

ENROLLED ORIGINAL

A RESOLUTION

16-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To approve the legal designation of Watts Branch Parkway located in Ward 7 as Marvin Gaye Park in honor of the late legendary singer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Marvin Gaye Park Designation Resolution of 2006".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01(1)), the Watts Branch Parkway, officially known as Federal Reservation 610 and a portion of Reservation 523, located in Ward 7, is designated as "Marvin Gaye Park".

Sec. 3. The Surveyor of the District of Columbia, upon the effective date of this resolution, shall record in the Office of the Surveyor "Marvin Gaye Park" as the designation for the Watts Branch Parkway.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution to the Mayor, the Surveyor of the District of Columbia, the Recorder of Deeds, the Department of Parks and Recreation, and the Director of the National Park Service.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by sec. 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. Effective date.

This resolution shall take effect immediately.

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16-443

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To approve the transfer of jurisdiction over a portion of U.S. Reservation 475, Fort Mahan Park on parts of Squares 5078 and 5079 from the National Park Service to the District of Columbia to rectify the present encroachment on the property by the Carter G. Woodson Junior High School Building.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Transfer of Jurisdiction Over a Portion of U.S. Reservation 475, Fort Mahan Park Approval Resolution of 2006".

Sec. 2. (a) Pursuant to section 1 of An Act To authorize the transfer over public land in the District of Columbia, approved May 20, 1932 (47 Stat.161; D.C. Official Code § 10-111), the Council of the District of Columbia approves the transfer of jurisdiction of land known as U.S. Reservation 475, Fort Mahan Park on parts of Squares 5078 and 5079, further identified as File No. 02-2121 of the Office of the Surveyor of the District of Columbia, from the United States by the Department of the Interior, National Park Service to the District of Columbia for the purpose of rectifying the present encroachment of the Carter G. Woodson Junior High School Building located at 4095 Minnesota Avenue, N.E., Washington, D.C. ("Property").

(b) The United States, by the Department of the Interior, National Park Service approved the Plat of Transfer of Jurisdiction ("Plat") and the Declaration of Covenants for the Plat on June 6, 2003. The National Capital Planning Commission approved the Plat at a hearing on July 10, 2003.

(c) The approval is subject to the restriction that a portion of the Property be used for educational purposes and the remaining portion be used for recreational purposes as shown on the Plat.

(d) The Property will continue to be used for the operation of a public charter school.

Sec. 3. Transmittal.

The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Surveyor of the District of Columbia, the Director of the National Capital Planning Commission, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Director of the National Park Service, the Regional Director of the National Park Service, and to the Friendship Public Charter School, Inc.

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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.

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A RESOLUTION

16-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To establish the date by which the Mayor shall submit to the Council the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2007, to identify information and documentation to be submitted to the Council with the proposed budget for the government of the District of Columbia for the fiscal year ending September 30, 2007, and to clarify that the Mayor shall submit performance plans and reports pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2007 Budget Submission Requirements Resolution of 2006".

Sec. 2. Pursuant to section 442(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42(a)) ("Home Rule Act"), the Mayor shall submit to the Council, and make available to the public not later than March 20, 2006, the proposed budget for the District government and related budget documents required by sections 442, 443, and 444 of the Home Rule Act (D.C. Official Code §§ 1-204.42, 1-204.43, and 1-204.44), for the fiscal year ending September 30, 2007. The proposed budget shall contain the following:

- (1) For the entire District government including all subordinate agencies, independent agencies, independent instrumentalities and independent authorities ("agency"), a summary statement or table showing:
 - (A) The revenues by source (local, federal, intra-district, private, and other);
 - (B) Expenditures by Comptroller Source Group (agency object class) for fiscal years 2004 and 2005; and
 - (C) Projections for fiscal years 2006 and 2007;
- (2) For each agency or separate line item in the District's annual budget, summary statements or tables showing all sources of funding by source (local, federal, intra-district, private, and other) for fiscal years 2004 and 2005, including a presentation of any variance between fiscal year appropriations and expenditures;
- (3) For each agency or separate line item in the District's annual budget, a summary statement or table showing projections of all sources of funding by source (local, federal, intra-district, private, and other), for fiscal years 2006 and 2007;
- (4) For each agency or separate line item in the District's annual budget,

summary statements or tables showing expenditures by Comptroller Source Group (agency object class) and Organizational Level II (control center, delineated by Organizational Level III (responsibility center)) for all sources of funding for fiscal years 2004 and 2005, including a presentation of any variance between fiscal year appropriations and expenditures, as well as projections for fiscal years 2006 and 2007; and

(5) A summary statement or table showing the fiscal year 2007 baseline budget, including a presentation of fiscal year 2006 reprogrammings that will have a recurring fiscal impact in succeeding fiscal years.

