

APR 14 2006

ENROLLED ORIGINAL

A RESOLUTION

16-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

March 25, 2006

To confirm the appointment of Mr. Timothy J. Mahoney to the Board of Respiratory Care.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Respiratory Care Timothy J. Mahoney Confirmation Resolution of 2006".

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

Mr. Timothy J. Mahoney  
4405 35<sup>th</sup> Street, N.W.  
Washington, D.C. 20008  
(Ward 3)

as a licensed respiratory therapist member of the Board of Respiratory Care established by section 214 of the District of Columbia Health Occupations Revision Act of 1985, effective March 14, 1995 (D.C. Law 10-203; D.C. Official Code § 3-1202.14), replacing Elgloria A. Harrison, whose term ended July 17, 2005, for a term to end July 17, 2008.

Sec. 3. The Secretary to the Council 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

16-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve the proposed compensation system changes submitted by the Mayor for Legal Service attorney managers and attorneys in the Senior Executive Attorney Service in agencies other than the Office of the Attorney General for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Legal Service Managers Compensation System Changes Approval Resolution of 2006."

Sec. 2. (a) Pursuant to sections 858(a)(2) and (b), 1104, and 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.58(a)(2) and (b)), 1-611.04, and 1-611.06), the Council approves the compensation system changes as recommended by the Mayor for Legal Service attorney managers in the Senior Executive Attorney Service ("SEAS") and non-SEAS Legal Service attorney managers, in agencies other than the Office of the Attorney General for the District of Columbia ("OAG") (collectively "covered employees"), who are currently being paid from Legal Service special rate schedules of XAA A30, XAA A31, XAA A32, and XAA A33, which were transmitted to the Council by the Mayor on January 25, 2006.

Sec. 3. The new compensation system establishes the Non-OAG Legal Service Management Pay Schedule ("Non-OAG LX Schedule") as the basic pay schedule for covered employees.

Sec. 4. The Non-OAG LX Schedule shall be divided into 3 pay levels. Each level shall have a minimum, midpoint, and maximum range. The personnel authority shall determine the appropriate pay level, salary, and criteria for advancement, for covered employees.

Sec. 5. The proposed compensation system changes referred to in section 2 are approved as follows:

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**District of Columbia Salary Schedule: Legal Service Management Pay Schedule**

**Fiscal Year:** 2006  
**Service Code Definition:** Legal Service Attorney Managers and Attorneys in the Senior Executive Attorney Services in Agencies other than the Office of Attorney General for the District of Columbia  
**Effective Date:** 10/2/2005  
**Series:** 905  
**Union/Non-union:** Non-union  
**CBU/Service Code(s):** XAA A34  
**Pay Plan Schedule:** LX (Legal Service)  
**Peoplesoft Schedule:** LX0001

**% Increase:**

**Resolution Number:**

**Date of Resolution:**

Level	Minimum	Midpoint	Maximum
LX 1	\$85,274	\$107,836	\$130,398
LX 2	\$96,629	\$121,329	\$146,030
LX 3	\$107,983	\$134,822	\$161,662

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Sec. 6. The compensation system changes approved by sections 2 and 5 shall become effective retroactively on October 2, 2005.

Sec. 7. 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. 8. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 9. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-591

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve the proposed compensation system changes submitted by the Mayor for certain Legal Service employees in agencies other than the Office of the Attorney General for the District of Columbia not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Legal Service Non-Collective Bargaining Unit Employees Compensation System Changes Approval Resolution of 2006".

Sec. 2. (a) Pursuant to sections 858(a)(2) and (b), 1104, and 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.58(a)(2) and (b)), 1-611.04, and 1-611.06), the Council approves the compensation system changes as recommended by the Mayor for certain Legal Service employees in agencies other than the Office of the Attorney general for the District of Columbia ("OAG") not covered by collective bargaining, which were transmitted to the Council by the Mayor on January 25, 2006.

(b) The compensation system changes recommended by the Mayor are applicable to Legal Service employees, excluding Senior Executive Attorney Service ("SEAS") employees and non-SEAS attorney managers, in agencies other than the OAG not covered by collective bargaining who are currently being paid from Legal Service special rate schedules of XAA A30, XAA A31, XAA A32, and XAA A33.

Sec. 3. The proposed compensation system changes referred to in section 2 are approved as follows:

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**District of Columbia Salary Schedule: Legal Service (non-union)**

**Fiscal Year:** 2006  
**Effective Date:** 10/2/2005  
**Union/Non-union:** Non-union  
**Pay Plan Schedule:** LS (Legal Service)  
**Peoplesoft Schedule:** LA0001  
**Series:** 905  
**Affected CBUS/Service Cadets:** XAA A35  
**Service Code Definition:** Legal Service Attorneys in Agencies other than the Office of Attorney General for the District of Columbia

