

MAY 12 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved  
April 13, 2006

To approve proposed rules to add Chapter 48 to Title 14 of the District of Columbia Municipal Regulations, to provide for the procedures to be followed by an affected tenant, resident, or resident association when submitting for review a petition and complaint for the eviction of a tenant or occupant of a rental unit used as a drug haven, or an action to abate a nuisance, pursuant to section 1307 of the Residential Drug-Related Evictions Re-enactment Act of 2000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Residential Drug-Related Evictions Regulations Approval Resolution of 2006".

Sec. 2. Pursuant to section 1311 of the Residential Drug-Related Evictions Re-enactment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 42-3610), the Mayor submitted to the Council proposed rules to implement the provisions of section 1307 of the Residential Drug-Related Evictions Re-enactment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 42-3606). The Council approves the proposed rules to add Chapter 48 to Title 14 of the District of Columbia Municipal Regulations.

Sec. 3. 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

16-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To appoint Mr. Miles Steele III to the Library Enhancement Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Library Enhancement Task Force Miles Steele III Appointment Resolution of 2006".

Sec. 2. The Council of the District of Columbia appoints:

Mr. Miles Steele III  
2625 36<sup>th</sup> Street, SE  
Washington, DC 20020

as a public member appointed by the Council to the Library Enhancement Task Force, established by section 9 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, effective April 4, 2006 (D.C. Law 16-78; 53 DCR 802), for a 3-year term.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

16-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency, due to Congressional review, 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 Congressional Review 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 § 7-1131.01 *et seq.*), established the Department of Mental Health ("DMH") as a separate cabinet-level department subordinate to the Mayor and provided DMH with the authority to establish compensation for all employees of DMH.

(c) The legislation had the unintended consequence of suspending ongoing collective bargaining negotiations between DMH and the collective bargaining units that represent DMH employees.

(d) In January 2006, the Council enacted the Department of Mental Health Collective Bargaining Agreements Emergency Act of 2006, effective January 26, 2006 (D.C. Act 16-254; 53 DCR 761) ("Emergency Act"), which authorized DMH to complete the current round of collective bargaining negotiations. The Emergency Act expired on April 26, 2006.

(e) Temporary legislation, the Department of Mental Health Collective Bargaining Agreements Temporary Act of 2006, signed by the Mayor on February 27, 2006 (D.C. Act 16-305; 53 DCR 1920), was transmitted to Congress on March 8, 2006, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and has a current projected law

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date of May 11, 2006.

(f) It is important that the provisions of the Emergency Act continue in effect until the temporary legislation has become law.

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 Congressional Review Emergency Act of 2006 be adopted on an emergency basis.

Sec 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

16-617

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes to authorize the Board of Education to sell and convey a portion of the School Without Walls property and density rights to the George Washington University for the purpose of renovating and expanding the School Without Walls pursuant to a development partnership.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the " School Without Walls Development Project Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The School Without Walls Development Project Emergency Amendment Act of 2006, effective February 27, 2006 (D.C. Act 16-285; 53 DCR 1637), authorized the Board of Education to sell and convey to the George Washington University ("GWU") approximately 8,600 square feet of land located on a portion of the property identified as Lot 829 in Square 80 and known as the School Without Walls public high school ("School Without Walls") that is currently used as a parking lot, to sell and convey to GWU certain density rights not used by the District of Columbia Public Schools ("DCPS") at Lot 829, Square 80, and to enter into and execute all agreements necessary to consummate these sales; provided, that DCPS reports to the Mayor and Council on the design, budget, and spending plan prior to commencement of the renovation project and DCPS and GWU have entered into a development partnership agreement, approved by the Board, to renovate and expand the School Without Walls. D.C. Act 16-285 will expire on May 28, 2006.

(b) The School Without Walls Development Project Temporary Amendment Act of 2006, signed by the Mayor on March 24, 2006 (D.C. Act 16-318), is pending Congressional review and is not projected to become law until June 7, 2006.

(c) This emergency 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 School Without Walls Development Project Congressional Review 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

16-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish a fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Victims of Domestic Violence Fund Establishment Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Victims of Domestic Violence Fund Establishment Emergency Act of 2006, effective March 2, 2006 (D.C. Act 16-307; 53 DCR 1924), will expire on May 31, 2006.

(b) The Victims of Domestic Violence Fund Establishment Temporary Act of 2006, signed by the Mayor on March 23, 2006 (D.C. Act 16-316; 53 DCR 2540) is projected to become law June 7, 2006.