Sec. 3. In addition to, and in support of, the information submitted pursuant to section 2, the Mayor shall submit the following to the Council:

(1) Copies of all documents referenced in and supportive of the budget justification for fiscal year 2007, including any proposed legislation and proposed fiscal year 2007 Budget Request Act, that are necessary for implementation of the proposed budget for the District for fiscal year 2007;

(2) A summary statement or table showing, by Comptroller Source Group (agency object class) and Organizational Level II (control center, delineated by Organizational Level III (responsibility center)), authorized full-time equivalents ("FTEs") by revenue source (local, federal, intra-district, private, other, and capital); FTEs indicating the actual salary of the incumbent, or, in the case of a vacant position, the authorized salary, for fiscal years 2004 and 2005; projections for fiscal years 2006 and 2007; and a listing of authorized FTEs for fiscal year 2007 that reflects new positions, reorganizations, and transfers;

(3) A cash flow report based on:

(A) No change in budget and revenue authority; and

(B) The revised current fiscal year budget request and the succeeding fiscal year budget request;

(C) The cash flow report should include the actual and projected monthly cash flow for preceding, current, and succeeding fiscal years, and the following detail:

(i) Major source of receipts:

(I) Individual income tax;

(II) Real property tax;

(III) Special property tax;

(IV) General sales and use taxes;

(V) Miscellaneous taxes;

(VI) Federal payments;

(VII) Miscellaneous receipts;

(VIII) Private and other;

(IX) Federal grants;

(X) Short term notes;

(XI) Receivables; and

(XII) Tobacco settlement payments;

(ii) Major types of disbursements:

(I) Payroll;

(II) Miscellaneous disbursements;

(III) Public assistance;

(IV) Medicaid;

(V) Pension contributions benefits;

- (VI) Transit authority contribution;
- (VII) Debt service; and
- (VIII) Recovery bonds or short term notes;
- (iii) Beginning balance; and
- (iv) Ending balance;

(4) For the entire District government and each agency, a summary statement or table showing:

(A) Legislation enacted in fiscal years 2005 and 2006 that shall impact fiscal year 2007 and was not accounted for in the 2006 fiscal year baseline budget and will have a fiscal impact in fiscal year 2007, and all enacted legislation that has been adopted subject to appropriations or inclusion in the budget and financial plan, and the fiscal impact of each legislative measure; and

(B) All sources of funding by source (local, federal, intra-district, private, and other) for both fiscal years 2006 and 2007;

(5) For Medicaid data, a summary statement or table showing:

(A) The fiscal year 2007 baseline Medicaid budget by each specific responsibility center related to the District of Columbia's Medicaid program, including a presentation of current fiscal year reprogrammings that will have a recurring fiscal impact in succeeding fiscal years and a comparison to the fiscal year 2006 final estimated Medicaid spending by each specific responsibility center;

(B) The total Medicaid expenditures per month for fiscal year 2005 compared to the anticipated Medicaid expenditures for each month of fiscal years 2006 and 2007;

(C) The total number of actual Medicaid enrollees for each month of fiscal year 2005 compared to the number of anticipated Medicaid enrollees for each month of fiscal years 2006 and 2007, including data showing discrete numbers for each of the following groups:

- (i) Aged;
- (ii) Disabled;
- (iii) TANF adults;
- (iv) TANF children;
- (v) CHIP parents;
- (vi) CHIP children;
- (vii) Other adults; and
- (viii) Other children;

(D) The amount of Medicaid reimbursement projected to be achieved in fiscal years 2006 and 2007, including a comparison to the actual reimbursements received in fiscal year 2005; the amount of projected local dollars that are used to leverage the federal reimbursement in fiscal years 2006 and 2007, including a comparison to the actual local dollars used to leverage federal reimbursement in fiscal year 2005; and a list of the local match by each agency's responsibility center associated with leveraging Medicaid matching dollars for each of the following:

- (i) District of Columbia Public Schools;
- (ii) Department of Mental Health;
- (iii) Child and Family Services Agency;
- (iv) Department of Human Services; and
- (v) Department of Health;

- (6) A summary statement or table showing:
- (A) The number of full-time and part-time teachers in the District of Columbia public school system, by school level (e.g., elementary, junior high); and
 - (B) The number of special education students served by school level (e.g., elementary, junior high), including the number of students who are eligible for Medicaid services;
- (7) Mayoral reprogramming requests for the current fiscal year that are included in the summary statement or table pursuant to section 2(5);
- (8) For the Office of Labor Relations and Collective Bargaining, and for the Office of Labor Management Partnerships, both offices being within the Office of the City Administrator, the following budget information shall be presented separately:
- (A) The revenues by source (local, federal, intra-district, private, and other) for fiscal years 2006 and 2007;
 - (B) Expenditures by Comptroller Source Group (agency object class) for fiscal years 2004 and 2005; and
 - (C) Projections for fiscal years 2006 and 2007; and
- (9) For all District government agencies, salary lapse data the 3 previous fiscal years, including information that details what the salary lapse was and whether it was reprogrammed for other purposes. In addition, information explaining the salary lapse assumptions that were used in developing the core budget for fiscal year 2007 shall be provided;
- (10) For all District government agencies, a summary statement or table showing all reprogrammings for the last two fiscal years. Included in this statement or table shall be information that details what agency sent or received the reprogrammed funds and identifies the reprogrammed funds by source (local, federal, intra-district, private, and other); and
- (11) For the Fire and Emergency Medical Services Department, include within the budget narrative a separate budget narrative on the expenditures for the Emergency Medical Services.

Sec. 4. Pursuant to Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective May 16, 1995 (D.C. Law 11-16; D.C. Official Code § 1-614.11, *et seq.*), the Mayor shall submit to the Council, and make available to the public, not later than January 15, 2006, the performance reports for fiscal year 2005 that cover all publicly funded activities of each District government agency. The Mayor shall submit to the Council, and make available to the public, not later than March 20, 2006, the performance plans for fiscal year 2007 that cover all publicly funded activities of each District government agency.

Sec. 5. The Mayor shall submit to the Council, not later than January 31, 2006, the agency strategic business plans that are required by D.C. Official Code § 47-308.01(g).

Sec. 6. (a) The Mayor shall submit to the Council, by December 31, 2005, the annual report of sole-source and emergency procurement actions required pursuant to section 319 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code § 2-303.19).

(b) The report shall include:

- (1) The contract number;
- (2) The name and address of each contractor;

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- (3) The dollar amount of the contract;
- (4) The type of contract;
- (5) A listing of the supplies, services, or construction provided under the contract;
- (6) Whether the contract was in the open or sheltered market; and
- (7) Copies of all determinations and findings associated with the sole-source and emergency procurements.

Sec. 7. Pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), the Council's 56 calendar day budget review period shall begin after the date that all materials required to be submitted by sections 2 through 6 have been submitted in accordance with this resolution and the Council's rules.

Sec. 8. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor and to the Board of Education of the District of Columbia.

Sec. 9. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

16-445

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Inspector Patrick Burke to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Patrick Burke Confirmation Resolution of 2006".

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

Inspector Patrick Burke
4837 W Street, N.W.
Washington, D.C. 20007
(Ward 3)

as the Metropolitan Police Department member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), completing the unexpired term of Stanley Eugene Wigenton, which will end January 12, 2006, and for a full 3-year term to commence thereafter, ending January 12, 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.

A RESOLUTION

16-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the reappointment of Mr. Terrence R. Boykin to the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Terrence R. Boykin Confirmation Resolution of 2006".

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

Mr. Terrence R. Boykin
1328 Randolph Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Board of Real Property Assessments and Appeals, established by D.C. Official Code § 47-825.01, for a term to end July 31, 2010.

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

16-447

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Henry M. Terrell to the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Henry M. Terrell Confirmation Resolution of 2006".

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

Mr. Henry M. Terrell
2711 Fort Baker Drive, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Board of Real Property Assessments and Appeals, established D.C. Official Code § 47-825.01, replacing Michael C. Potts, whose term ended July 31, 2005, for a term to end July 31, 2010.