**% Increase:**  
**Resolution Number:**  
**Date of Resolution:**

Grade	Step										Between
	1	2	3	4	5	6	7	8	9	10	
09	\$41,849	\$43,243	\$44,637	\$46,031	\$47,425	\$48,819	\$50,213	\$51,607	\$53,001	\$54,395	\$1,394
10	\$46,084	\$47,620	\$49,156	\$50,692	\$52,228	\$53,764	\$55,300	\$56,836	\$58,372	\$59,908	\$1,536
11	\$50,632	\$52,320	\$54,008	\$55,696	\$57,384	\$59,072	\$60,760	\$62,448	\$64,136	\$65,824	\$1,688
12	\$60,679	\$62,703	\$64,727	\$66,751	\$68,775	\$70,799	\$72,823	\$74,847	\$76,871	\$78,895	\$2,024
13	\$72,161	\$74,567	\$76,973	\$79,379	\$81,785	\$84,191	\$86,597	\$89,003	\$91,409	\$93,815	\$2,406
14	\$85,274	\$88,117	\$90,960	\$93,803	\$96,646	\$99,489	\$102,332	\$105,175	\$108,018	\$110,861	\$2,843
15	\$100,308	\$103,651	\$106,994	\$110,337	\$113,680	\$117,023	\$120,366	\$123,709	\$127,052	\$130,395	\$3,343

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Sec. 4. The proposed compensation system changes shall become effective retroactively on October 2, 2005.

Sec. 5. 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. 6. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately.

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A RESOLUTION

16-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$24.9 million in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist The Army Distaff Foundation, Inc. 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 Army Distaff Foundation, Inc. Health Facility Refunding Revenue Bonds Project 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 Army Distaff Foundation, Inc., a 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

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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 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, 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 the financing, refinancing or reimbursing of certain costs to pay for:

(A) The refunding of the outstanding principal amount of the \$13 million District of Columbia Health Facilities Revenue Bonds (The Army Distaff Foundation, Inc. Issue), Series 1999, which financed certain costs of:

(1) Refunding the principal amount of the \$8,250,000 District of Columbia Health Facilities Revenue Bonds (The Army Distaff Foundation, Inc. Issue) Series 1991; and

(2) Renovating and equipping portions of the current continuing care retirement facility at 6200 Oregon Avenue, N.W., Washington, D.C. (the "Existing Facility");

(B) The constructing, equipping, furnishing, and landscaping a proposed 68,000 square foot building addition to the Existing Facility to provide for approximately 22 new independent living apartments, approximately 25 new nursing home beds, and an adjacent parking lot of approximately 58 spaces;

(C) The funding, if necessary, of any working capital costs; and

(D) The paying certain costs of issuance, including fees and premiums for any bond insurance or credit enhancement.

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**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 an aggregate principal amount not to exceed \$24.9 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 health facilities 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 \$24.9 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.

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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 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'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.

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(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 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.

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**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

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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 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 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

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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 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.

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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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

16-593

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve multiyear Contract No. CFOPD-06-C-001 with Optimal Solutions and Technologies to provide an independent review and analysis of the current system documentation and process controls to identify and update gaps, priorities, and internal controls with the Information Technology department of the District of Columbia Lottery and Charitable Games and Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-06-C-001 with Optimal Solution and Technologies 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 of the District of Columbia approves Contract No. CFOPD-06-C-001, a multiyear agreement with Optimal Solutions and Technologies, to provide an independent review and analysis of the current system documentation and process controls to identify and update gaps, priorities, and internal controls with the Information Technology department of the District of Columbia Lottery and Charitable Games and Control Board that will provide for an 18-month period of performance in the amount of \$1,215,974.18.

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.

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A RESOLUTION

16-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To confirm the reappointment of Mr. Joslyn Williams to the Washington Convention Center Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Authority Board of Directors Joslyn N. Williams Confirmation Resolution of 2006".

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

Mr. Joslyn N. Williams  
1311 Delaware Avenue, S.W., #632  
Washington, D.C. 20024  
(Ward 6)

as a public member, from organized labor, of the Washington Convention Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), for a term to end May 16, 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.

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A RESOLUTION

16-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve the exchange of certain real property owned by the District of Columbia and comprising a portion of the Old Convention Center site fronting New York Avenue, N.W., and 9<sup>th</sup> Street, N.W. for an irregularly shaped parcel of land situated between 10<sup>th</sup>, L, and 9<sup>th</sup> Streets, N.W., and Massachusetts, Avenue, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Convention Center Hotel Parcel Exchange Approval Resolution of 2006".