(c) The Council must enact a new emergency in order that no gap occurs between the expiration of the emergency act and the effective date of the temporary act.

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 Victims of Domestic Violence Fund Establishment Congressional Review Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

16-619

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to impose a \$300 million cap on the District's contribution to the payment of the hard costs and a \$175 million cap on the District's contribution to the payment of certain soft costs of constructing the proposed ballpark, and to approve the proposed lease agreement between Baseball Expos, L.P., and the District of Columbia Sports and Entertainment Commission under specified conditions for the new ballpark in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ballpark Hard and Soft Costs Cap and Lease Conditional Approval Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) There was an immediate need to approve a lease for the new baseball stadium, under specified conditions, in order for the District to obtain financing for the construction of the new stadium as soon as possible and to commence and complete construction of the stadium in a timely manner and to avoid late completion penalties.

(b) There was also an immediate need to cap the expenditure of local funds that will be spent on the hard and soft costs of constructing a new baseball stadium in the District of Columbia to protect the District from being exposed to an open checkbook.

(c) The proposed Design Build and Completion Guarantee Agreement transmitted to the Council on February 3, 2006, by the District of Columbia Sports and Entertainment Commission included a budget that projected that the District's contribution to the hard costs of constructing the new baseball stadium would be no more than \$300 million.

(d) In February 2006, the Council enacted the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Emergency Act of 2006, effective February 14, 2006 (D.C. Act 16-277; 53 DCR 1131) ("Emergency Act"), which placed a cap on the District's contribution to the hard and soft construction costs of the new stadium. The Emergency Act expires on May 15, 2006.

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(e) Temporary legislation, the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006, signed by the Mayor on March 23, 2006 (D.C. Act 16- 317; 53 DCR 2542), was transmitted to Congress on April 5, 2006, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until June 7, 2006.

(f) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute an emergency making it necessary that the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Congressional Review Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate amount not to exceed \$10.4 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Family and Child Services of Washington, D. C. 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 "Family and Child Services of Washington, D.C. 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 owner shall be Family and Child Services of Washington, D.C., Inc., a nonprofit corporation organized under the laws of the District of Columbia and exempt from federal income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(c)(3)).

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

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

(7) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

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

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

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

(11) "Project" means:

(A) The acquisition, renovation, furnishing, and equipping of land and an existing building containing approximately 32,000 square feet, located at 1509 16<sup>th</sup> Street, N.W., Washington, D.C., for use as office space for business administration purposes with some limited counseling activities, together with other property functionally related and subordinate thereto;

(B) The acquisition of an adjoining approximately 6,270 square foot parcel of unimproved land located on Church Street, N.W., Washington, D.C., for use as a parking lot, together with other property functionally related and subordinate thereto;

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

(D) The funding of capitalized interest;

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

(F) The paying of eligible Issuance Costs; and

(G) The paying of the cost of any bond insurance or other 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 \$10.4 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 a capital project as facilities used to house and equip operations related to social services and industrial and commercial development by facilitating the provision of a broad range of professional services and supports in areas such as individual, family and group counseling, child placement, camping, and services to older Americans, 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:

- (1) Financing and refinancing the costs of the project;
- (2) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$10.4 million; and
- (3) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing and refinancing 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

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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 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 of Columbia, 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

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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 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

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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.

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

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

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

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District 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.

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## 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.

(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, a 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.

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**Sec. 18. Transmittal.**

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

**Sec. 19. Fiscal impact statement.**

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

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A RESOLUTION

16-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. Sue Ann Marshall to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Sue Ann Marshall Confirmation Resolution of 2006".

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

Ms. Sue Ann Marshall  
3426 16<sup>th</sup> Street, N.W.  
Washington, D.C. 20010  
(Ward 1)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(3) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(3)), to serve a term of up to 3 years, 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

16-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. Kari K. Bedell to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Kari K. Bedell Confirmation Resolution of 2006".

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

Ms. Kari K. Bedell  
15703 Bold Eagle School Road  
Brandywine, Maryland 20613

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 3 years, 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

16-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Michael L. Ferrell to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Michael L. Ferrell Confirmation Resolution of 2006".

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

Mr. Michael L. Ferrell  
1611 Lemontree Lane  
Silver Spring, Maryland 20904

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 3 years, 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

16-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. E. Schroeder Stribling to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness E. Schroeder Stribling Confirmation Resolution of 2006".

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

Ms. E. Schroeder Stribling  
504 Fleetwood Street  
Silver Spring, Maryland 20910

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 3 years, 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

16-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. Judith L. Dobbins to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Judith L. Dobbins Confirmation Resolution of 2006".

