed of to others in the marketplace due to location and physical configuration.

(j) It is desirable and in the public interest to have all of these properties moved into the control of the private sector so that the public policy originally contemplated by the provisions of the Northwest No.1 Urban Renewal Plan and now the LDA can be implemented and these properties put to productive use to the benefit of the District.

(k) Without emergency action taken, the Council may lose this critical opportunity to facilitate the development of these properties.

(l) Emergency action is needed to avoid jeopardizing performance under the LDA by the RLA Revitalization Corporation by the July 17, 2007, date fixed for settlement on the conveyance of legal title to the described properties in the LDA and to maximize the benefit to the District and its residents.

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 Disposition of Lot 27 and a Portion of Lot 832 in Square 560 Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately..

ENROLLED ORIGINAL

A RESOLUTION

17-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve, on an emergency basis, the disposition by the RLA Revitalization Corporation of real property legally described as Lot 27 and a portion of Lot 832 in Square 560.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Lot 27 and a Portion of Lot 832 in Square 560 Emergency Approval Resolution of 2007".

Sec. 2. Pursuant to sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the disposition by the RLA Revitalization Corporation of real property legally described as Lot 27 in Square 560 and a portion of Lot 832 in Square 560 pursuant to the negotiated land disposition agreement between RLA Revitalization Corporation and MQW, LLC, dated December 21, 2005.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chief Executive Officer of the RLA Revitalization Corporation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve the disposition of the Skyland Shopping Center in conformity with an exclusive rights agreement entered into between the RLA Revitalization Corporation and Skyland Holdings, LLC on July 2, 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of the Skyland Shopping Center Site Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need for the National Capital Revitalization Corporation ("NCRC") and RLA Revitalization Corporation ('RLARC") to begin the relocation of its tenants at the existing Skyland Shopping Center site.

(b) The relocation of current Skyland Shopping Center tenants will allow interested parties to begin demolition on the existing site and to commence the development of parcels of land that have either remained vacant, completely undeveloped, or of little use to the surrounding community.

(c) Skyland Holdings, LLC, the developer, will break ground at the Skyland Shopping Center site in the fall of 2008. It is necessary for NCRC and RLARC to quickly commence the relocation of all tenants.

(d) The current Skyland Shopping Center is an underutilized, non-contiguous shopping center with decrepit buildings, no anchor tenant, many non-retail uses, and no coherent leasing strategy. The shopping center's current uses include a gentleman's club, several liquor and beauty stores, and a non-retail postal facility. These uses are inconsistent with the needs of the surrounding Hillcrest community and the broader communities east of the river, which have a significant demand for retail services that Skyland Shopping Center does not presently address.

(e) Plans for the new center include the acquisition of all separately owned parcels, demolition of the existing structures, and disposition of the site to a designated development team. The team will deliver a 235,000-square-foot, class-A retail center with 2 or 3 national anchor tenants, upscale restaurants, and several local and national small stores.

(f) Located across from Skyland Shopping Center is Good Hope Marketplace, a neighborhood center anchored by a 95,000-square-foot Safeway, developed in 1998. A

ENROLLED ORIGINAL

redeveloped Skyland Shopping Center would be the only national shopping center east of the Anacostia River. Combined with Good Hope Marketplace, it would create the largest and most diverse retail offering in the area, which will address the market and community demand.

(g) Once put into productive use, the redeveloped Skyland Shopping Center will create 300 incremental permanent jobs, 100 construction jobs within the community, prevent current sales leakage to the suburbs, attract new residents to the District, and fulfill significant retail demand in the community. Additionally, the new Skyland Shopping Center is expected to provide upwards of $3 million per year in incremental tax revenue to the District.

(h) Without emergency action taken, the District could suffer major setbacks in the redevelopment process and the development team may lose the critical opportunity to begin construction of the Skyland Shopping Center site in a timely manner.

(i) Emergency action is needed to maximize the benefit to the District and its residents expeditiously.

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 Disposition of the Skyland Shopping Center Site Emergency Approval Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to review and approve the proposed disposition of real property situated in Squares 37 and 50, less and except certain air rights parcels reserved for the construction and operation of a new public library and fire station, to Eastbanc, Inc., or an affiliate or assignee of such company approved by the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Squares 37 and 50 Excess Property Disposition Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to dispose of Lots 836 and 837 in Square 37 and Lot 822 in Square 50 ("Property") in order for the District to receive fair market value for the Property, expedite the development of a new West End Branch Library and West End Fire Station, increase District tax revenues, and create job opportunities and affordable housing units for District residents.

(b) The West End Branch Library is a 2-story structure built over 40 years ago. Its systems are nearing or at the end of their useful life; its architecture is dated and inconsistent with the high-quality developments in the surrounding neighborhood; and the overall layout and functions of the facility are not consistent with the goals for new branch libraries as laid out in the Mayor's Blue Ribbon Task Force Report.

(c) The West End Fire Station is a 2-story building that is over 40 years old and is in need of extensive renovation.

(d) Between 2000 and 2005, the median sales price for a single-family home in the District rose 174%, from $178,000 to $489,000. These rising costs have triggered a crisis of affordability, particularly for the District's lowest-income residents. In 2006, the District's Comprehensive Housing Strategy Task Force estimated the District would need an additional 19,000 new units of affordable housing during the next 15 years.

(e) The District of Columbia Public Library will not have capital funds to replace the West End Branch Library until the years 2011 through 2013, absent the proposed disposition. Currently, there are limited capital funds available to complete interior improvements to the library.