Sec. 2. (a) Pursuant to section 1(b)(5) 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)(5)) ("Act"), the Mayor transmitted to the Council a request for approval of the proposed exchange of real property interests, subject to the terms set forth in this resolution, involving the transfer of a District-owned parcel of land comprising a portion of the Old Convention Center site fronting New York Avenue, N.W., and 9<sup>th</sup> Street, N.W., Washington, D.C. containing approximately 57,749 square feet, identified for purposes of assessment and taxation as a portion of Lot 848 in Square 374 ("District Parcel"), for an irregularly shaped parcel of land situated between 10<sup>th</sup>, L, and 9<sup>th</sup> Streets, N.W., and Massachusetts, Avenue, N.W., Washington, D.C., containing approximately 59,998 square feet, identified for purposes of assessment and taxation as Lots 18, 21, 801-806, 830-836, 838, 839, 843, and 845 in Square 370 ("Headquarters Hotel Parcel"). This exchange shall be subject to the following terms and conditions, in addition to other terms and conditions as the Mayor deems necessary and appropriate:

(1) The District Parcel shall be developed into a Class A or better office, residential, hotel, or retail space, with ground floor retail ("Private Development");

(2) The Private Development shall be constructed and operated in accordance with the master plan guidelines ("Guidelines") to be developed for the entire Old Convention Center site to create a unique, pedestrian-friendly mixed-use experience, all as more specifically set forth in the Exclusive Rights Agreement and Land Disposition Agreement ("ERA"), dated May 12, 2005, by and between the District and Hines Interests Limited Partnership, a Delaware

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limited partnership, and Archstone-Smith Operating Trust, a Maryland real estate investment trust, approved by Council pursuant to the Revised Old Convention Center Site Disposition Approval Resolution of 2005, effective June 7, 2005 (Res. 16-185; 52 DCR 5902); provided, that the Guidelines are approved in accordance with the ERA no later than September 30, 2006;

(3) If the Private Development includes residential development, the area of the District Parcel shall be increased to 60,000 square feet and the Private Development shall include the maximum number of affordable units as may be supported by the incremental land value attributable to the increased size of the District Parcel;

(4) If the Private Development is adversely impacted economically by the Guidelines as a result of, for example, but not by way of limitation, a reduction in the amount of developable density on the District Parcel from that which would otherwise be permitted by current zoning, the District Parcel may be increased to 60,000 square feet as the Mayor determines appropriate; and

(5) The shape of the District Parcel shall be determined by the Mayor consistent with the ERA, except that it shall front New York Avenue, N.W., and 9<sup>th</sup> Street, N.W. For purposes of this subsection, "affordable units" means all residential units developed as part of the Private Development which shall be sold or rented exclusively to households with incomes less than or equal to 80% of the area median income.

(b) The Council has determined that the Old Convention Center Site including the District Parcel is no longer required for public purposes and reaffirms that determination.

(c) The Council, finding that the District Parcel is no longer required for public purposes, approves the proposed exchange of the District Parcel for the Headquarters Hotel Parcel pursuant to the terms and conditions of this resolution.

(d) The Council finds that the Mayor's analysis of economic and other policy factors supporting the exchange of the District Parcel and the Headquarters Hotel Parcel justifies this exchange.

### Sec. 3. 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, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chief Financial Officer.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve the Mayor's spending plan to implement the Neighborhood Investment Act of 2004 for fiscal year 2006.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Neighborhood Investment Act Spending Plan for Fiscal Year 2006 Resolution of 2006".

Sec. 2. Pursuant to section 2 (c) and (e) of the Neighborhood Investment Act of 2004 ("Act"), effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code §6-1071), the Mayor transmitted to the Council a Fiscal Year 2006 Neighborhood Investment Act Spending Plan that lists proposed projects for funding through the Neighborhood Investment Fund ("NIF") created by the Act.

Sec. 3. The Mayor proposed that the following projects and administrative costs associated with the management and administration of the NIF be funded for the fiscal year, projects, target areas, and amounts indicated in this section from the NIF:

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Year	Expenditure	Project Name	Project Description	Project Type	Target Area
FY06	\$400,000	Community Planning Fund	<p>Grants available to community-based organizations to develop neighborhood investment plans in three of the following NIF target areas: Bloomingdale/Eckington, Brightwood/Upper Georgia Ave, Congress Heights, Washington Highlands and Deanwood.</p> <p>The community-based organization will be selected as a result of a competitive Request for Funding (RFP) to be conducted by the Office of the Deputy Mayor for Planning and Economic Development (DMPED).</p>	Planning	Multi
FY06	\$4.9 million	Land Acquisition and Predevelopment Loan Fund	<p>Revolving loan fund to support property acquisition and predevelopment costs of affordable housing and mixed-use projects developed by non-profit and for-profit entities.</p> <p>Specific description of the fund, project and borrower criteria, and other issues will be set forth in a written agreement between the DMPED and the Fund Manager. The Fund Manager will be selected by the DMPED through the RFP Process. Further, the projects and recipients will be selected by a competitive RFP to be conducted by the Fund Manager.</p>	Land Acquisition & Predevelopment	Multi (will include a combination of the targeted areas identified in section 4 of the Act)