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

Ms. Judith L. Dobbins  
4312 Kinmaunt Road  
Lanham, Maryland 20706

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 3 years, 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

16-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Jackie L. Chandler to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Jackie L. Chandler Confirmation Resolution of 2006".

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

Mr. Jackie L. Chandler  
1338 R Street, N.W.  
Washington, D.C. 20009  
(Ward 2)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(5) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(5)), to serve a term of up to 3 years, 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

16-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. Nan P. Roman to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Nan P. Roman Confirmation Resolution of 2006".

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

Ms. Nan P. Roman  
3817 Legation Street, N.W.  
Washington, D.C. 20015  
(Ward 3)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(6) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(6)), to serve a term of up to 3 years, 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

16-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Chapman Todd to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Chapman Todd Confirmation Resolution of 2006".

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

Mr. Chapman Todd  
4445 Harrison Street, N.W.  
Washington, D.C. 20015  
(Ward 3)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 2 years, 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.

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ENROLLED ORIGINAL

A RESOLUTION

16-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Craig L. Keller to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Craig L. Keller Confirmation Resolution of 2006".

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

Mr. Craig L. Keller  
1613 Harvard Street, N.W., Apt. #507  
Washington, D.C. 20009  
(Ward 1)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 2 years, 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

16-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. Kelly Sweeney McShane to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Kelly Sweeney McShane Confirmation Resolution of 2006".

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

Ms. Kelly Sweeney McShane  
5011 34<sup>th</sup> Street, N.W.  
Washington, D.C. 20008  
(Ward 3)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 2 years, 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

16-631

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Carlos A. Vega-Matos to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Carlos A. Vega-Matos Confirmation Resolution of 2006".

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

Mr. Carlos A. Vega-Matos  
3804 Elbert Avenue  
Alexandria, Virginia 22305

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), to serve a term of up to 2 years, 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

16-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Ms. Cheryl K. Barnes to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Cheryl K. Barnes Confirmation Resolution of 2006".

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

Ms. Cheryl K. Barnes  
461 H Street, N.W., #325  
Washington, D.C. 20001  
(Ward 6)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(5) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(5)), to serve a term of up to 2 years, 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

16-633

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. James Chester Grey to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness James Chester Confirmation Resolution of 2006".

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

Mr. James Chester Grey  
3820 12<sup>th</sup> Street South  
Arlington, Virginia 22204

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(6) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(6)), to serve a term of up to 2 years, 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

16-634

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Robert Scott McNeilly to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Robert Scott McNeilly Confirmation Resolution of 2006".

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

Mr. Robert Scott McNeilly  
1870 Wyoming Avenue, N.W., #504  
Washington, D.C. 20009  
(Ward 1)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(6) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(6)), to serve a term of up to 2 years, 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

16-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To confirm the appointment of Mr. Darryl A. Becher to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Darryl A. Becher Confirmation Resolution of 2006".

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

Mr. Darryl A. Becher  
2-A SW Lane, S.W.  
Washington, D.C. 20032  
(Ward 8)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(5) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(5)), to serve a term of up to 2 years, 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

16-636

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to clarify the intent of the Council that the AccessRx Act of 2004 be substantially the same as a Maine law upheld in federal court litigation and that the law applies to individuals who reside or are employed in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "AccessRx Act Clarification Emergency Declaration Resolution of 2006".

Sec. 2. (a) On March 2, 2004, the Council unanimously approved Bill 15-569, the AccessRx Act of 2004. The bill became D.C. Law 15-164 on May 18, 2004, after the expiration of the 30-day Congressional review period. The law is now codified at D.C. Official Code §§ 48-831.01 *et seq.* The District's law is patterned after a Maine law on the same subject matter, Me. Rev. Stat. Ann. tit. 22, § 2699.

(b) Title I of AccessRx establishes a program to assist District residents who are low-income elderly or uninsured to purchase prescription drugs. Title II establishes transparent business practices for pharmacy benefit managers ("PBMs") and Title III requires drug manufacturers and labelers to disclose and report marketing costs. Title II statutorily defines the relationship between a PBM and its clients operating in the District as a fiduciary relationship. AccessRx at § 201. Title II also requires a PBM to notify its clients in writing of any conflicts of interest, and to pass on to clients "in full" any financial or other consideration the PBM receives from a drug manufacturer. *Id.* at § 201(b)(2). The PBM and the client, however, may agree by contract for the return of some or all of the manufacturer-derived consideration. *Id.*