ENROLLED ORIGINAL

(f) The Fire and Emergency Medical Services Department does not have funding to modernize or replace the West End Fire Station absent the proposed disposition

(g) If the proposed disposition is not approved, tax revenues, jobs, and affordable housing for District of Columbia residents will be unnecessarily delayed.

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 Squares 37 and 50 Excess Property Disposition Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve, on an emergency basis, the disposition of real property situated in Squares 37 and 50, less and except certain air rights parcels reserved for the construction and operation of a new public library and fire station, to Eastbanc, Inc., or an affiliate or assignee of such company approved by the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Squares 37 and 50 Excess Property Disposition Emergency Approval Resolution of 2007".

Sec. 2. (a) For the purposes of this resolution, the term:

(1) "Affordable Unit" means a unit to be made available to a household the income of which is equal to, or less than, the maximum AMI.

(2) "AMI" means the periodic area median income calculation provided by the United States Department of Housing and Urban Development ("HUD") as a direct calculation without taking into account any adjustments made by HUD for the program it administers, or as otherwise consistent with regulations enacted pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041 *et seq.*).

(3) "CBE Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), including the equity and development participation requirements set forth in section 2349a of the act.

(4) "Certified Business Enterprise" or "CBE" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(5) "First Source Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the property.

(6) "Project" means a mixed-use residential and commercial development intended to be developed by purchaser on the property in combination with adjoining and other parcels in proximity to the property.

(7) "Property" means the real property identified for assessment and taxation purposes as Lots 836 and 837 in Square 37 and Lot 822 in Square 50, less and except certain air

ENROLLED ORIGINAL

rights parcels reserved for the construction and operation of a new public library and fire station.

(8) "PUD" means planned unit development.

(9) "Purchase Price" means the consideration for the purchase of the property, which consideration is computed as set forth in subsection (b)(1) and (2) of this section.

(10) "Purchaser" means Eastbanc, Inc., or an affiliate or assignee of such company approved by the Mayor.

(11) "Qualified Purchaser" means a household consisting of one or more individuals that purchases or rents an Affordable Unit or Work Force Housing Unit as a primary residence, meets the income requirements of an Affordable Unit or Work Force Housing Unit, as such income requirements are determined by the Mayor, and certifies that he, she, or they intend to use the unit as his, her, or their primary residence.

(12) "Work Force Housing Unit" means a unit to be made available to a household the income of which is equal to, or less than maximum AMI pursuant to law or regulation promulgated by the District, or otherwise as determined by the Mayor.

(b) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor transmitted to the Council a request for approval of the proposed disposition of the property to purchaser for the project. The disposition shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary and appropriate:

(1) The Purchase Price shall be equal to fair market value less the amounts stated in paragraph (2) of this subsection, as determined in accordance with an appraisal process that values the property for purposes of determining highest and best use and as otherwise acceptable to the Mayor.

(2) The Purchase Price shall be calculated by making the following deductions from the appraised value:

(A) Subject to authorizing appropriations, a fixed cost for constructing a new library to replace the existing West End Branch Library in accordance with plans and specifications approved by the Board of Library Trustees;

(B) Subject to authorizing appropriations, a fixed cost for constructing a replacement fire station in accordance with plans and specifications approved by the Chief of the Fire and Emergency Medical Services Department; and

(C) The value of the public benefits provided by purchaser through development of Affordable Units and Work Force Housing Units; provided, that if the public benefits deduction would result in a negative Purchase Price, the numbers of residential units required to be developed by purchaser as Affordable Units or Work Force Housing Units shall be reduced or the required AMI income levels for such units shall be adjusted as necessary to ensure a positive Purchase Price.

(3) The District shall reserve to itself air rights as necessary for the construction and maintenance of a:

(A) New library to replace the existing West End Branch Library in accordance with plans and specifications approved by the Board of Library Trustees; and

(B) Replacement fire station in accordance with plans and specifications approved by the Chief of the Fire and Emergency Medical Services Department.

(4) The District shall reserve such easements, covenants, and other rights in the property as are necessary and convenient for the operation of the new library and new fire station and shall grant such easements, covenants, and other rights in, to, or over the air rights which the

ENROLLED ORIGINAL

District has reserved as are necessary and convenient for the support and operation of the project. The District shall be granted easements, covenants, and other rights in, to, or over the project as are necessary and convenient for the operation of the new library and new fire station, such rights to be on terms and conditions to be negotiated by the Mayor.

(5) Subject to statutory authorization, purchaser shall construct the new library and fire station in accordance with plans and specifications approved by the Board of Library Trustees or the Chief of the Fire and Emergency Medical Services Department, as applicable, on terms and conditions to be negotiated by the Mayor.

(6) Purchaser shall prepare a PUD application to implement the project, which shall include the locations of the library, fire station, and affordable and workforce housing uses as negotiated by the Mayor, and purchaser shall develop the project in accordance with the PUD application as filed and approved by the Zoning Commission for the District of Columbia.

(7) Purchaser shall deliver a completion guaranty for its construction obligations, the terms and conditions of which shall be negotiated by the Mayor.

(8) All predevelopment costs shall be purchaser's responsibility and cost, including environmental reviews, assessments, or impact statements, transit and traffic-related studies, security analysis, engineering analysis, and technical feasibility studies as may be required to obtain any necessary local or federal approval for the disposition, development, or construction of the property.