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Year	Expenditure	Project Name	Project Description	Project Type	Target Area
FY06	\$2 million	Predevelopment and Project Grant Fund	<p>Grants to support predevelopment and project financing activity for the construction and rehabilitation of housing and mixed-use projects by non-profit entities.</p> <p>Specific description of the fund, project and Grantee criteria, and other issues to be set forth in a written agreement between the DMPED and the Fund Manager. The Fund Manager will be selected by the DMPED through the RFP Process. Further, the projects and recipients will be selected by a competitive RFP to be conducted by the Fund Manager.</p>	Predevelopment	Multi (will include a combination of the targeted areas identified in sec. 4 of the Act)
FY06	\$1.25 million	Thurgood Marshall Academy and Savoy Elementary School and Department of Parks and Recreation Joint Facility	Provide gap financing for the construction of a shared recreation facility at Savoy Elementary School. Facility includes new multipurpose room and full sized gymnasium for use by students of both schools and the community.	Community Facilities	Anacostia
FY06	\$250,000	Redesign and development of pocket park at 14th, Oak Street, and Ogden Street, NW	Current design encourages vagrancy and creates security concerns for neighbors. Redesign park will accommodate large number of disabled community members in adjacent apartment building.	Community Facilities	Columbia Heights
FY06	\$250,000	Georgia Avenue Job Training Center	Provide job training, skill building, and employment services to residents through a selected training provider.	Community Facilities	Columbia Heights

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Year	Expenditure	Project Name	Project Description	Project Type	Target Area
FY06	\$250,000	Redesign and development of park at 14 <sup>th</sup> Street and Girard Street NW	The current sub-grade design obscures site lines, encouraging illegal behavior. Redevelopment includes removing existing concrete, filling recessed portions to street level, adding green space and features to encourage pedestrian use.	Community Facilities	Columbia Heights
FY06	\$350,000	Green Team - 14th and U Main Street and Shaw Main Street	Second phase of a pilot project that trains homeless individuals to "clean and green" retail areas and serve as heritage/business ambassadors.	Job Training and Development, Commercial and Retail Development	Logan Circle, Shaw
FY06	\$40,000	Dunbar High School Pool	Opening pool on Saturdays and Sundays during summers to provide safe recreation opportunities to youth in the Sursum Corda neighborhood	Community Facilities	Shaw
FY06	\$450,000	Neighborhood Grants Program	Matching grants available to neighborhood groups to complete community oriented projects in the following topic areas: physical improvements/beautification cultural, social, recreation activities; education and skill building initiatives; public safety. Types of grants available: (1) Small and Simple projects up to \$15,000 (completed within 6 months) (2) Major Projects up to \$75,000 (completed within 1 year). The neighborhood organizations will be selected as a result of a competitive RFP to be conducted by the Office of the DMPED.	Varies	Multi (will include a combination of the targeted areas identified in sec. 4 of the Act).

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Year	Expenditure	Project Name	Project Description	Project Type	Target Area
FY06	\$200,000	Oxon Run Park Playgrounds	Improvements to four playgrounds in Oxon Run Park. Work includes safety improvements, fencing, and path and sidewalk installation	Community Facilities	Washington Highlands, Bellevue, Congress Heights
FY06	\$225,000	Ft. Greble Playground & Tot lot	Design and install new playground and tot lot.	Community Facilities	Bellevue
FY06	\$200,000	Ferebee Hope School Fields	Improvements to soccer, football fields and installation of benches, fencing	Community Facilities	Washington Highlands
FY06	\$300,000	Anacostia Main Street Improvements	Repairs to Anacostia Gateway Sign (1115 Good Hope Road), and placement of tree boxes along the corridor, installation of blade signs, minor facade improvements to selected structures such as security gate removal and painting.	Commercial & Retail Development	Anacostia
FY06	\$500,000	Ft. Stanton Park & Recreation Facilities	Total restoration of 2 ball fields, fencing installation, and development of 9-hole golf course.	Community Facilities	Anacostia
FY06	\$800,000	Nannie Helen Boroughs/Division Ave.- Commercial Node Improvements	Enhancement of commercial area including property acquisition (potential for community arts use), façade renovations, and greening/street trees.	Commercial & Retail Development, Infrastructure	Deanwood
FY06	\$230,000	Evans School Field	Improvements to baseball facilities, including total ball field restoration, replace lighting, and add fencing	Community Facilities	Deanwood
FY06	\$500,000	Watts Branch Park	Improvements per draft master plan and capital improvement plan, including new trail, for Watts Branch Park scheduled for summer 2005	Community Facilities	Deanwood