(c) On June 29, 2004, the Pharmaceutical Care Management Association ("PCMA") sued to invalidate Title II in the United States District Court for the District of Columbia. By Order dated December 21, 2004, the U.S. District Court preliminarily enjoined enforcement of Title II. On March 9, 2004, prior to PCMA suing the District, the Maine legislature had amended the Maine law, which had also been preliminarily enjoined in a lawsuit brought by PCMA. Following the action of the Maine legislature, a federal district court on April 13, 2005,

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vacated the preliminary injunction and upheld the Maine law against all of PCMA's constitutional and statutory challenges. The United States Court of Appeals for the First Circuit ("First Circuit") affirmed on November 8, 2005, *PCMA v. Rowe*, 429 F.3d 294 (2005), and on January 9, 2006 denied a rehearing.

(d) On January 18, 2005, the District of Columbia appealed the District Court's preliminary injunction of Title II of AccessRx and on January 31, 2006, the United States Court of Appeals for the District of Columbia Circuit directed the District Court to reconsider the preliminary injunction in light of the First Circuit's decision upholding the Maine law.

(e) To ensure that there will be no further delay in implementing Title II, it is necessary to amend Title II to conform to the Maine law without affecting the principal substantive provisions of Title II. Immediate amendment to Title II of AccessRx should ensure that the current differences in language between the Maine and District laws not serve as justifications for a prolongation of the preliminary injunction.

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 AccessRx Act Clarification Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-637

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to provide future tax exemption and forgiveness for accrued taxes for the Far Southeast Community Organization on lots 73, 74, and 75, square 5753.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Far Southeast Community Organization is a nonprofit community-based, tax-exempt organization, dedicated to the development of inclusive housing, and should be exempt from real property taxes. The organization has long been in the business of providing housing counseling services, and direct services and referral services with regard to human service needs.

(b) The housing crisis in the District, especially in Ward 8, is at a critical level, and Ward 8 is the last frontier with respect to development.

(c) The Far Southeast Community Organization will partner with the United Planning Organization to develop inclusive housing, but would be unable to do so without tax forgiveness now and tax exemption in the future.

(d) The Far Southeast Community Organization should receive tax forgiveness and future exemptions because of the planned use of the property; the homes currently being built are not affordable to Ward 8 residents.

(e) The Far Southeast Community Organization did not request exemption when the organization took title to the property because it was undeveloped land, but it now has plans for development, and is entitled to tax-exempt status.

(f) The Council has an opportunity to take a stand to help in providing inclusive housing in Ward 8 to prevent further despair, hopelessness, and homelessness, causing many residents to move from the District because of a lack of housing they can afford.

(g) The forgiveness of accrued taxes and the imposition of tax-exempt status for lots 73, 74 and 75, square 5753 would prevent the property from being transferred to a tax sale purchaser,

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and would renew, restore, and recommit the promise of inclusive housing to Ward 8 residents. The real property was purchased at tax sale and the tax sale purchaser is seeking to foreclose the right of redemption of the Far Southeast Community Organization. The emergency act will provide funds for the benefit of the Far Southeast Community Organization sufficient to enable it to redeem the real property.

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 Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-638

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to amend the Health Care Privatization Amendment Act of 2001 to specify that a health maintenance organization that has a contractual obligation to provide health care services to persons enrolled in the D.C. HealthCare Alliance is required to provide Alliance enrollees only with the health benefits specified in the health maintenance organization's contract with the District, and that health maintenance organizations or health insurers under contract to the District to deliver services to persons enrolled in the Alliance are not required to reimburse non-participating hospitals for services provided to Alliance enrollees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Care Privatization Benefit and Reimbursement Exemption Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists a crisis regarding the provision of health care services to District residents who are enrolled in the D.C. HealthCare Alliance ("Alliance"). The District has entered into certain contract arrangements with health care maintenance organizations ("HMO") effective June 1, 2006 that will allow HMO to provide health care services for Alliance enrollees in a managed care model.

(b) The new contractual arrangements specify that when HMO are providing services to the Alliance's indigent enrollees the HMO will not be required to offer all the services that would otherwise be statutorily required of the HMO. This limitation is the most effective distribution of the District's limited resources that are available to Alliance enrollees and recognizes that providing a comprehensive array of health care services to as many qualifying residents as possible is preferable to providing a nearly unlimited array of health care services to fewer qualifying residents.

(c) These new contractual arrangements do not contain all the benefits that would be available to a HMO enrollee who is not an Alliance enrollee. If legislation is not enacted by June 1, 2006, the District's HMO laws will remain broader than intended for Alliance enrollees and in conflict with its HMO contracts.