(9)(A) Purchaser and any developer of the project selected by purchaser shall execute a CBE Agreement acceptable to the Mayor and as required by law. The CBE Agreement shall require purchaser or any developer of the property selected by purchaser to contract with, and procure from, Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and require at least 20% equity and development participation of local, small, and disadvantaged business enterprises. The equity or development participants shall include CS Partners, The Jarvis Company, Spectrum Management, and RJB Consulting Group Inc., or such affiliated special purpose entities created by the aforementioned equity or development participants, unless otherwise approved by the Mayor. Purchaser and any developer of the property selected by purchaser shall establish a Quick Pay Program for all CBE contractors on this project. Quick Pay Program shall mean the following:

(i) The purchaser or developer shall hold a meeting with the CBE within 10 calendar days after receiving an invoice from the CBE to discuss any disputed items and to agree on a final invoice;

(ii) Within 30 days after the meeting, the CBE participant shall be paid the full amount of the undisputed portion of the invoice; and

(iii) If the purchaser or developer does not pay the undisputed portion of the invoice within the 30-day period, the unpaid, undisputed portion shall be subject to a late fee of 1% per month, calculated on a daily basis, for every day over the 30-day period that the CBE participant is not paid the unpaid, undisputed amount.

(B) Changes to the requirements set forth in this paragraph may be made if agreed upon by the Mayor.

(10) Purchaser or any developer of the property selected by purchaser shall execute a First Source Agreement acceptable to the Mayor.

(11) Purchaser shall cause to be developed on the property Affordable Units and Work Force Housing Units that together shall comprise not less than 30% of all residential units constructed on the property, to be made available exclusively to Qualified Purchasers; provided, that if the public benefits deduction would result in a negative Purchase Price, the numbers of

ENROLLED ORIGINAL

residential units required to be developed by purchaser as Affordable Units or Work Force Housing Units shall be reduced or the required AMI income levels for such units shall be adjusted as necessary to ensure a positive Purchase Price.

(c) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the property justifies the conveyance proposed by the Mayor.

(d) The Council finds the property is no longer required for public purposes.

(e) The Council approves the proposed disposition of the property pursuant to the terms of this resolution.

Sec. 3. Council approval of land disposition agreement.

The Mayor shall submit to the Council a proposed resolution to approve the land disposition agreement negotiated based on the terms set forth in section 2 ("LDA Resolution"), along with a copy of the land disposition agreement, for a 45-day review period. If the Council does not approve or disapprove the LDA Resolution within the 45-day review period, the LDA Resolution shall be deemed approved.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

A RESOLUTION

17-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve the disposition of the real property bounded by Massachusetts Avenue, N.W., 2nd Street, N.W., E Street, N.W., and 3rd Street, N.W., and owned by the District of Columbia, less and except a perpetual easement for transportation purposes, which real property includes the air rights over Interstate 395 between Massachusetts Avenue, N.W., and E Street, N.W., to Louis Dreyfus Property, Group Inc., or an affiliate or assignee of such company approved by the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to dispose of the Center Leg Freeway air rights ("Property") to resolve pending litigation, receive fair market value for the air rights, and allow for the development of an area that will generate valuable tax revenue for the District and create job opportunities and affordable housing units for District residents.

(b) The District has been in litigation with a third party ("Litigant") regarding the Property since 1990. In 2004, the Superior Court of the District of Columbia ruled in favor of the Litigant and required the District to pay $8.4 million in damages. The ruling is on appeal.

(c) Louis Dreyfus Property Group, Inc., the proposed purchaser of the Property, has signed an agreement with the Litigant that will end the litigation once executed by the District of Columbia. The agreement is being held in escrow.

(d) If the disposition is not approved, the agreement will be void and the District will continue to unnecessarily expend public dollars in the appeals of the ruling. If the District continues to pursue its appeal, and the ruling is not favorable, the damages award will increase due to interest and the development and potential tax revenue, jobs, and affordable housing will be delayed.

(e) The present value of accepting the disposition transaction proposed by Louis Dreyfus Property Group, Inc. over the next 25 years has been estimated at $82 million.

(f) There is an immediate need to approve the disposition of the Property to allow the District to achieve substantial economic benefits and resolve a longstanding lawsuit. Further

delay means that productive use of the Property could be put off for an indefinite period of time. Without approval, risk to development of the Property could increase substantially.

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 Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-291

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve, on an emergency basis, the disposition of the real property bounded by Massachusetts Avenue, N.W., 2nd Street, N.W., E Street, N.W., and 3rd Street, N.W. and owned by the District of Columbia, less and except a perpetual easement for transportation purposes, which real property includes the air rights over Interstate 395 between Massachusetts Avenue, N.W., and E Street, N.W., to Louis Dreyfus Property Group, Inc., or an affiliate or assignee of such company approved by the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007".

Sec. 2. (a) For the purposes of this section, the term:

(1) "Affordable Unit" means a unit made available to a household the income of which is equal to, or less than, the maximum area median income ("AMI"), with AMI being the periodic AMI calculation provided by the United States Department of Housing and Urban Development ("HUD") as a direct calculation without taking into account any adjustments made by HUD for the programs it administers, or as otherwise consistent with regulations promulgated pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*).

(2) "CBE Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), including the equity and development participation requirements set forth in section 2349a of the act.

(3) "Certified Business Enterprise" or "CBE" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(4) "DDOT" means the District Department of Transportation.

(5) "FHWA" means the Federal Highway Administration.

(6) "FHWA Regulations" means the Federal Highway Administration

ENROLLED ORIGINAL

regulations set forth in Title 23 of the Code of Federal Regulations.

(7) "First Source Agreement" means an agreement with the District governing certain obligations of purchaser and any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the property.

(8) "Litigation" means the legal action brought by WDG against the District of Columbia in Superior Court of the District of Columbia Civil Action Nos. 04-1428 and 04-1464.