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

16-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Lawrence C. Smith to the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Lawrence C. Smith Confirmation Resolution of 2006".

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

Mr. Lawrence C. Smith
534 5th Street, S.E.
Washington, D.C. 20003
(Ward 6)

as a member of the Board of Real Property Assessments and Appeals, established by D.C. Official Code § 47-825.01, for a term to end July 31, 2010.

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

16-449

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Sean A. Warfield to the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Sean A. Warfield Confirmation Resolution of 2006".

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

Mr. Sean A. Warfield
4201 Cathedral Avenue, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Board of Real Property Assessments and Appeals, established by D.C. Official Code § 47-825.01, replacing Jeffrey Hops, whose term ended July 31, 2005, for a term to end July 31, 2010.

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

16-450

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Damon G. Munchus to the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Damon G. Munchus Confirmation Resolution of 2006".

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

Mr. Damon G. Munchus
2314 First Street, N.W.
Washington, D.C. 20001
(Ward 5)

as a member of the Board of Real Property Assessments and Appeals, established by D.C. Official Code § 47-825.01, replacing David Charles Bowers, whose term ended July 31, 2005, for a term to end July 31, 2010.

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

16-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Gerald B. Lang to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Gerald B. Lang Confirmation Resolution of 2006".

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

Mr. Gerald B. Lang
5300 MacArthur Blvd., N.W.
Washington, D.C. 20016
(Ward 3

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), completing the unexpired term of Mark Palmer, which will end May 15, 2008.

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

16-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Leo V. Williams to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Leo V. Williams Confirmation Resolution of 2006".

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

Mr. Leo V. Williams
1354 W Street, S.E.
Washington, D.C. 20020
(Ward 8)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing Hazel Broadnax, whose term ended May 15, 2004, for a term to end May 15, 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

16-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Thomas E. Heinemann 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 Thomas E. Heinemann Confirmation Resolution of 2006".

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

Mr. Thomas E. Heinemann
719 3rd Street, S.W.
Washington, D.C. 20024
(Ward 6)

as a public member 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 Richard G. Gould, whose term ended May 4, 2004, for a term to end May 4, 2009.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-454

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. Causton A. Toney as the chairperson of 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 Causton A. Toney Confirmation Resolution of 2006".

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

Mr. Causton A. Toney
606 Powhatan Place, N.W.
Washington, D.C. 20011-1226
(Ward 4)

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 Lee A. Williams, 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, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the reappointment of Mr. Inder Raj Pahwa 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 Inder Raj Pahwa Confirmation Resolution of 2006".

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

Mr. Inder Raj Pahwa
724 Hamlin Street, N.E.
Washington, D.C. 20017
(Ward 5)

as an industry member 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), for a term to end May 4, 2009.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-456

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of the Honorable Sandra C. Allen 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 Sandra C. Allen Confirmation Resolution of 2006".

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

The Honorable Sandra C. Allen
4306 Wheeler Road, S.E.
Washington, D.C. 20032
(Ward 8)

as a public member 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), replace Horace Kreitzman, whose term ended May 4, 2005, for a term to end May 4, 2010.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-457

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To confirm the appointment of Mr. A. Cornelius Baker 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 A. Cornelius Baker Confirmation Resolution of 2006".

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

Mr. A. Cornelius Baker
1707 Columbia Road, N.W.
Washington, D.C. 20002
(Ward 1)

as a public member 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 Sandra Seegars, whose term ended May 4, 2004, for a term to end May 4, 2009.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-458

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify that persons convicted of certain crimes are not automatically excluded from working as employees or unsupervised volunteers of certain providers that provide direct services to children or youth and to provide applicants a right to appeal a denial of employment or volunteer status based on a finding that they pose a present danger to children or youth.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Criminal Background Checks for the Protection of Children Clarification Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Criminal Background Checks for the Protection of Children Clarification Emergency Amendment Act of 2005, effective October 4, 2005 (D.C. Act 16-179), will expire on January 2, 2006.

(b) A temporary version of this legislation, the Criminal Background Checks for the Protection of Children Clarification Temporary Amendment Act of 2005, will take effect following completion of a 30-day period of Congressional review.

