

ENROLLED ORIGINAL

A RESOLUTION

16-849

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved

October 27, 2006

To approve the real property disposition of small parcels located in Wards 1, 2, 4 and 6 owned by the NCRC and by the RLARC.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Development of Small Parcels Resolution of 2006".

Sec. 2. Pursuant to sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the real property disposition of the following parcels owned by the NCRC and RLARC:

Square/Lot Numbers: 0445/0821; 0445/0191; 0442/0106; 0442/0803; 3028/0818;
0982/0819; 2684/0535

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chief Executive Officer of the National Capital Revitalization Corporation.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-850

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved
October 28, 2006

To confirm the appointment of Mr. Henry M. Terrell to the Board of Real Estate.

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

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

Mr. Henry M. Terrell
2701 Fort Baker Drive, S.E.
Washington, D.C. 20020
(Ward 7)

as an attorney member of the Board of Real Estate, established by D.C. Official Code § 47-2853.06(h), replacing Nelson Deckelbaum, whose term ended December 13, 2005, for a term to end December 13, 2008.

Sec. 3. The Secretary to 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

16-851

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved
October 28, 2006

To confirm the appointment of Dr. Daniel Napoleon Howard, Jr., to the Board of Dentistry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Dentistry Daniel Napoleon Howard, Jr. Confirmation Resolution of 2006".

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

Dr. Daniel Napoleon Howard, Jr.
641 G Street, S.W.
Washington, D. C. 20024
(Ward 6)

as a licensed dentist member of the Board of Dentistry, established by 201 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.01), for a term to end November 30, 2009.

Sec. 3. The Secretary to 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

16-852

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved
November 4, 2006

To confirm the appointment of Ms. Trinity Lovell Ward to the Board of Real Estate Appraisers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the " Board of Real Estate Appraisers Trinity Lovell Ward Confirmation Resolution of 2006".

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

Ms. Trinity Lovell Ward
1080 Wisconsin Avenue, N.W., #W204
Washington, D.C. 20007
(Ward 3)

as a licensed real estate appraiser member of the Board of Real Estate Appraisers, established by section 47-2853.06(g) of the District of Columbia Official Code, replacing Thomas W. Brown, whose term ended June 26, 2005, for a term to end June 26, 2008.

Sec. 3. The Secretary to 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

16-853

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved
November 4, 2006

To confirm the reappointment of Ms. Angelique Champena Bella to the Board of Massage Therapy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Massage Therapy Angelique Champena Bella Confirmation Resolution of 2006".

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

Ms. Angelique Champena Bella
726 ½ 11th Street, S.E.
Washington, D.C. 20003
(Ward 6)

as a licensed massage therapist member of the Board of Massage Therapy, established by section 215 of the District of Columbia Health Occupations Revision Act of 1985, effective March 14, 1995 (D.C. Law 10-205; D.C. Official Code § 3-1202.15), for a term to end October 29, 2008.

Sec. 3. The Secretary to 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

16-854

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Deemed approved
November 4, 2006

To confirm the appointment of the Honorable Arlene L. Robinson to the Board of Social Work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Social Work Arlene L. Robinson Confirmation Resolution of 2006".

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

The Honorable Arlene L. Robinson
1758 Redwood Terrace, N.W.
Washington, D.C. 20012
(Ward 4)

as a consumer member of the Board of Social Work, established by section 212 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.12), completing the unexpired term of Richard J. Bianco, Jr., which will end March 3, 2008.

Sec. 3. The Secretary to 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

16-855

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve proposed 5-year Contract No. CFOPD-05-C-058A with Merrill Lynch Invest Mangers, LP for Trust Fund Investment Management Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-058A Approval and Payment Authorization Approval Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFOPD-05-C-058A for Trust Fund Investment Management Services.

(b) On July 19, 2005, the Office of the Chief Financial Officer's Office of Contracts issued RFP No. CFOPD-05-R-058 for provision of management of a large cap growth portfolio to augment the growth of the funds in the Annuitants' Health and Life Insurance Employer Contribution Trust Fund for payment of the District's contribution for retiree health and life insurance. Five proposals were received on August 23, 2005, with the Merrill Lynch proposal providing the best value to the District for 5 years in the amount of a range between 60 and 40 basis points per annum (prorated over a range of portfolio value between \$25 Million to over \$100 Million).