(d) The District has served notice to prevent an automatic renewal of the current Alliance contract effective June 1, 2006, and has negotiated a modification to the current Alliance contract that ends the delivery of health care services to indigent residents through the current Alliance contract.

(e) To preserve the District's limited resources for the Alliance's indigent population, a law must be in place before the contract modifications are effective on June 1 that restrict the scope of health care services provided by the HMO to the Alliance enrollees to the health care

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benefits and services required by the contracts.

(f) In addition, there exists an imminent crisis regarding the payment of claims for provision of health care services to District residents who are enrolled in the Alliance. The Alliance currently does not pay claims submitted by hospitals that are not in the Alliance network. The Alliance plans to maintain this policy after the managed care organizations, licensed in the District as HMO, begin managing the care of Alliance enrollees on June 1, 2006.

(g) Due, in part, to a lack of statutory clarity, a dispute has arisen between certain District hospitals and the Alliance wherein those hospitals are claiming that HMO will have to pay claims from non-participating hospitals if Alliance enrollees receive care at those hospitals on or after June 1, 2006. It is important to clarify the law to establish that HMO and health insurers are not required to pay these claims.

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 Health Care Privatization Benefit and Reimbursement Exemption 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

16-639

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to order the legal closing of portions of Half Street, S.E., O Street, S.E., P Street, S.E., and Potomac Avenue, S.E., and all public alleys in Squares 702, 703, 704, 705, and 706, and in U.S. Reservation 247, bounded on the south by Potomac Avenue, S.E., on the west by South Capitol Street, S.E., on the north by N Street, S.E., and on the east by 1<sup>st</sup> 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 Streets and Alleys in Squares 702, 703, 704, 705, and 706, and in U.S. Reservation 247, S.O. 05-6318, Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close portions of Half Street, S.E., O Street, S.E., P Street, S.E., and Potomac Avenue, S.E., and all public alleys in Squares 702, 703, 704, 705, and 706, and in U.S. Reservation 247, bounded on the south by Potomac Avenue, S.E., on the west by South Capitol Street, S.E., on the north by N Street, S.E., and on the east by 1<sup>st</sup> Street, S.E., in Ward 6.

(b) The District of Columbia Sports and Entertainment Commission is the applicant for the closing of these streets and alleys, which are on the footprint of the site of a new 41,000-seat baseball stadium to be built for the Washington Nationals, as authorized by the Ballpark Omnibus Finance and Revenue Act of 2004 (D.C. Law 15-320), and the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Emergency Act of 2006 (D.C. Act 16-277).

(c) The streets to be closed are Half Street, S.E., between N Street and Potomac Avenue; O Street, S.E., between South Capitol and First Streets, P Street, S.E., between South Capitol and First Streets, and the northernmost 40-foot-wide strip of the 160-foot right-of-way of Potomac Avenue, S.E., between South Capitol and First Streets, S.E. All of the public alleys in adjacent Squares 702 through 706 and U.S. Reservation 247 that are part of the ballpark site are to be closed also. The streets and alleys to be closed comprise 5.78 acres of the 19.75-acre ballpark

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site footprint.

(d) Permanent legislation is on the agenda for second reading at the May 2, 2006 legislative session, which upon enactment will be transmitted to Congress for the 30-day review period required by the District of Columbia Home Rule Act.

(e) It is important that these closings be authorized expeditiously so that work on the stadium site can begin as soon as possible.

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 Streets and Alleys in Squares 702, 703, 704, 705, and 706, and in U.S. Reservation 247, S.O. 05-6318, Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-640

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to exempt from disclosure under the Freedom of Information Act ongoing investigatory records compiled by the Office of Police Complaints.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Police Complaints Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Office of Police Complaints receives, investigates, and resolves complaints filed by the public against officers of the Metropolitan Police Department and the District of Columbia Housing Authority Police Department.

(b) The Office of Police Complaints prepares reports of investigations and refers complaints alleging criminal conduct to the U.S. Attorney's Office.

(c) Currently, District law distinguishes several categories of records exempt under the Freedom of Information Act from public disclosure. Included is an exception for "investigatory records compiled for law-enforcement purposes, including the records of Council investigations, but only to the extent that the production of such records would interfere with enforcement proceedings, or with Council investigations."

(d) Office of Police Complaints has relied on the law-enforcement provision to deny Freedom of Information Act requests for open investigatory records. However, a judge of the Superior Court of the District of Columbia ruled on September 11, 2005, that the Office of Police Complaints is not covered by this provision, as the agency has no law-enforcement capabilities and thus cannot act for law-enforcement purposes.