(c) It is important that the provisions of the emergency act remain in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Criminal Background Checks for the Protection of Children Clarification Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-459

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to tax natural gas based on the number of therms delivered to consumers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Natural Gas Taxation Relief Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Natural Gas Taxation Relief Emergency Act of 2005, effective December 2, 2005 (D.C. Act 16-186), will expire on January 26, 2006.

(b) The temporary version of this legislation, the Natural Gas Taxation Relief Temporary Act of 2005 (D.C. Act 16-207), has been approved by the Council and signed by the Mayor, and will take effect following completion of the 30-day period of Congressional review.

(c) It is important that the provisions of the emergency act remain in effect, without interruption, until the temporary and permanent legislation is in effect.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Natural Gas Taxation Relief Congressional Review Emergency Act of 2006 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

16-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act, 1925 to require that drug offense conviction information include a social security number and a driver's license number.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Drug Offense Driving Privileges Revocation and Disqualification Emergency Declaration Resolution of 2006".

Sec. 2. There exists an immediate need to amend section 13a(a) of the District of Columbia Traffic Act, 1925, effective March 16, 1989 (D.C. Law 7-222; D.C. Official Code § 50-1403.02(a)), which requires the Mayor to revoke or delay issuance of a license upon receipt of a drug offense conviction from the Superior Court. The Mayor must certify to the federal government by January 1 of each year that such a law is in effect and being enforced or suffer a loss of federal-aid highway funds. However, the Department of Motor Vehicles is currently not receiving the information it needs from the Superior Court to take the requisite licensing action. Specifically, the Department must receive a driver's license number or social security number in order to accurately identify the individual convicted of the offense.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Drug Offense Driving Privileges Revocation and Disqualification Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to allow the Department of Mental Health to complete ongoing negotiations of collective bargaining agreements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Mental Health Collective Bargaining Agreements Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Collective Bargaining Agreements Amendment Act of 2005, effective October 20, 2005, (D.C. Law 16-33; D.C. Official Code § 1-617.17(b)) amended the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit subordinate agencies from negotiating a collective bargaining compensation agreement.

(b) The Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001, (D.C. Law 14-56; D.C. Official Code § 7-1131 *et seq.*) established the Department of Mental Health ("DMH") as a separate cabinet-level Department subordinate to the Mayor (D.C. Official Code § 7-1131.03(a)) and provided the Department with the authority to establish compensation for all employees of DMH (D.C. Official Code § 7-1131.04(14)).

(c) The legislation had the unintended consequence of suspending ongoing collective bargaining negotiations between DMH and the collective bargaining units that represent DMH employees. The proposed emergency legislation will permit DMH to complete the current round collective bargaining negotiations.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Mental Health Collective Bargaining Agreements Emergency Act of 2006 be adopted on an emergency basis.

Sec 4. This resolution shall take effect immediately.

A RESOLUTION

16-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to amend Chapter 28 of Title 47 of the District of Columbia Official Code to allow the Board of Real Estate Appraisers to comply with the licensure and regulatory requirements established by the Appraisal Subcommittee, The Appraisal Foundation, and the Appraisal Qualifications Board pursuant to federal law; to repeal the requirement that individuals and firms practicing as public accountants, but not providing services that require a license, registration, and permit as a certified public accountant or certified public accounting firm, continue to register with or obtain a permit from the Board of Accountancy, and to allow non-licensurees to control up to 49% of the financial interests and voting rights of all partners, officers, shareholders, members, or managers of firms organized to offer certified public accounting services within the District of Columbia; to alter the composition of the Board of Real Estate and the Board of Real Estate Appraisers; to reinstate the Appraisal Education Fund; and to clarify that certain real estate licensure exemptions apply only to natural persons.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Non-Health Related Occupations and Professions Licensure Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate crisis in the District of Columbia concerning the Board of Real Estate Appraisers' compliance with the licensure and regulatory requirements established by the Appraisal Subcommittee, The Appraisal Foundation, and the Appraisal Qualifications Board pursuant to federal law.

(b) Noncompliance will result in the suspension of federal certification of District of Columbia Appraisers.

(c) There also exists an immediate need to amend D.C. Official Code § 47-2853.181(2) related to an individual's authorization to manage his or her own real property without licensure.

(d) As currently constructed, D.C. Official Code § 47-2853.181(2) allows non-natural persons - for example, corporations - to avoid required licensure.