(c) The Council approves the contract.

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.

A RESOLUTION

16-856

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve proposed 5-year Contract No. CFOPD-05-C-058B with Legg Mason Investor Services, LLC for Trust Fund Investment Management Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-058B Approval and Payment Authorization Approval Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFOPD-05-C-058B for Trust Fund Investment Management Services.

(b) On July 19, 2005, the Office of the Chief Financial Officer's Office of Contracts issued RFP No. CFOPD-05-R-058 for provision of management of a fixed income fund to augment the growth of the funds in the Annuitants' Health and Life Insurance Employer Contribution Trust Fund for payment of the District's contribution for retiree health and life insurance. Five proposals were received on August 23, 2005, with the Legg Mason Investor Services, LLC proposal providing the best value to the District of the three which offered fixed income funds. The 5-year price is an annual fee of 46 basis points of the core bond fund value.

(c) The Council approves the contract.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-857

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve proposed 5-year Contract No. CFOPD-05-C-058C with Alliance Bernstein L.P. for Trust Fund Investment Management Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-058C Approval and Payment Authorization Approval Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFOPD-05-C-058C for Trust Fund Investment Management Services.

(b) On July 19, 2005, the Office of the Chief Financial Officer's Office of Contracts, issued RFP No. CFOPD-05-R-058 for provision of management of a large cap value portfolio to augment the growth of the funds in the Annuitants' Health and Life Insurance Employer Contribution Trust Fund for payment of the District's contribution for retiree health and life insurance. Five proposals were received on August 23, 2005, with the Alliance Bernstein proposal providing the best value to the District for 5 years in the projected amount of \$2,121,800.

(c) The Council approves the contract.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-858

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To confirm the appointment of Mr. Harry D. Sewell as the Executive Director of the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Executive Director of the District of Columbia Housing Finance Agency Board of Directors Harry D. Sewell Confirmation Resolution of 2006".

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

Harry D. Sewell
6115 Spring Knoll Dr.
Harrisburg, Pa 17111

as the Executive Director of the District of Columbia Housing Finance Agency, in accordance with section 203 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.03), to serve at the pleasure of the Board of Directors of the District of Columbia Housing Finance Agency.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-859

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify that contracts or other agreements that are subject to higher federal wage level determinations are exempt from the living wage.

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

Sec. 2. The Council of the District of Columbia finds that:

(1) The provisions of the Living Wage Act of 2006 became effective on June 9, 2006.

(2) Both the District's living wage law and the federal Service Contract Act were intended to increase the hourly wages paid to service contract employees.

(3) The existing language in the Living Wage Act of 2006 could be interpreted to mean that employees covered by the federal Service Contract Act are exempt from the District's living wage law in cases where the federal wage levels are lower than the District of Columbia's living wage.

(4) The Council never intended for employees that are covered by federal wage level determinations to receive wage levels lower than the District's newly established living wage.

(5) It is necessary to exempt only those contracts that are subject to higher Federal wage level determinations from the requirements of the living wage.

(6) Temporary legislation is, currently, pending Congressional review, with a projected law date of March 2007.

(7) The Congressional review emergency is necessary to prevent a gap in legal authority, prior to Congressional review.

(8) The emergency act expired on October 10, 2006.

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 Living Wage Clarification 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

16-860

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to clarify that the prohibition against the issuance of new licenses within 400 feet of a public, private, or parochial primary, elementary, or high school, college or university, or recreation area operated by the Department of Parks and Recreation does not apply in those instances where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission for the District of Columbia.

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

Sec. 2. (a) In 2001, the Council enacted Title 25, D.C. Code Enactment and Related Amendment Act of 2000, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-101 *et seq.*) ("Act"), regarding the District's alcoholic beverage laws and regulations.