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Year	Expenditure	Project Name	Project Description	Project Type	Target Area
FY06	\$510,000	RL Christian Library	Develop design and construction documents for proposed mixed-use facility, including expanded RL Christian library. Also, facility costs for a temporary facility for the Library on H Street during the mixed-use development.	Community Facilities	H Street
FY06	\$410,000	1 <sup>st</sup> Street and Florida Avenue, NW Park	Total redesign, and development of existing concrete park with history of illegal/criminal activity. Work includes: concrete removal and landscaping, playground improvement, fencing, and park furniture	Community Facilities	Bloomingdale / Eckington & Shaw
FY06	\$500,000	K.C. Lewis Park and Recreation Facilities	Redevelop park with new playground equipment, ball field improvements, and passive park space (landscaping, park furniture)	Community Facilities	Bloomingdale /Eckington
FY06	\$300,000	Brookland Main Street Improvements	Enhancement of Main Street including facade renovations, greening/street trees, and signage	Commercial & Retail Development	Brookland/ Edgewood
FY06	\$600,000	Dwight A. Mosley Park and Recreation Facilities	Upgrade 3 heavily used baseball fields, improve circulation paths and walking track	Community Facilities	Brookland/ Edgewood
FY06	\$600,000	10th Street NW Park	Implementation of redevelopment plan created with ANC and French Street Civic Association	Community Facilities	Shaw and Logan Circle
FY06	\$1.6 million	Columbia Heights Civic Plaza (14th St., Park Rd., Kenyon NW)	Construction of the Civic Plaza as outlined in the Columbia Heights Public Realm Framework Plan.	Infrastructure, Community Facilities	Columbia Heights
FY06	\$400,000	Emery Recreation Center	Improvements to park, grounds, ball fields, and community garden.	Community Facility	Brightwood
FY06	\$500,000	Atlas Theatre	The costs of the theater's lighting and stage rigging in the main theater, which is now under construction.	Community Facilities	H Street

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Year	Expenditure	Project Name	Project Description	Project Type	Target Area
FY06	\$777,000	General Administration	Administrative expenditures for program start-up, monitoring and legal services.	Varies	Multi (will include a combination of the targeted areas identified in section 4 of the Act).
<b>Project total FY06</b>	<b>\$18,515,000</b>				
<b>Total</b>	<b>\$19,292,000</b>				

Sec. 4. Funding for the Community Planning Fund, the Land Acquisition and Pre-development Loan Fund, the Pre-development and Project Grant Fund, and the Neighborhood Grants Program identified in the Neighborhood Investment Fund Spending Plan will be disposed of through a competitive RFP process administered by the Office of the Deputy Mayor for Planning and Economic Development.

Sec. 5. The Council approves the spending plan set forth in section 3.

Sec. 6. 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. 7. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 8. This resolution shall take effect immediately.

A RESOLUTION

16-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency, due to Congressional review, 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 Amendment Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists a continued 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 had not been receiving the information it needs from the Superior Court to take the requisite licensing action. The Department of Motor Vehicles must receive a driver's license number or social security number in order to accurately identify the individual convicted of the offense.

(b) The Council enacted the Drug Offense Driving Privileges Revocation and Disqualification Emergency Amendment Act of 2006, effective January 26, 2006 (D.C. Act 16-256; 53 DCR 770) ("Emergency Act"), which remedied the above-referenced matter. The Emergency Act will expire on April 26, 2006.

(c) The Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006, signed by the Mayor on February 27, 2006 (D.C. Act 16-295; 53 DCR 1871) ("Temporary Act"), is currently pending Congressional review and has a projected law date of May 11, 2006.

(d) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the Temporary Act is in effect.

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 Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-598

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency, due to Congressional review, 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 Congressional Review 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 Congressional Review Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

**ENROLLED ORIGINAL**

A RESOLUTION

16-599

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 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 Congressional Review 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.

(e) 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.

(f) The Identity Theft Technical Emergency Amendment Act of 2006, effective January 26, 2006 (D.C. Act 16-257; 53 DCR 772), will expire on April 26, 2006. The Identity Theft Technical Temporary Amendment Act of 2006, signed by the Mayor on February 26, 2006 (D.C. Act 16-296; 53 DCR 1873), is pending Congressional review.

(g) The emergency legislation is necessary to prevent a gap in the legal authority.

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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 Congressional Review Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to authorize payment to Lincoln Property Company for renovation and reconstruction services provided to the Department of Human Services without a written contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lincoln Property Company Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Social Security Administration ("SSA") determined that the office space occupied by the Department of Human Services ("DHS") on the eighth floor at 810 First Street, N.E. ("Property") was not compatible with the needs and requirements of the SSA. The SSA transferred sufficient funds to DHS to make the appropriate office renovations.

(b) The District of Columbia leases the Property from W9/LWS Real Estate Limited Partnership ("Landlord"). The Landlord has engaged Lincoln Property Company ("Lincoln") to manage the Property.

(c) DHS, the Landlord, and Lincoln discussed the proposed renovations, and Lincoln undertook to engage a contractor, pending final approval from the District. Without the consent or approval of DHS or Lincoln, the contractor proceeded with the renovation work on the Property. When DHS learned of the unauthorized work, they requested that Lincoln cease the work immediately. Lincoln has not paid the contractor for the work performed. The total cost to DHS for unauthorized services for the period June 1, 2005 through June 30, 2005 is \$139,994.19.

(d) DHS received renovation and reconstruction services that benefited the District; the Contracting Officer has determined that the price charged for the services received is fair and reasonable; the DHS Chief Financial Officer has certified that appropriated funds are available and are unallocated to any other purpose; and the District's Chief Procurement Officer, upon review, has recommended, through the Mayor, that the contract be ratified.

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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 Lincoln Property Company Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to clarify that this law does not prohibit disclosure and release of information and records of the Mental Retardation and Developmental Disabilities Fatality Review Committee and the Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disclosure of Mental Retardation and Developmental Disabilities Fatality Review Committee and Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit Information and Records Emergency Declaration Resolution of 2006".