(e) Adding the word "natural" before the word "person" in D.C. Official Code § 47-2853.181(2), resolves this problem.

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Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Non-Health Related Occupations and Professions Licensure Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-463

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to make a number of technical amendments to clarify sections of the District of Columbia Official Code for auditing purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Finance and Revenue Technical Amendments Emergency Declaration Resolution of 2006".

Sec. 2. The following amendments are needed to make technical, clarifying changes to legislation passed by the Committee on Finance and Revenue at the recommendation of the Office of Tax and Revenue for auditing purposes:

(1) The enrollment of D.C. Law 15-329, the Tax Abatement Adjustment for Housing Priority Area Act of 2004, inadvertently omitted an amendment made from the dais.

(2) D.C. Law 15-329, the Tax Adjustment for Housing Priority Area Act of 2004, should have extended the tax abatement to an owner within eligible area #2 as well as the downtown area.

(3) D.C. Law 15-336, the Douglass Knoll, Golden Rule, 1728 W Street, and Wagner Gainesville Real Property Tax Exemption Act of 2004, incorrectly referred to "Golden Rule Place" rather than "Golden Rule Plaza" and had the incorrect lot number for one of the properties.

(4) D.C. Law 16-29, the Utility Taxes Technical Corrections Temporary Act of 2005, needs further clarification in order clarify that a provision, which would inadvertently repeal a tax increase imposed by the Ballpark Omnibus Financing and Revenue Act of 2004, resulting in a loss of revenue to the General Fund, was repealed.

(5) D.C. Law 15-324, the Heating Oil Clarification Act of 2004, needs further clarification for the commencement date for the change in a utility tax rate.

(6) D.C. Law 10-189, the Arena Tax Amendment Act of 1994, clarifies the intent of the Council real property tax exemption for the MCI Arena by adding a cross reference to the Land Disposition Agreement and Ground Lease.

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(7) The Unsolicited Proposal Submitted by Washington Properties, Inc./Square 673 Partners for the Negotiated Disposition of 59 M Street, N.E., Resolution of 1994 needs a cross reference added to the relevant sections of the D.C. Official Code that was inadvertently omitted from the resolution.

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 Finance and Revenue Technical Amendments Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to authorize a criminal penalty for the offense of attempt to commit identity theft.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Identity Theft Technical Amendment Emergency Declaration Resolution of 2006".

Sec. 2. (a) In 2003, the Council approved the Identity Theft Amendment Act of 2003, which created the criminal offenses of identity theft and attempt to commit identity theft.

(b) The language of the substantive offenses in the statute makes it clear that both attempts and completed offenses were intended to be covered by the statute.

(c) The language of the penalty provision in the statute, however, fails to refer to attempts to obtain property fraudulently.

(d) This inadvertent omission means that a person who tries to steal property by pretending to be someone else, but does not succeed, can theoretically be prosecuted, but not punished for this conduct. The practical effect of this omission is that a defendant cannot currently be prosecuted for the offense of attempt to commit identity theft.

(f) Emergency legislation providing for a technical amendment to fix this omission is necessary so that the offense of attempt to commit identity theft can be prosecuted in the District of Columbia.

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 Identity Theft Technical Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of an aggregate principal amount not to exceed \$1.5 million of District of Columbia Revenue Bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Thurgood Marshall Academy, a District of Columbia nonprofit corporation, 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 "Thurgood Marshall Academy Revenue Bonds Project Emergency Declaration Resolution of 2006".

Sec. 2. (a) Thurgood Marshall Academy, a nonprofit corporation organized under the laws of the District of Columbia, seeks to have District of Columbia Revenue Bonds issued for repayment for the financing and refinancing of all the costs incurred in connection with:

- (1) Financing and refinancing of existing debt or financing of the costs of construction or renovation of a public charter school located at 2427 Martin Luther King Jr. Avenue, S.E., Washington, D.C. 20020 (Lot 31, Square 5789);
- (2) Funding, if necessary or appropriate, any working capital costs;
- (3) Funding any required deposit to a debt service reserve fund, other reserve fund, or capitalized interest fund;
- (4) Paying the cost of issuance; and
- (5) Paying the costs of any bond insurance or other debt enhancement.