(9) "Property" means all of that certain real property bounded by Massachusetts Avenue, N.W., 2nd Street, N.W., E Street, N.W., and 3rd Street, N.W. and owned by the District of Columbia, less and except a perpetual easement for transportation purposes, including the air rights over such property, which include the air rights over Interstate 395 between Massachusetts Avenue, N.W. and E Street, N.W., which real property was previously acquired by condemnation with the use of federal funds for interstate construction purposes but which is no longer required for such use.

(10) "PUD" means planned unit development.

(11) "Purchase Price" means the consideration for the purchase of the property, which consideration is computed as set forth in subsection (b)(1) and (2) of this section.

(12) "Purchaser" means Louis Dreyfus Property Group, Inc., or one of its affiliates or assignees approved by the Mayor.

(13) "Qualified Purchaser" means a household consisting of one or more individuals that purchases or rents an Affordable Unit as a primary residence, meets the income requirements of an Affordable Unit, and certifies that he, she, or they intend to use such unit as his, her, or their primary residence.

(14) "Shared Computer Center" means the District-owned facility located at 222 Massachusetts Avenue, N.W., also known as Lot 0058, Square 0564.

(15) "WDG" means The Washington Development Group, Inc.

(b) Pursuant to section 1(b) of An Act Authorizing the sale of certain real property in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor transmitted to the Council a request for approval of the proposed disposition of the property to purchaser. The disposition shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary and appropriate:

(1) The Purchase Price shall be equal to the fair market value, less the amounts stated in paragraph (2) of this subsection, for the property, as determined in accordance with an appraisal process that values the property for purposes of determining the highest and best use and as otherwise acceptable to the Mayor. The appraisal shall assume the relocation of the Shared Computer Center to permit development of the property in accordance with its highest and best use.

(2) To the extent permitted by the FHWA Regulations, the Purchase Price shall be calculated by making the following deductions from the appraised value:

ENROLLED ORIGINAL

(A) The portion of the consideration paid by purchaser in connection with its agreement with WDG to settle the litigation, not to exceed an amount equal to the judgment entered against the District in the litigation, plus statutory interest to the date of closing of the sale of the property to purchaser; and

(B) The value of the public benefits provided by purchaser through affordable housing requirements in an amount that shall cause the Purchase Price, after all other adjustments, to be no less than $30 million; provided, that purchaser shall in all events develop a minimum of 50 Affordable Units on the property.

(3) To the extent that FHWA Regulations do not permit the deductions set forth in paragraph (2)(A) or (B) of this subsection, unless funds are appropriated by Congress to provide funding of the amounts set forth in paragraph (2)(A) and (B) of this subsection, the District shall make the payment set forth in paragraph (2)(A) of this subsection, and purchaser's affordable housing requirements shall be determined by the PUD process; provided, that purchaser shall include as an amenity 50 units of Affordable Housing in its PUD application; provided further, that the affordability standard shall be determined in accordance with normal Zoning Commission for the District of Columbia procedures.

(4) Subject to establishment of a nonlapsing fund for the purpose of relocating the Shared Computer Center currently located on the property, the balance of the Purchase Price, in an amount not to exceed $30 million, shall be deposited in such fund and for such purpose if permitted pursuant to FHWA Regulations or if Congress specifically appropriates the balance to such fund.

(5) Purchaser shall, prior to conveyance, obtain a stay of the litigation from WDG and shall deposit into escrow a settlement agreement executed by WDG, which settlement agreement shall result in dismissal of the litigation and a release of all claims relating thereto, with the dismissal and release to be effective upon recordation of the deed conveying the property to purchaser.

(6) The District shall reserve such rights as are necessary to open F Street, N.W., and G Street, N.W., for transportation purposes, such rights to be upon the terms and conditions negotiated by the Mayor.

(7) The District shall reserve an easement in perpetuity for transportation purposes, which easement shall be subject to FHWA's prior approval pursuant to FHWA Regulations and FHWA's guidelines.

(8) A finding by DDOT that the property is no longer needed for transportation purposes, that it recommends to FHWA that FHWA approve the proposed disposition of the property, and that the disposition meets any other applicable DDOT and FHWA requirements.

(9) Approval by FHWA of the proposed disposition and use of the property shall be obtained.

(10) Purchaser shall cause the property to be developed into a mixed-use development in accordance with a PUD application to be filed and approved by the Zoning Commission for the District of Columbia.

(11) Purchaser shall deliver a completion guaranty for its construction

ENROLLED ORIGINAL

obligations, the terms and conditions of which shall be acceptable to the Mayor.

(12) The District shall have a right of re-entry to repossess the property if purchaser fails to meet project deadlines as negotiated by the Mayor.

(13) All predevelopment costs shall be purchaser's responsibility and cost, including environmental reviews, assessments, or impact statements, transit and traffic studies, security analyses, engineering analyses, and technical feasibility studies as may be required to obtain any necessary local or federal approval for the disposition, development, or construction of the property.

(14)(A) Purchaser and any developer of the property selected by purchaser shall execute a CBE Agreement acceptable to the Mayor. The CBE Agreement shall require purchaser or any developer or developers of the property selected by purchaser to contract with CBEs for at least 35% of the contract dollar volume of the project, and require at least 20% equity and development participation of local, small, and disadvantaged business enterprises. The equity or development participants shall include The Jarvis Company, Spectrum Management, and RJB Consulting Group Inc., or such affiliated special purpose entities created by the aforementioned equity or development participants, unless otherwise approved by the Mayor. Purchaser and any developer of the property selected by purchaser shall establish a Quick Pay Program for all CBE contractors on this project. Quick Pay Program shall mean the following:

(i) The purchaser or developer shall hold a meeting with the CBE within 10 calendar days after receiving an invoice from the CBE to discuss any disputed items and to agree on a final invoice;

(ii) Within 30 days after the meeting, the CBE participant shall be paid the full amount of the undisputed portion of the invoice; and

(iii) If the purchaser or developer does not pay the undisputed portion of the invoice within the 30-day period, the unpaid, undisputed portion shall be subject to a late fee of 1% interest per month, calculated on a daily basis, for every day over 30 days that the CBE participant is not paid the unpaid, undisputed amount.