Sec. 2. There exists an immediate need to amend the provisions of section 512 of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1305.12), to clarify that this section does not prevent access to, nor disclosure and release of, information and records of the Mental Retardation and Developmental Disabilities Fatality Review Committee and the Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit.

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 Disclosure of Mental Retardation and Developmental Disabilities Fatality Review Committee and Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit Information and Records 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

16-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to order the legal closing of a portion of the alley system in Square 743N, bounded by South Capitol Street, S.E., L Street, S.E., New Jersey Avenue, S.E., and M Street, S.E., in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of Public Alleys in Square 743N, S.O. 04-12457 Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close 2 8-foot wide public alleys in Square 743N.

(b) This alley closing legislation will facilitate development in the western half of Square 743N of a mixed-use residential (approximately 226,000 square feet in 265 units) and office (approximately 263,000 square feet) project with ground floor retail uses (approximately 15,000 square feet) and underground parking (approximately 240 spaces). The proposed closing has received the support of various District agencies, including the Office of Planning, the Department of Transportation, and the Department of Fire and Emergency Services, and also has received support from Advisory Neighborhood Commission 6D.

(c) The development of this mixed-use project will have a positive fiscal impact on the District of Columbia through the generation of substantial new revenue in the form of construction related income, sales and use, franchise, and recordation and transfer taxes totalling more than \$14 million, and annual property and income tax revenues totalling more than \$6 million. The project will also generate approximately 300 full-time new jobs during construction of the project full-time TE) and in the operation of the ground floor commercial uses. The applicant also has agreed to enter into a First Source Employment Agreement with the District's Department of Employment Services.

(d) The closing of the two 8-foot wide alleys is critical for the feasibility of development of this important mixed-use project. The applicant has financing commitments in place until June 30, 2006 to proceed with the project. The terms of those commitments prevent the applicant from proceeding with redevelopment of the site without closure of the 2 public

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alleys. Even though the District will have completed its review and approval processes related to the alley closings by that date, the Congressional review period will not have expired.

(e) The Council has previously passed similar emergency, temporary and permanent legislation.

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 Closing of Public Alleys in Square 743N, S.O. 04-12457, Emergency Declaration Resolution of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-603

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to approve a contract by the District of Columbia Sports and Entertainment Commission for crowd control services for RFK Memorial Stadium and to authorize payment for services under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contemporary Services Corporation Contract Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the contract between Contemporary Services Corporation ("CSC") and the District of Columbia Sports and Entertainment Commission ("DCSEC") for crowd control services at Robert F. Kennedy Memorial Stadium and to authorize payment for services received under that contract.

(b) In May 2005, the contract between DCSEC and CSC for crowd control services at RFK Stadium expired.

(c) During the negotiations for the new contract, DCSEC discovered that CSC was required to pay its employees higher wage rates as required by the Service Contract Act of 1965, a Federal law governing the wage rates paid to the employees of certain federal and District contractors.

(d) Because of the ongoing need to provide crowd control services for Washington Nationals and D.C. United games, CSC continued to provide services at RFK Stadium and paid its employees less than the hourly wage rate required by the Service Contract Act during the entire 2005 baseball and soccer seasons.

(e) After several months of discussions among DCSEC, CSC, and the United States Department of Labor, an agreement has now been reached that will allow CSC to pay its employees \$473,000 in back pay representing their wages for 2005 under the Service Contract Act.

(f) The amount of Service Contract Act back pay \$473,000 combined with the amount previously obligated or paid to CSC, \$ 997,000, exceeds \$1 million in a twelve month period, and therefore, requires Council approval pursuant to section 451 of the District of Columbia Home Rule Act.

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(g) The total amount of this contract is \$1.47 million. Those funds have already been appropriated and the contract is all that remains to be approved.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contemporary Services Corporation Contract Approval and Payment Authorization Emergency Act of 2006 be enacted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to modify the contract dated October 21, 2002 and entitled "Cable Television Franchise Agreement", between the District of Columbia government and Comcast Cablevision of the District, LLC, to enable additional contributions to be made to the District's Institutional Network.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Comcast Cable Television Franchise Agreement Modification Emergency Declaration Resolution of 2006".

Sec. 2. (a) The parties to the Cable Television Franchise Agreement ("Franchise Agreement") have agreed to amend the Franchise Agreement to reflect that Comcast Cablevision of the District, LLC ("Company") has agreed to make additional contributions to the District's Institutional Network, such as additional fiber optic cable, on a schedule that is not currently indicated in the parties' Contract.

(b) Section 15.19 of the Franchise Agreement provides that, except where otherwise required, the Franchise Agreement may only be modified (in whole or in part) by a written instrument that is duly authorized and executed by the District and the Company.