(b) The purpose of the Act was to streamline and update many provisions that were in the District of Columbia Municipal Regulations, specifically in title 23, and put them in statutory law, organized into logical sections and chapters.

(c) There was a provision in the regulations, 23 DCMR §302.11, that was erroneously deleted. This provision related to the exemption of the "400 foot rule" where schools or certain recreation areas are located on commercially or industrially zoned property. The intent of the emergency legislation is to enact this exception to the 400 foot rule in Title 25.

(d) There are several prospective alcoholic beverage license applications in commercially zoned areas where positive economic development is both welcomed and desired. Without the exemption to the 400 foot rule, these license applications cannot be approved and the community will be deprived of their services.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Commercial Exception Clarification

Amendment Emergency Act of 2006 be enacted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-861

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to clarify that a vacancy in the People's Counsel position is to be filled for the remainder of the unexpired term of the office and to allow a People's Counsel to hold over until a successor has been qualified by taking the oath of office.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of the People's Counsel Term Clarification Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to amend the length of the term for the Office of the People's Counsel.

(b) The current person holding that title has a term that is set to expire in early December. A new People's Counsel will not be nominated and confirmed until at the earliest January.

(c) There is a need to allow the current People's Counsel to hold over in the same position until she or someone else is appointed to the position.

(d) Consequently, it is necessary for the Council to pass this legislation on an emergency basis.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of the People's Counsel Term Clarification Emergency Amendment Act of 2006 be enacted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-862

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to establish and extend the operations of the Contracting and Procurement Reform Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Contracting and Procurement Reform Task Force Establishment Extension Emergency Declaration Resolution of 2006".

Sec. 2. The Council of the District of Columbia finds that:

- (1) The authorizing act that established the Contracting and Procurement Task Force expires on November 15, 2006;
- (2) The Task Force provided a status report of its activities and findings to the Council of the District of Columbia on August 2, 2006;
- (3) The Contracting and Procurement Task Force has completed the draft report;
- (4) The Task Force needs additional time to complete the final report; and
- (5) With the passage of the emergency act, the Task Force will have the legal authority to continue meeting to complete the final report for formal presentation to the Council and the Mayor.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Contracting and Procurement Reform Task Force Establishment Extension Emergency Act of 2006 adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-863

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to adjust the funding for St. Coletta Special Education Public Charter School for August 2006 through June 2007 because the allocation provided by the Uniform Per Student Funding Formula is not adequate to cover the costs that St. Coletta Special Education Public Charter School will incur in providing Intensive Special Education Services at its D.C. Campus located at 1901 Independence Avenue, S.E., and to approve providing a supplemental payment, in the amount of \$5,744,892.00, to St. Coletta Special Education Public Charter School, in accordance with the provisions of section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Coletta Special Education Charter School Annual Payment Adjustment Emergency Declaration Resolution of 2006".

Sec. 2. (a) St. Coletta Special Education Public Charter School ("St. Coletta") opened in July 2006 and currently serves 226 District student residents who have a diagnosis of mental retardation or autism functioning in the moderate to profound range with at least one secondary disabling condition, which requires these students to receive services in a self-contained setting during the regular school day.

(b) St. Coletta and the District of Columbia Public Schools ("DCPS") entered into a Memorandum of Understanding ("MOU") in January 2005 for the purpose of defining the funding for the program that St. Coletta provides to District student residents.

(c) The MOU was entered into before the D.C. facility for St. Coletta, located at 1901 Independence Avenue, S.E., was opened and St. Coletta was operating as a non-public facility in Alexandria, Virginia with District student residents enrolled in the Virginia facility.

(d) The MOU acknowledged that the existing charter school funding pursuant to the Uniform Per Student Funding Formula ("UPSFF") and other anticipated revenue streams for which St. Coletta would be eligible to receive was not adequate to cover the costs that St. Coletta would incur in providing Intensive Special Education Services at the D.C. Campus and DCPS agreed to provide a supplemental payment to St. Coletta until such time an amendment to the UPSFF to provide an adequate level of financial support that recognized the full cost of educating students with disabilities requiring intensive services would be enacted.