(b) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile and in order for the Thurgood Marshall Academy to maximize interest savings on the District of Columbia Revenue Bonds the issuance needs to occur prior to the next scheduled Council meeting. Council approval of the bond resolution authorizing the issuance of up to \$1.5 million of District of Columbia Revenue Bonds would permit bonds to be issued promptly to provide maximum savings for the Thurgood Marshall Academy.

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 Thurgood Marshall Academy Revenue Bonds Project Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-466

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$1.5 million aggregate principal amount of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Thurgood Marshall Academy 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 "Thurgood Marshall Academy Revenue Bonds Project Emergency Approval Resolution of 2006".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or 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 shall be the Thurgood Marshall Academy, a nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes as an organization described in 26 U.S.C. § 501(c)(3) (2003) and which is liable for repayment of the bonds.

(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 contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Financing Documents" means the documents other than Closing Documents 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 supplement to any such documents.

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(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 contemplated thereby, 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, 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.

(11) "Project" means:

(A) The financing, refinancing, or reimbursing of the borrower of the costs of acquisition, construction, renovation, and equipping of an existing building and related grounds at 2427 Martin Luther King Jr. Avenue, S.E., Washington, D.C. 20020 (Square 5789, Lot 31) by the borrower;

(B) The funding, if necessary or appropriate, of any capital costs;

(C) The funding of any necessary deposit to a debt service reserve fund or any other reserve fund;

(D) The financing of a portion of the costs of issuance; and

(E) The payment of costs for any necessary bond insurance or other credit enhancement

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 and to assist in the financing, refinancing, or reimbursing 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 a total aggregate principal amount not to exceed \$1.5 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, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of elementary and secondary school facilities and contributes to the education 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 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 \$1.5 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, and 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;

(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

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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 of Columbia 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'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 sale of 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.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series 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

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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 to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(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 the executed Financing Documents and the executed Closing Documents, including those Financing Documents and Closing Documents to which the District is not a party.

(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.

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

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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 to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, nor 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 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 development 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 authorized by this resolution.

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(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. Neither the borrower, any purchaser of the bonds, nor any other person shall 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 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 authorized by this resolution, 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. § 14(f)), and section 490(k) of the Home Rule Act, for the project to be financed, refinanced, or reimbursed with the proceeds of the bonds. This resolution approving the issuance of bonds for the project 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 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. 20. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

16-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. POBY-2006-C-0016 with Nutrition, Incorporated to prepare and deliver meals to the elderly at congregate nutrition sites and to the homebound elderly.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nutrition, Incorporated Contract No. POBY-2006-C-0016 Approval Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. POBY-2006-C-0016 with Nutrition, Incorporated to prepare and deliver nutritious midday meals to the elderly at congregate nutrition sites and to homebound elderly program participants 60 years of age and older for the Office of Aging.

(b) The contract will provide for a 2-year base period in the amount of \$5,373,400. Pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Council must affirmatively approve multiyear contracts within a 45-day review period. Contract No. POBY-2006-C-0016 with Nutrition Incorporated (CA-153) was transmitted to the Council on December 5, 2005, and will be deemed disapproved on January 20, 2006 if no action is taken to approve the contract.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Nutrition, Incorporated Contract No. POBY-2006-C-0016 Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To approve Contract No. POBY-2006-C-0016 with Nutrition, Incorporated to prepare and deliver meals to the elderly at congregate nutrition sites and for the homebound elderly.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nutrition, Incorporated Contract No. POBY-2006-C-0016 Emergency Approval Resolution of 2006".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. POBY-2006-C-0016 with Nutrition, Incorporated to prepare and deliver nutritious midday meals to the elderly at congregate nutrition sites and to homebound elderly program participants 60 years of age and older for the Office of Aging. The multiyear contract will provide for a 2-year base period of performance in the amount of \$5,373,400.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-469

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency with respect to the need to approve certain documents that will secure the January 2006 issuance of the already approved DC USA Parking Garage Project Revenue Bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC USA Parking Garage Bond Security Documents Approval Emergency Declaration Resolution of 2006".

Sec. 2. The Council finds that:

(1) There is a critical need for the DC USA retail center in Columbia Heights. This project will provide the District with substantial economic, cultural, social and financial benefits. DC USA will include approximately 500,000 square feet of high-quality retail development - including the District's first Target store - and an NCRC-owned 1000-space underground parking garage.