(c) The Franchise Agreement modifications contemplated by the parties will enable the District to connect more than 150 District schools to a central communications system. Once these schools are connected to this central communications system, they will be eligible to receive significantly-discounted cable modem service rates ("E-rates"), provided that they are connected to the central communications system on or before July 1, 2006. Given the significant amount of work that must be done in order to connect each of these schools to the above-referenced central communications system, it is necessary to begin that technical process immediately if the District is to meet its July 1, 2006 deadline. Accordingly, it is necessary to immediately modify the parties' Franchise Agreement in order to timely facilitate the above-referenced technical upgrades to District school communications systems.

(d) The proposed Comcast Cable Television Franchise Agreement Modification Emergency Act of 2006 would approve, on an emergency basis, the modification of the parties' October 21, 2002 Franchise Agreement in a manner that would allow the District to successfully complete the above-referenced upgrade of its schools' communications systems.

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 Comcast Cable Television Franchise Agreement Modification Emergency Act of 2006, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to direct the Mayor to enter into consultation with the Commanding General of the National Guard of the District of Columbia to establish a plan for the National Guard to assist the Special Operations Division of the Metropolitan Police Department with its functions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Guard Operations Coordination Emergency Declaration Resolution of 2006".

Sec. 2. (a) Among the functions performed by the Special Operations Division ("SOD") of the Metropolitan Police Department ("MPD") are providing manpower for crowd management situations and unusual occurrences, coordinating special events and other incidents occurring in public, planning and executing escort and security for the President and Vice-President of the United States and other protectees, and providing security support for federal and local government functions.

(b) On occasions MPD officers who are assigned to neighborhood duties are removed from those duties to supplement and support SOD manpower, such as assisting with the temporary closure of streets for the security of the President and Vice-President of the United States when they are moving about the District.

(c) The National Guard of the District of Columbia is authorized by section 4 of An Act To provide for the organization of the Militia of the District of Columbia, approved March 1, 1889 (25 Stat. 773; D.C. Official Code § 49-404) to aid civil authorities in the execution of its laws.

(d) Between 50 and 75 members of the highly trained National Guard Reaction Force could be made available to provide assistance to the MPD SOD in performance of its duties.

(e) Development of a plan by the Mayor and the Commanding General of the National Guard whereby the National Guard would furnish supplemental manpower to the SOD would benefit District residents at no additional cost.

(f) The health, safety, and welfare of District residents would be enhanced because MPD officers would be able to carry out their assigned duties to neighborhoods without diversion or

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interruption and be more readily available to respond to calls for service.

(g) Because of the continuing MPD manpower shortage in the neighborhoods, it is important that the Mayor institute discussions to implement a plan that would alleviate the exacerbation of this shortage.

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 National Guard Operations Coordination Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

**ENROLLED ORIGINAL**

A RESOLUTION

16-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to amend the eligibility criteria and the dispute resolution provisions for the D.C. Health Care Safety Net Administration within the Department of Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Care Safety Net Administration Rulemaking Amendments Approval Emergency Declaration Resolution of 2006".

Sec. 2. Pursuant to section 7a of the Health Care Privatization Amendment Act of 2001, effective March 30, 2004 (D.C. Law 15-109; D.C. Official Code § 7-1405.01), the Mayor transmitted proposed rules to amend the eligibility criteria and dispute resolution provisions for D.C. Health Care Alliance and requested Council approval on an emergency basis, because it was important that the rules be affirmatively approved prior to April 26, 2006, the date by which previously transmitted rules would have been deemed disapproved.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 3 constitute an emergency making it necessary that Health Care Safety Net Administration Rulemaking Amendments Approval Resolution of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve, on an emergency basis, the proposed rules to amend the eligibility criteria and the dispute resolution provisions for the D.C. Health Care Alliance program administered by the Health Care Safety Net Administration within the Department of Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Care Safety Net Administration Rulemaking Amendments Emergency Approval Resolution of 2006".

Sec. 2. Pursuant to section 7a of the Health Care Privatization Amendment Act of 2001, effective March 30, 2004 (D.C. Law 15-109; D.C. Official Code § 7-1405.01), the Mayor, on March 28, 2006, transmitted to the Council proposed rules to amend the eligibility criteria and dispute resolution provisions for D.C. Health Care Alliance administered by the Health Care Safety Net Administration within the Department of Health. The Council hereby approves the proposed rules published at 53 DCR 1551, to amend Chapter 33 of Title 22 of the District of Columbia Municipal Regulations.

Sec. 3. 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 (84 Stat. 813; D.C. Code § 1-206.02(c)(3)).

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to authorize the Mayor to issue grants of up to \$2.1 million of the local funds appropriated to the District to the Children and Youth Investment Collaborative to allow community partners to continue their youth violence program initiatives.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Grant-Making Authority for Youth Violence Initiatives Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an urgent need for the District to authorize the Mayor, on an emergency basis, to issue grants of up to \$2.1 million of the local funds appropriated to the District of Columbia in the District of Columbia Appropriations Act, 2006 to the Children and Youth Investment Collaborative to allow community partners to continue their youth violence program initiatives, such as gang intervention, truancy reduction services, and crisis response efforts.