(e) During the course of an Office of Police Complaints investigation, open records contain information that is not verified, personal in nature, or embarrassing to the complainant, officer, or potential witnesses. Further, Office of Police Complaints needs to withhold investigatory documents from disclosure until investigations are complete in order to ensure that future evidence collected is not tainted, witnesses are candid and honest, and the agency is not used as an investigatory agency for private parties.

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(f) Emergency legislation clarifying that Office of Police Complaints is exempt from disclosing all open and unresolved cases is necessary to enable the agency to efficiently and effectively complete its stated purpose.

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 Office of Police Complaints Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to amend the Day Care Policy Act of 1979 to authorize the Mayor to issue rules to implement the provisions of the act, and to amend the Child Care Services Assistance Fund Act of 1988 to extend the Mayor's authority to make grants and loans to create or expand child care facilities in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Day Care Grant-Making and Rulemaking Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to amend section 14 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-413), to authorize the Mayor to issue rules to implement the provisions of the act. This authority would allow the Mayor to create operational guidelines and policies that the Child Care Services program needs in order to better serve the children of the District.

(b) There also is an immediate need to increase the amount of grant money available to providers under the Child Care Services Assistance Fund. Currently, grants and loans are limited to \$10,000. An increase to \$500,000 is needed to keep pace with inflation and to continue to grow and improve the child care program.

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 Day Care Grant-Making and Rulemaking Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-642

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 1, 2006

To declare the existence of an emergency with respect to the need to approve an eligible project and related matters pursuant to section 490 of the District of Columbia Home Rule Act and the Tax Increment Financing Authorization Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds Seventh Street Arts Project Loan Approval Emergency Declaration Resolution of 2006".

Sec. 2. The Council is considering the approval of a resolution to provide tax increment financing for a project involving the financing of costs incurred for the construction and equipping of the Harman Center for the Arts, including the 776-seat Sidney Harman Hall, on land in the District of Columbia, which project is being constructed by the Shakespeare Theatre Company. The Council has been advised that immediate approval of the resolution is necessary in order to prevent work on the project from being interrupted.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tax Increment Revenue Bonds Seventh Street Arts Project Loan Approval Emergency Resolution of 2006 be adopted on an emergency basis.

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-643

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To approve, on an emergency basis, an eligible project and related matters pursuant to section 490 of the District of Columbia Home Rule Act and the Tax Increment Financing Authorization Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds Seventh Street Arts Project Approval Emergency Resolution of 2006".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

- (1) "Act" means the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).
- (2) "Bonds" means the District of Columbia tax increment 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.
- (3) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.
- (4) "Council" means the Council of the District of Columbia.
- (5) "Development Agreement" means the Development Agreement between the District and the Development Sponsor setting forth the terms and conditions upon and pursuant to which the District will issue the bonds and the Development Sponsor will develop the project.
- (6) "Development costs" has the same meaning as in section 2(13) of the Act.
- (7) "Development Sponsor" means The Shakespeare Theatre Company, a District of Columbia nonprofit corporation.
- (8) "District" means the District of Columbia.
- (9) "Downtown TIF Area" is the TIF area established by the District of Columbia Tax Increment Revenue Bond Downtown TIF Area Emergency Approval Resolution of 2001, effective November 6, 2001 (Res. 14-257; 48 DCR 10582), and the Tax Increment Revenue Bond Downtown TIF Area Base Year Emergency Approval Resolution of 2002, effective February 5, 2002 (Res. 14-364; 49 DCR 1255).

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(10) "Eligible project" has the same meaning as in section 2(18) of the Act.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved September 24, 1973 (87 Stat. 777; D.C. Code § 1-201.01 *et seq.*).

(12) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of the Harman Center for the Arts, including the 776-seat Sidney Harman Hall, on land described as lots 40, 883, 7015, 7016, 7017, 7018, 7019, 7020, and 7021, square 456, in the District of Columbia, all subject to and in accordance with the Development Agreement.

(13) "Promissory Note" means the promissory note of the Development Sponsor in favor of the District setting out the terms upon which the Development Sponsor will pay the District an amount equal to the principal amount of the bonds with interest on the unpaid portion thereof until paid.

(14) "Reserve Agreement" means that certain Reserve Agreement, dated as of April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc.