(2) On July 13, 2004, the Council approved Resolution 15-653, the Tax Increment Revenue Bonds DC-USA Project Emergency Approval Resolution of 2004, which allocated a \$42 million tax increment financing ("TIF") note to the project. Forty million dollars of the TIF note was allocated to help pay for a publicly-owned parking garage, and \$2 million of the TIF note was allocated to fund the Columbia Heights Small Business Assistance Fund.

(3) On November 1, 2005, the Council approved Resolution 16-349, the National Capital Revitalization Corporation DC USA Project Revenue Bonds Approval Resolution of 2005, which authorized the National Capital Revitalization Corporation ("NCRC") to issue \$46.9 million of NCRC tax-exempt parking revenue bonds to finance the construction and acquisition of the parking garage for the DC USA retail project. The bonds will be backed by the TIF authorized in Resolution 15-653 and the net operating income generated by the NCRC-owned parking garage.

(4) Certain documents were negotiated to provide security for the expenditure of bond proceeds under the NCRC-issued bonds authorized in Resolution 16-349 and for the small business program mandated by Resolution 15-653. The first document, a Purchase Agreement for the DC USA Parking Garage between NCRC and the developer, DC USA Operating Company, LLC, obligates \$39.35 million of the bond proceeds to fund construction and acquisition of the parking garage. The second agreement, required by Resolution 15-653, is a memorandum of understanding between the Office of the Deputy Mayor for Planning and Economic Development and NCRC to use \$2 million of bond proceeds to fund a Columbia Heights Small Business Assistance Program. The remainder of the bond issuance will be used to pay for the costs of issuing the bonds.

ENROLLED ORIGINAL

(5) NCRC will issue the DC USA bonds in January 2006. To further ensure that the TIF Note approved in Resolution 15-653 and NCRC bonds approved in Resolution 16-349 are legal, valid, and binding, NCRC must obtain the approval of the Council for the 2 documents that secure the \$46.9 million bond issuance, and expend the already approved bond proceeds.

(6) Without emergency action taken that will enable NCRC to issue legally valid and binding bonds in January 2006, the District may lose this important multi-use retail development project.

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 DC USA Parking Garage Bond Security Documents Approval Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-470

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Assistance Confidentiality of Information Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to ensure that all Medicaid records are subject to confidentiality protection requirements mandated by the federal Health Insurance Portability and Accountability Act of 1996.

(b) To address this need, the Council has adopted emergency and temporary legislation. However, the Public Assistance Confidentiality of Information Emergency Amendment Act of 2005, effective October 27, 2005 (D.C. Act 16-204), will expire on January 25, 2006, and the Public Assistance Confidentiality of Information Temporary Amendment Act of 2005, signed by the Mayor on December 22, 2005 (D.C. Act 16-225), is pending Congressional review.

(c) This emergency legislation is necessary to prevent a gap in the legal authority.

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 Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-471

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 4, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law; to amend Chapter 22 of Title 21 of the District of Columbia Official Code to authorize psychologists to certify incapacity to make a health-care decision, to permit court-appointed mental retardation advocates to provide substituted consent for health-care decisions for incapacitated consumers, and to authorize a health-care provider, the District of Columbia, or an interested person to file a petition for the appointment of a limited guardian if there is no individual who can act as a substitute health-care decisionmaker for an incapacitated consumer; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to require initial and periodic evaluations of decisionmaking capacity and availability of health-care decisionmaking supports for consumers of services funded by the Mental Retardation and Developmental Disabilities Administration, to repeal a provision providing a process for authorizing emergency medical surgery for a consumer that is inconsistent with federal law, and to require the Administrator of the Mental Retardation and Developmental Disabilities Administration to issue reports on the decisionmaking capacity of and the availability of health-care decisionmaking supports for consumers of services funded by the Mental Retardation and Developmental Disabilities Administration.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Emergency Amendment Act of 2005, effective October 28, 2005, (D.C. Act 16-190), will expire on January 26, 2006. The Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Temporary Amendment Act of 2005, signed by the Mayor on November 17, 2005 (D.C. Act 16-198), is not projected to become law until January 31, 2006.

(b) There is a need for the Council to adopt emergency legislation in order to avoid a gap in applicable law governing surrogate medical decisionmaking for persons with mental retardation or developmental disabilities.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.