(b) Emergency legislation is required so our community partners can continue these initiatives. A delay in receiving this authority may result in a lapse of critical violence intervention services to District youth.

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 Local Grant-Making Authority for Youth Violence Initiatives Emergency Act of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to authorize the expenditure through a grant of up to \$1 million of local funds to My Sister's Place, Inc., for its Sanctuary Plus Campaign to raise capital funds to provide shelter assistance for victims of domestic violence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "My Sister's Place, Inc., Grant Authority Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an urgent need for the District to authorize the Mayor to make a grant of up to \$1 million to My Sister's Place, Inc., for its Sanctuary Plus Campaign to raise capital funds to provide shelter assistance for victims of domestic violence.

(b) The Chief Financial Officer, through a revised quarterly revenue estimate for Fiscal Year 2006, has certified that \$1 million is available for the Office of Victim Services, Deputy Mayor for Public Safety to expand shelter assistance for victims of domestic violence pursuant to section 1016(3) of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503).

(c) Emergency legislation is required so that the District may immediately begin to implement plans to provide service-enriched emergency beds to victims of domestic violence.

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 My Sister's Place, Inc., Grant Authority Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-610

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to approve Contract No. CFOPD-06-C-025 with Commerce Bank, N.A., for the provision of Ballpark Revenue Bond registrar, paying agent, and trustee services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-06-C-025 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFOPD-06-C-025 to permit execution of a multiyear contract for registrar, paying agent, and trustee services for the Ballpark Revenue Bonds.

(b) On December 6, 2005, the Office of the Chief Financial Officer's Office of Contracts, issued IFB No. CFOPD-06-I-025 for a ballpark revenue bond registrar, paying agent, and trustee. Seven bids were received on December 12, 2005 with the intent to make a single award. Commerce Bank, N.A., bid to provide the required services for 30 years in the amount of \$53,500, which included an initial year payment of \$2,750. Approval is necessary to allow the issuance of the Fiscal Year 2006 Ballpark Revenue Bonds within the period to which the District has committed, i.e., approximately 2 months from the date of Council approval of the lease agreement between the District and Major League Baseball.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-06-C-025 Approval and Payment Authorization Emergency Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-611

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve, on an emergency basis, a proposed 30-year contract with Commerce Bank, N.A., to provide Ballpark Revenue Bond registrar, paying agent, and trustee services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-06-C-025 Approval and Payment Authorization Emergency Resolution of 2006".

Sec. 2. The Office of Contracts of the Chief Financial Officer has a need to execute immediately a contract with Commerce Bank, N.A., Contract No. CFOPD-06-C-025, for registrar, paying agent, and trustee services, in the amount of \$53,500, including an initial year payment of \$2,750. Approval is necessary to allow the issuance of the Fiscal Year 2006 Ballpark Revenue Bonds within the period to which the District has committed, i.e., approximately 2 months from the date of Council approval of the lease agreement between the District and Major League Baseball.

Sec. 3. 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), the Council approves Contract No. CFOPD-06-C-025 with Commerce Bank, N.A.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Director of the Office of Contracts of the Chief Financial Officer.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-612

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To declare the existence of an emergency with respect to the need to approve Contract No. CFOPD-06-C-031 with Wells Fargo Bank, N.A., for the provision of auction agent services for the construction of the new ballpark.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-06-C-031 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFOPD-06-C-031 to permit execution of a multiyear contract for a ballpark revenue bond auction agent.

(b) On March 2, 2006, the Office of the Chief Financial Officer's Office of Contracts issued IFB No. CFOPD-06-I-031 for a ballpark revenue bond auction agent. Four bids were received on March 16, 2006 with the intent to make a single award. Wells Fargo Bank, N.A., bid to provide the required services for 30 years in the amount of \$36,000. This bid provides for annual payments of \$1,200. Approval is necessary to allow the issuance of the Fiscal Year 2006 Ballpark Revenue Bonds within the period to which the District has committed, i.e., approximately 2 months from the date of Council approval of the lease agreement between the District and Major League Baseball.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-06-C-031 Approval and Payment Authorization Emergency Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-613

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2006

To approve, on an emergency basis, a proposed 30-year contract with Wells Fargo Bank, N.A. to provide Ballpark Revenue Bond auction agent services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-06-C-031 Approval and Payment Authorization Emergency Resolution of 2006".

Sec. 2. The Office of Contracts of the Chief Financial Officer has a need to execute immediately a contract with Wells Fargo Bank, N.A., Contract No. CFOPD-06-C-031, for auction agent services, in the amount of \$36,000, including an initial year payment of \$1,200. Approval is necessary to allow the issuance of the Fiscal Year 2006 Ballpark Revenue Bonds within the period to which the District has committed, i.e., approximately 2 months from the date of Council approval of the lease agreement between the District and Major League Baseball.

Sec. 3. 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), the Council approves Contract No. CFOPD-06-C-031 with Wells Fargo Bank, N.A.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Director of the Office of Contracts of the Chief Financial Officer.

Sec. 5. This resolution shall take effect immediately.