(B) Changes to the requirements set forth in this paragraph may be made if agreed upon by the Mayor.

(15) Purchaser or any developer of the property selected by purchaser shall execute a First Source Agreement acceptable to the Mayor.

(16) Subject to paragraph (3) of this subsection, purchaser shall cause to be developed Affordable Units on the property, which Affordable Units shall comprise not less than 30% of all residential units constructed on the property, to be made available exclusively to Qualified Purchasers; provided, that if the deductions from the appraised value of the property pursuant to the provisions of paragraph (2)(B) of this subsection would result in a final Purchase Price of less than $30 million, the number of Affordable Units required to be developed by purchaser shall be reduced to a level that would result in a Purchase Price of $30 million; provided further, that purchaser shall in all events develop a minimum of 50 Affordable Units on the property. With respect to the property and subject to paragraph (2)(B) of this subsection and

ENROLLED ORIGINAL

this paragraph, 15% of all residential units shall be affordable to households earning 60% of AMI or less and 15% of all residential units shall be affordable to households earning 30% of AMI or less.

(c) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the property justifies the conveyance proposed by the Mayor.

(d) The Council finds that the property is no longer required for public purposes.

(e) The Council approves the proposed disposition of the property pursuant to the terms of this resolution.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve Contract No. DCKA-2007-C-0114 with Turner Construction Company, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCKA-2007-C-0114 Approval and Payment Authorization Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to approve the contract for the construction of the Eastern Market temporary facility and to authorize payment for the goods and services received and to be received under this contract.

(b) On May 11, 2007, the Office of Contracting and Procurement issued Contract No. DCKA-2007-C-0114 ("Contract") as a letter contract to Turner Construction Company ("Turner") in the amount of $998,925 for the construction of the Eastern Market temporary facility. The letter contract was definitized on May 30, 2007.

(c) After the award, modification No. 1 was issued to incorporate the most recent Labor-Wage determination. Council approval was not required for this modification.

(d) Proposed modification No. 2, in the amount of $1.5 million, has not yet been issued because the Contract amount will be $2,498,925.

(e) Council approval is necessary for modification No. 2 to complete the construction of the Eastern Market temporary facility, and to approve payment to Turner for the vital goods and services received from Turner from May 11, 2007, through the present.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKA-2007-C-0114 Approval and Payment Authorization Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-293

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to create a limited exception to the prohibition against swimming in the Potomac River to allow a swim event as part of the 1st sanctioned triathlon in the District of Columbia, to be held on September 29, 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inaugural D.C. Triathlon Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need to create a limited exception to the prohibition against swimming in the Potomac River to allow a swim event as part of the 1st sanctioned triathlon in the District of Columbia, to be held on September 29, 2007.

(b) The sponsors of The Nations Triathlon, LLC ("TNT"), have proposed organizing and hosting a triathlon in the District of Columbia, a portion of which would take place in the Potomac River. Their efforts to host a triathlon last year failed because they were unable to prove that the water quality in the Potomac was sufficient to support a swimming event. District of Columbia Municipal Regulations currently contain a blanket prohibition against swimming in the Potomac River.

(c) To provide sufficient proof that the water in the Potomac River is at times of sufficient quality to allow swimming without unreasonable risk to health, TNT was requested to conduct tests of the water quality in the Potomac River as a condition precedent to the issuance of a swim permit. Testing was conducted by EMSL Analytical Laboratory, Bel Air, Maryland, an environmental laboratory operating since 1981. The 1st test and reports were completed in February 2007, and additional testing and reporting was done in March, April, and June 2007, and provided to the District.

(d) The date of the triathlon is September 29, 2007, and more than 500 persons have already registered to participate. Under current District law, persons are prohibited from swimming in the Potomac River, primarily due to the overall water quality rating assigned to the Potomac River. However, the water quality of the Potomac River is not constant. Therefore, pre-testing was required to determine the overall feasibility of allowing a swimming event in the Potomac River under certain conditions. The testing showed that, during testing times, the water in the Potomac River was of sufficient quality to support swimming. To issue a permit, legislation is needed to allow a limited exception to the general prohibition against swimming in the Potomac River, a prohibition that will otherwise remain in place. Legislation seeking an exception to the general prohibition against swimming has not been sought earlier due to the number of months required to conduct due diligence testing of the water quality in the Potomac River. However, delay in the issuance of the permit will lower the number of event registrants and have an adverse impact on the success of the triathlon, which otherwise is expected to have a

ENROLLED ORIGINAL

positive economic impact on the District of Columbia. Testing will continue through the time of the event and controls shall be implemented to disallow the swim event if the water quality on the day of the triathlon is not sufficient to support swimming without unreasonable risk to health.

(e) As stated above, the water quality of the Potomac River is not constant and the District of Columbia cannot warrant the water quality. TNT and all participants know, or should know, that there is a risk in participating in the swimming portion of the triathlon. Accordingly, in allowing the swimming portion of the event to occur, the District of Columbia invokes its sovereign immunity as to any liability arising out of the swimming portion of the event and will deem TNT, any participant, and their heirs, successors, and assigns to waive any such liability.