(15) "Tax increment" has the same meaning as given the term in section 490 of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) The Act provides, pursuant to section 490 of the Home Rule Act, for the issuance by the Chief Financial Officer of TIF Bonds, as defined in section 2(32) of the Act, to finance development costs of eligible projects.

(2) The Development Sponsor has requested the District to issue and deliver bonds for the purpose of financing or reimbursing the Development Sponsor for a portion of the development costs of the project.

(3) The Deputy Mayor has determined that the project has special merits and that there is a reasonable probability that the special merits of the project will not be realized without the TIF allocation.

(4) The Chief Financial Officer has certified the project in accordance with section 4 of the Act. In particular, the Chief Financial Officer's certification states that the project complies with the criteria listed in the Act as follows:

(A) The project is one constituting special merits.

(B) The Development Sponsor has promised to repay the District the full present value of the bonds over a 25-year period.

(5) The project is expected to produce public benefits for the District as follows:

(A) The construction of the project will produce additional construction jobs in the District.

(B) The expanded operations of the Development Sponsor that will be made possible by the construction of the project will create additional tax revenues for the

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District and will provide additional employment opportunities and other economic benefits for District residents.

(C) The project will enhance the cultural and educational benefits derived from the Development Sponsor's operations to the benefit of District residents.

(6) The project is an eligible project within the meaning of the Act.

Sec. 4. Allocation of tax increments from Downtown TIF Area; approval of Development Agreement and Promissory Note.

(a) There is hereby allocated to the project and to the payment of debt service on the bonds the Available Increment, as defined in the Reserve Agreement, subordinate to the allocation of Available Increment to the Budgeted Reserve, as defined in the Reserve Agreement, all as more fully described in the Reserve Agreement. The termination date for the allocation of Available Increment authorized by this paragraph shall be the earlier of: (1) the final maturity date of the bonds; or (2) the date on which all of the Bonds are paid or provided for and are no longer outstanding pursuant to their terms.

(b) The Development Agreement and Promissory Note are hereby approved in substantially the form submitted to the Council. The Mayor and the Chief Financial Officer are hereby authorized to execute and deliver the Development Agreement and to accept the Promissory Note on behalf of the District. The Mayor and the Chief Financial Officer are further authorized to execute and deliver on behalf of the District any amendments or supplements to the Development Agreement and to accept any amendments to the Promissory Note that may be determined by the Mayor and the Chief Financial Officer to be in the best interests of the District and consistent with the purpose and intent of this resolution, or as may be provided in the Development Agreement. The execution by the Mayor and the Chief Financial Officer of any amendment or supplement to the Development Agreement or Promissory Note shall be conclusive evidence of such determination.

Sec. 5. Bond terms; execution

(a) The Council hereby approves the following summary of the terms of the bonds to be issued to pay development costs associated with the project:

(1) The bonds shall be issued pursuant to the provisions of certain financing documents.

(2) The aggregate principal amount of the bonds to be issued hereunder shall not exceed \$10 million, and shall be the amount necessary to fund a portion of the eligible development costs of the project, plus financing costs and costs of issuance as determined by the Chief Financial Officer.

(3) The interest rate or rates on the bonds shall not exceed 6%.

(4) The final maturity of the bonds shall be the maturity determined by the Chief Financial Officer, but shall not exceed 5 years and the debt service on the bonds shall be structured in such manner that it will not exceed in any year the amount of the tax increment

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projected to be received by the District during such year from the surplus in the Downtown TIF Area after payment of all bonds which are superior in payment to the bonds.

(5) The bonds shall be secured by a pledge of the Available Increment allocated to the project pursuant to section 4(a).

(6) The Development Sponsor shall agree to pay the District an amount equal to the principal amount of the bonds, and interest on the unpaid portion thereof from time to time, in accordance with the terms of the Promissory Note.

(b) The bonds may have any other terms and conditions consistent with this resolution and the 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 Chief Financial Officer, or an authorized delegate of the Chief Financial Officer, and attested by the Secretary of the District of Columbia. The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

Sec. 6. Repeal of prior resolution.

The Tax Increment Revenue Bonds Corcoran Gallery of Art Project Emergency Approval Resolution of 2004, effective July 13, 2004 (Res. 15-659, 51 DCR 8085), is repealed.

Sec. 7. Applicability.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 8. 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. 9. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-644

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to tax natural gas based on the number of therms delivered to consumers, to tax home heating oil based on the number of gallons delivered to consumers, and to clarify the definition of a residential ratepayer for utility tax amendments in the Ballpark Omnibus Financing and Revenue Act of 2004; and to make technical amendments to utility tax rates of the utility taxes to be deposited in the Ballpark Revenue Fund and to correct the basic tax rate for electricity users.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Emergency Declaration Resolution of 2006".