(e) The DCPS' Office of Special Education did not provide sufficient funds for such supplemental payment to St. Coletta in its budgets for FY2006 and FY2007.

(f) DCPS discovered this omission in August 2006 and has not made further payments to St. Coletta from its funds.

ENROLLED ORIGINAL

(g) The inability of DCPS to make the supplemental payment to St. Coletta jeopardizes St. Coletta's ability to continue to provide the required services to those District student residents currently enrolled in the school.

(h) DCPS, in consultation with the Office of the Chief Financial Officer, has identified a funding source and budget category to provide this payment and requests the Council to authorize the supplemental payment as required by section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (Pub. L. No. 104-134; D.C. Official Code § 38-1804.01(b)(3)(B)(i)).

Sec. 3. The Council finds that if St. Coletta does not receive the requested supplemental payment, the District resident students enrolled in St. Coletta face the immediate risk of being displaced from St. Coletta and being placed in facilities outside of the District of Columbia during School Year 2006/2007.

Sec. 4. For the reasons set forth herein, the Council of the District of Columbia determines that the requirements enumerated in section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995 are met and approves the request for supplemental funding in the total amount of \$5,744,892.00 to St. Coletta.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in sections 2 and 3 constitute emergency circumstances making it necessary that the St. Coletta Special Education Charter School Annual Payment Adjustment Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-864

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve, on an emergency basis, a request for an adjustment in the annual payment to St. Coletta Special Education Public Charter School for August 2006 through June 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Coletta Special Education Charter School Annual Payment Adjustment Emergency Approval Resolution of 2006".

Sec. 2. (a) Pursuant to section 2401(b)(3)(B)(i) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (Pub. L. No. 104-134; D.C. Official Code § 38-1804.01(b)(3)(B)(i)), Dr. Clifford B. Janey, Superintendent of the District of Columbia Public Schools, on behalf of the District of Columbia Board of Education, requests the Council to authorize a supplemental payment, in the amount of \$5,744,892.00, to St. Coletta Special Education Public Charter School ("St. Coletta") for the months of August 2006 through June 2007. This supplemental payment will be provided by payment of \$1,044,526.00 from the surplus in the FY2006 DC Public Charter Schools budget for the expenditures St. Coletta incurred in August and September 2006 and payment of \$4,700,366.00 from the FY2007 Medicaid and Special Education Reform Fund for the months of October 2006 – June 2007. The Council finds that St. Coletta serves 226 District resident students with special needs.

(b) The Chief Financial Officer has certified that there are funds available for this purpose.

(c) For the reasons set forth in the emergency declaration accompanying this resolution, the Council approves the request for supplemental funding in the total amount of \$5,744, 892.00 to St. Coletta to adjust the amount of the annual payment to St. Coletta in accordance with the provisions of section 2401(b)(3)(B)(i) of the School Reform Act.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to Dr. Natwar M. Gandhi, Chief Financial Officer; Dr. Clifford B. Janey, Superintendent of the District of Columbia Public Schools; and Mayor Anthony Williams.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-865

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act, 1925 to define a personal mobility device and to clarify that a personal mobility device is not a motor vehicle; and to make conforming amendments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Personal Mobility Device Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Personal Mobility Device (formerly referred to as the Electric Personal Assistive Mobility Device) is a popular device, of growing use in the District of Columbia.

(b) There was a need to define the Personal Mobility Device ("PMD") and to clearly differentiate the PMD from the definitions of motor vehicle, and to establish requirements for its safe operation.

(c) In late 2005, the Council enacted emergency legislation, including the Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006, effective April 4, 2006 (D.C. Law 16-85; 53 DCR 1065) ("Temporary Act"), which addressed these issues.

(d) The Temporary Act expires on November 15, 2006. Permanent legislation, the Personal Mobility Device Amendment Act of 2006 (D.C. Bill 16-633), is scheduled for mark-up November 8, 2006, and for first reading on November 14, 2006. The permanent legislation will not become law until 2007.

(e) Because of the growing use of the PMD, especially by the tourist industry, and their increasing numbers in the District, it is vitally important that law pertaining to the PMD be in effect until the permanent legislation becomes law.