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 Inaugural D.C. Triathlon Emergency Amendment Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-294

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to provide a property tax and deed and recordation abatement for property located on the landmark Tregaron Estate.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tregaron Conservancy Tax Exemption and Relief Emergency Declaration Resolution of 2007".

Sec. 2. (a) The Tregaron Conservancy, a District of Columbia Corporation which is exempt from federal income taxes, will be conveyed 10 acres of land from Tregaron Limited Partnership so that it can serve as the steward of the historic landscape of the Tregaron Estate.

(b) The Tregaron Estate is a approximately 20-acre site, of which the Washington International School owns 6 acres and Tregaron Limited Partnership owns the remaining 14 acres.

(c) The landscape improvements to be undertaken by the Tregaron Conservancy and subsidized by Tregaron Limited Partnership as part of the conveyance will preserve and rehabilitate the historic landscape.

(d) The work of the Tregaron Conservancy and the conveyance of land by Tregaron Limited Partnership will provide a significant benefit to the District and the community with the preservation and much-needed rehabilitation of the degraded landscape.

(e) The Tregaron Conservancy will clean up the landscape of fallen trees and remove invasive plant materials.

(f) The Tregaron Conservancy and Tregaron Limited Partnership have agreed to make the historic landscape accessible for public use and enjoyment in perpetuity.

(g) Per Mayor's Agent for Historic Preservation Order HPA #04-145, Tregaron Limited Partnership will convey 10 acres of land to the Tregaron Conservancy and 3 acres of land to the Washington International School.

(h) The conveyance of 13 of the 14 acres of land which Tregaron Limited Partnership owns to the Tregaron Conservancy and the Washington International School will provide an important community benefit and ensure that the Tregaron Estate is maintained, preserved, rehabilitated, and made accessible to the community into the future, for posterity.

(i) Approval of emergency legislation will allow the conveyance of the proposed development to proceed expeditiously and ensures that the Tregaron Conservancy or Tregaron

ENROLLED ORIGINAL

Limited Partnership is not economically disadvantaged by providing this community benefit.

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 Tregaron Conservancy Tax Exemption and Relief Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve the disposition by the RLA Revitalization Corporation of real property legally described as Lot 854 in Square 441 to Broadcast Center Partners, LLC.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Lot 854 in Square 441 Emergency Declaration Resolution of 2007".

Sec. 2. (a) There exists an immediate need for the RLA Revitalization Corporation ("RLARC") to dispose of the real property legally described as Lot 854 in Square 441 ("Property") to Broadcast Center Partners, LLC, to move forward on a development proposal submitted by BCP for the Property.

(b) BCP has filed a planned unit development application ("PUD") with the Zoning Commission for the District of Columbia. To obtain approval of the PUD application, a land disposition agreement ("LDA") between RLARC and Broadcast Center Partners, LLC, must be executed and the disposition of the Property to Broadcast Center Partners, LLC, must be approved by the Council.

(c) In October 2004, RLARC received an unsolicited proposal from Broadcast Center Partners, LLC, to develop approximately 50,000 square feet of property located at the northeast corner of 7th and S Streets, N.W., as well as adjoining parcels to the north, currently owned by third parties.

(d) The proposed development team, Broadcast Center Partners, LLC, is a newly formed entity comprising local and regional leaders with strong backgrounds in development, construction, design, finance, property management, and community involvement. Broadcast Center Partners, LLC, consists of Four Points, LLC, Ellis Enterprises, LLC, and The Jarvis Company, LLC.

(e) In December 2004, the Board accepted the unsolicited proposal from Broadcast Center Partners, LLC, and authorized RLARC staff to negotiate mutually agreeable terms for the development of the Property.

(f) The proposed development plan is for a mixed-use, transit-oriented project that would include revitalized and expanded retail space, residential units, and the Radio One/TV One

ENROLLED ORIGINAL

corporate headquarters.

(g) The development program will consist of approximately 93,000 net rentable square feet of office space, with Radio One/TV One as the anchor tenant. Approximately 23,000 square feet of retail space, 180 residential units (including 25% affordable and workforce units), and 200 underground parking spaces to be used by tenants and residents, will also be included.

(h) Without approval of the disposition, the PUD will not be approved and all parties involved may lose the opportunity to begin construction on the Radio One/TV One site in a timely manner.

(i) Emergency action is needed to avoid jeopardizing the approval of the PUD and to maximize the benefit to the District and its residents.

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 Disposition of Lot 854 in Square 441 Emergency Approval Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-296

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to approve the disposition of RLA Revitalization Corporation real property located in Ward 1, in Square 2664, Lots 30 and 31, in the northwest quadrant of the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "RLARC Disposition of Lots 30 and 31 in Square 2664 Emergency Approval Declaration Resolution of 2007".

Sec. 2. (a) RLA Revitalization Corporation ("RLARC") owned Parcel RO-20, which is located in Ward 1 at 1410-1412 Euclid Street, N.W. (Square 2664, Lots 30 and 31). The District of Columbia Department of Parks and Recreation ("DCDPR") owned Justice Park, the current neighborhood park, located at 1427 Euclid Street, N.W. (Square 2665, Lot 811).

(b) In November 2006, the RLARC Board approved a proposed Memorandum of Understanding ("MOU") with the RLARC and DCDPR.

(c) The MOU provides that the RLARC shall dispose of Parcel RO-20 to DCDPR. In return, DCDPR shall transfer to the RLARC the Justice Park property.