Sec. 2. (a) The price of both natural gas and home heating oil has been increasing significantly. According to the U.S. Department of Energy, the price of residential natural gas in the District of Columbia rose almost 33%, from an average of \$10.81 to \$14.31 per 1,000 cubic feet, from 2000 through 2004. It further increased almost 33% during the first 7 months of 2005, to \$18.95 per 1,000 cubic feet.

(b) Natural gas bills and home heating oil bills are predicted to continue to rise because of tight supply and heavy demand.

(c) A gross receipts tax on natural gas and home heating oil, which tax is passed on to and paid by the consumer, causes the tax for these commodities to rise as the price rises .

(d) The steep increases in the cost of natural gas means District customers are and will be paying higher taxes for delivery of their gas and home heating oil, placing an additional financial burden on them.

(e) The Council must continue to offer the relief to District consumers that it passed in the Natural Gas Taxation Relief Emergency Act of 2005 and must expand this relief to cover home heating oil.

(f) It is necessary to offer relief to consumers from the volatility of the purchased cost of natural gas and home heating oil by taxing customers on the amount of gas or heating oil they use during a billing period and not on the market price of the commodity. It is necessary for the tax on the number of therms and gallons consumed to be at a rate that will ensure the District

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receives the revenue budgeted throughout the 4-year financial plan from taxes on sales of natural gas and home heating oil, but will not provide a financial windfall at the expense of District consumers.

(g) It is necessary for this legislation to take effect, on an emergency basis, prior to the Office of the Chief Financial Officer selling bonds for the construction of the new baseball stadium, because the bond-authorizing legislation provides that the District will not limit or alter the revenues pledged to secure the bonds or the basis on which the revenues are collected or allocated. A change in the method of taxing heating oil after the sale of the bonds may violate this provision and cause a default.

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 Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCFB-2006-D-0005 with Advanced Data Processing, Inc. to provide ambulance billing and data collection services for the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFB-2006-D-0005 Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Fire and Emergency Medical Services Department, proposes to enter into a competitively bid multi-year agreement with Advanced Data Processing, Inc. ("Contractor") to provide ambulance billing and data collection services.

(b) The Contractor will provide Emergency Medical Services ("EMS") Transport Treatment billing and collection services for the Fire and Emergency Medical Services Department and an EMS Data Collection system to collect and store data which will facilitate the flow of data between EMS personnel and the Contractor.

(c) The Council is empowered to review and approve contracts in excess of \$1 million during a 12-month period and multiyear contracts.

(d) If this contract is not actively approved by the Council by May 26, 2006, vital services for the Fire and Emergency Medical Services Department will be negatively impacted.

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 Contract No. DCFB-2006-D-0005 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

16-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To approve, on an emergency basis, multiyear Contract No. DCFB-2006-D-0005 with Advanced Data Processing, Inc., to provide ambulance billing and data collection services for the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFB-2006-D-0005 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. DCFB-2006-D-0005, a multiyear contract with Advanced Data Processing, Inc., in the amount of \$5,126,250, to provide ambulance billing and data collection services for the Fire and Emergency Medical Services Department.

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

Sec. 4. 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 Chief Financial Officer and the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-647

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2006

To declare the existence of an emergency with respect to the need to require every cable operator in the District of Columbia to broadcast all Washington Nationals games.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Nationals on T.V. Emergency Declaration Resolution of 2006".

Sec. 2. (a) On Thursday, April 27, 2006, the District's cable providers did not present Congress with a solution to the current impasse that is preventing District residents from receiving Washington Nationals games on television.

(b) The Council finds that it is in the public interest that all of the baseball games of the Washington Nationals be broadcast. The District has made a major financial commitment to the construction of a new baseball stadium. The financing of the construction is dependent upon the realization of projected revenue streams derived from attendance of the games. The broadcast of those games is a vital component of building and maintaining interest and support for the baseball franchise and realizing the projected revenue streams. The failure of cable operators to broadcast those games jeopardizes the realization of projected revenue. Accordingly, the emergency act directs that each cable operator broadcast all of the baseball games of the Washington Nationals.

(c) The current franchise agreements provide that if any law is enacted which enhances the authority of the District with regard to cable systems, the cable operator and the District shall enter into good faith negotiations to modify the franchise agreement. The failure to comply with a lawful directive of the District as is contained in the emergency act may be a breach of the franchise agreement.

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 Washington Nationals on T.V. Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.