(d) Justice Park has become a haven for drugs, crime, and other anti-social activities and needs immediate change. The current situation is exacerbated by Justice Park having very little visibility from the street level, which makes it difficult for the Metropolitan Police Department to perform drive-by security patrols of the area. The land swap will address these issues while creating a new space for a community-friendly park.

(e) On May 16, 2007, the RLARC transmitted to the Council the RLARC Disposition of Lots 30 and 31 in Square 2664 Approval Resolution of 2007 to approve the transfer. The Council officially read the resolution on June 5, 2007, which, beginning on June 6, gave the Council a 45-day period of passive review.

(f) Because of the Council recess that is to commence on July 15, 2007, absent emergency Council action, the resolution shall not be deemed approved until September 22, 2007. This is an emergency situation because Justice Park cannot be allowed to languish in disrepair and remain a haven for crime throughout the summer.

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 RLARC Disposition of Lots 30 and 31 in Square 2664 Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve, on an emergency basis, the disposition of RLA Revitalization Corporation real property located in Ward 1, in Square 2664, Lots 30 and 31, in the northwest quadrant of the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "RLARC Disposition of Lots 30 and 31 in Square 2664 Emergency Approval Resolution of 2007".

Sec. 2. Pursuant to sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.3l(b)(3), the Council approves the disposition of the RLA Revitalization Corporation's real property located at Lots 30 and 31 in Square 2664 pursuant to a resolution of the RLA Revitalization Corporation ("RLARC") Board of Directors and the proposed Memorandum of Understanding ("MOU") between RLARC and the District.

Sec. 3. Transmittal.
The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the chief executive officer of the RLA Revitalization Corporation.

Sec. 4. Fiscal impact statement.
The Council adopts the fiscal impact of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24,1973 (87 Stat. 813; D.C. Official Code § 1- 206.02(c)(3)).

Sec. 5. Effective date.
This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to review and approve the lease of certain real property owned by the District to Howard Theatre Development Group, LLC, which real property is located at 620 T Street, N.W., Washington, D.C., and designated for assessment and taxation purposes as Lot 0090 in Square 0441.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Howard Theatre Great Streets Disposition Emergency Declaration Resolution of 2007".

Sec. 2. (a) Pursuant to section 1(b)(3) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(3)) ("Act"), the Mayor transmitted to the Council a request for Council approval of the proposed lease of 620 T Street, N.W., designated for taxation and assessment purposes as Lot 0090 in Square 0441 and commonly known as the Howard Theatre ("Howard Theatre") to Howard Theatre Development Group, LLC ("Lessee").

(b) Pursuant to Council approval and subject to the provisions of the Act, Lessee would lease the Howard Theatre for a period of 75 years.

(c) The Lessee's response to a solicitation of offers to lease and redevelop the Howard Theatre issued by the Office of the Deputy Mayor for Planning and Economic Development was determined by the Mayor to be the most beneficial to the District.

(d) To begin redevelopment of the Howard Theatre by the spring of 2008, the Lessee must immediately enter into a lease with the District because the Lessee cannot initiate the redevelopment process, including beginning the permit process, historic preservation review board oversight, and securing the necessary construction contracts, without a lease with the District.

(e) The now derelict theater has been vacant since the mid 1970s and continues to be a blight in its current condition.

(f) The Lessee must also enter into a lease with the District prior to entering into an agreement with the future operator of the Howard Theatre. The delay of the selection of an operator may delay the opening of the Howard Theatre to the public.

ENROLLED ORIGINAL

(g) If the Lessee does not enter into a lease with the District quickly, it may delay the Lessee's procuring the necessary construction and permanent financing, including obtaining the historic tax credits required to redevelop and operate the Howard Theatre. Construction costs within the District are also generally rising and will compromise the ability to get reasonable financing if the Lessee is not able to secure needed private financing.

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 Howard Theatre Great Streets Disposition Emergency Approval Resolution of 2007 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-299

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To approve, on an emergency basis, the lease of certain real property owned by the District to Howard Theatre Development Group, LLC, which real property is located at 620 T Street, N.W., and designated for assessment and taxation purposes as Lot 0090 in Square 0441.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Howard Theatre Great Streets Disposition Emergency Approval Resolution of 2007".

Sec. 2. (a) Pursuant to section 1(b)(3) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(3)), the Mayor transmitted to the Council a request for Council approval of the proposed lease of 620 T Street, N.W., designated for taxation and assessment purposes as Lot 0090 in Square 0441 ("Property"), and commonly known as the Howard Theatre, to Howard Theatre Development Group, LLC ("Lessee"). The lease shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor deems necessary and appropriate:

(1) The Property may be leased to the Lessee for a period of 75 years.

(2) The Lessee may use the Howard Theatre for any lawful educational, cultural, community, entertainment, food and beverage, or artistic use and ancillary uses.

(3) Beginning on the execution date of the lease, the Lessee shall pay the District base rent in the amount of $25,000 per year. Base rent shall increase 3% per year during the lease term, except that every 5th year after the execution date of the lease, base rent shall escalate 5% rather than 3%.

(4) The Lessee shall renovate the Property in accordance with concept plans approved by the Mayor and in accordance with the DUKE: Development Framework for a Cultural Destination District within Washington, DC's Greater Shaw/U Street approved pursuant to the Shaw/U Street Cultural Destination District Plan Approval Resolution of 2005, effective June 21, 2005 (Res. 16-209; 52 DCR 4185); technical specifications acceptable to the Mayor; and all applicable laws, including historic preservation laws.

ENROLLED ORIGINAL

(5) The Lessee shall redevelop the Property within the time frames acceptable to the Mayor and operate the Howard Theatre in accordance with performance standards acceptable to the Mayor.

(6) The lease of the Property to the Lessee shall be conditioned upon Broadcast Center Partners, LLC, a District of Columbia limited liability company, granting a perpetual parking easement on adjacent property to the District for the benefit of the Howard Theatre.

(7) Beginning on the date the Lessee obtains a certificate of occupancy from the District, the Mayor, or his designee, shall be entitled to use the Howard Theatre for District events up to 12 times per year free of charge, except for customary food and beverage charges.

(8) The Lessee shall develop a community access plan to enable low-income residents of the District access to the events at the Howard Theatre.

(9) The Lessee shall only have the right to terminate the Lease within the first 24 months of the Lease if the Lessee's operator does not receive preliminary approval for an ABC license from the Alcoholic Beverage Regulation Commission. The District shall have the right to terminate the Lease upon conditions acceptable to the Mayor, including, the right to terminate for the Lessee's failure to meet the performance standards set forth in the Lease.

(10)(A) The Lessee, or any developer of the Howard Theatre selected by the Lessee to redevelop the Howard Theatre, shall execute a CBE Agreement acceptable to the Mayor requiring contracting and procurement with Certified Business Enterprises for at least 35% of the dollar volume of all the redevelopment of the Howard Theatre, and a First Source Agreement regarding job creation and employment generated as a result of the redevelopment of the Property. Prior to the issuance of a certificate of occupancy for the Howard Theatre, the operator of the Howard Theatre shall execute a CBE Agreement acceptable to the Mayor requiring contracting and procurement with Certified Business Enterprises for at least 35% of the dollar volume of all the operation of the Howard Theatre, and a First Source Agreement acceptable to the Mayor for the operation of the Howard Theatre.

(B) For the purposes of this paragraph, the term:

(i) "CBE Agreement" means an agreement with the District governing certain obligations of Lessee and any developer of the Property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("LSDBE Act"), including the equity participation requirements set forth in section 2349a of the LSDBE Act (D.C. Official Code § 2-218.49a)).

(ii) "Certified Business Enterprise" means a business enterprise or joint venture certified pursuant to the LSBDE Act.

(iii) "First Source Agreement" means an agreement with the District, governing certain obligations of Lessee and any developer or operator of the Howard Theatre pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983).

ENROLLED ORIGINAL

(c) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the Property justifies the lease proposed by the Mayor.

(d) The Council finds the Property is no longer required for public purposes.

(e) The Council approves the proposed lease of the Property pursuant to the terms of this resolution.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2007

To declare the existence of an emergency with respect to the need to suspend, for an additional 6 months, the enforcement of the annual gross food sales requirements for restaurants and hotels that sell alcoholic beverages under a C/R, D/R, C/H, or D/H license.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Restaurant and Hotel Audit Sufficiency Emergency Declaration Resolution of 2007".

Sec. 2. (a) On June 23, 2004, the Council enacted the Omnibus Alcoholic Beverage Amendment Act Of 2004, which established a new definition for restaurants and hotels to require, among other things, annual gross food sales of $1500 or $2000 per occupant, or that the sale of food account for at least 45% of the establishment's gross annual receipts.

(b) Under the act, gross annual food sales are subject to audit and examination by the District. The act further provided that restaurants had 2 years to begin compliance with the gross food sales requirement. Beginning October 1, 2006, restaurants and hotels are subject to a full year of auditing to ensure compliance with the gross annual food sales requirement.

(c) In the FY 2007 Budget Support Act of 2006, the Council approved funding for 4 auditor positions at the Alcohol Beverage Regulation Administration ("ABRA") to track compliance and ensure enforcement of the gross annual food sales requirements. In November 2007, the Office of Tax and Revenue detailed 4 full-time auditors to ABRA to review the numbers of the restaurants and hotels and started asking the restaurants and hotels for quarterly reports.

(d) There are approximately 713 establishments that could be impacted, 76 hotels and 637 restaurants.

(e) ABRA has indicated that only 24 audits are near completion. There are approximately 100 establishments that have not filed their first-quarter statements and over 215 establishments, approximately 56 in Ward 1 alone, that have not filed their second-quarter statements.

(f) Even though ABRA has taken vigorous enforcement action against these establishments for not filing, the significant number of ABC establishments that have not filed prevents ABRA from currently determining what the true impact of the statutory food requirements will be on District hotels and restaurants, many of which are small, locally-owned businesses. Extending the existing statutory period by 6 months would provide ABRA with additional time to obtain this information from restaurants and hotels.

(g) Without a complete and accurate audit of District restaurant licensees, it will be impossible to fairly and equitably enforce the gross annual food sales requirements for licensees throughout the District.

(h) The 45% food percentage requirement has been in place since approximately 1987 but its impact has not been specifically addressed by the Council since this time. More

importantly, this is the first time in the last 20 years that ABRA has had adequate staff to rigorously enforce the 45% requirement. As a result, ABRA does not yet have sufficient auditing information to determine or evaluate its impact on existing restaurants and hotels or whether the existing 45% requirement is still a reliable and appropriate enforcement tool. It is essential that ABRA be provided an opportunity to obtain and review a substantive amount of auditing information prior to being compelled into taking enforcement action against District restaurants and hotels.

(i) Extending the existing 2-year period by 6 months will allow ABRA to take enforcement action against licensees who have failed to file quarterly reports and gather needed information regarding the impact of the 45% requirement on the Districts restaurants and hotels.

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 Restaurant and Hotel Audit Sufficiency Emergency Act of 2007 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.