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 Personal Mobility Device Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-866

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to authorize the provision of resources and facilities to the Mayor-elect and the Chairman-elect during a transition period from the date of a general election to determine the selection of a Mayor and Chairman through the week following the inauguration of the Mayor and Chairman, and to provide additional resources for the Council of the District of Columbia for personnel costs and central services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mayor and Chairman of the Council Transition Revised Emergency Declaration Resolution of 2006".

Sec. 2. (a) It is in the interest of the citizens of the District of Columbia and of the District government that there be an orderly transfer of executive duties and responsibilities with the expiration of the term of office of a Mayor and the inauguration of a new Mayor and that there be an orderly transfer of the legislative duties and responsibilities with the expiration of the term of office of the Council Chairman.

(b) Orderly transitions in the offices of the Mayor and Council Chairman must be accomplished to assure continuity in the execution of the laws and in the conduct of the executive and legislative affairs of the District government.

(c) Reasonable resources and facilities are required to prepare for the assumption of the official duties and responsibilities of a new Mayor and new Council Chairman.

(d) Failure to provide these resources and facilities to the Mayor-elect and Chairman-elect threatens a disruption in the continuity of the execution of the laws and in the conduct of executive and legislative affairs of the District government.

(e) To assist with the Council's 2007 transition, it is necessary to approve additional funds for personnel costs and an expansion of central services.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Mayor and Chairman of the Council Transition Revised Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-867

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to authorize payment to CIGNA/Connecticut General Life Insurance Company for dental insurance benefits services received and to be received under contract number DCBE-2003-D-0072.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCBE-2003-D-0072 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve 2 modifications made to the contract for dental insurance benefits services to District employees and to authorize payment for the services received and to be received under Contract No. DCBE-2003-D-0072.

(b) On July 8, 2003, the Office of Contracting and Procurement ("OCP") awarded Contract No. DCBE-2003-D-0072 to CIGNA/Connecticut General Life Insurance Company ("CIGNA") for dental insurance benefits services to District employees.

(c) The contract contained 2 one-year option periods, which were exercised. Because the award of the new contract was delayed, OCP issued Modification No. 9 in the amount of \$982,682.68 to extend the term of the existing contract from July 8, 2006 to October 31, 2006.

(d) The anticipated award for the new contract is January 1, 2007. Modification No. 10 must now be issued to extend the contract from November 1, 2006 through December 31, 2006 in the amount of \$491,341.34. The aggregate amount of these two extension modifications is \$1,474,024.02.

(e) Council approval is necessary to authorize Modification Nos. 9 and 10 under this contract, and to approve payment to CIGNA for the services provided from July 8, 2006 through December 31, 2006.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCBE-2003-D-0072 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-868

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to authorize the issuance, sale, and delivery of District of Columbia revenue bonds in one or more series in an aggregate amount not to exceed \$21 million and to authorize the loans of the proceeds of the bonds to assist The Freedom Forum, 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 Freedom Forum, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2006".

Sec. 2. The Council finds that:

- (1) The Freedom Forum, Inc., a Virginia nonprofit corporation ("Borrower") has requested that the District issue revenue bonds ("Bonds").
- (2) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for all or a portion of the costs of:
 - (A) The financing or refinancing of the cost of the construction and equipping of a headquarters office facility which shall include a museum, conference center areas, retail space, and associated parking facilities, all located at 555 Pennsylvania Avenue, N.W.;
 - (B) Paying net capitalized interest and certain issuance costs with respect to the Bonds;
 - (C) Paying the cost of any bond insurance or other credit enhancement;
 - (D) The funding of a debt service reserve fund, if any.
- (3) To meet the present construction schedule of the project, and because interest rates on similarly secured revenue bonds are presently low but interest rates are volatile, in order for the Borrower to maximize interest savings on the Bonds, the issuance needs to occur soon after the next scheduled Council meeting. Therefore, Council approval of the bond resolution authorizing the issuance of the Bonds would provide maximum savings to the Borrower.

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 Freedom Forum, Inc. Revenue Bonds Project Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-869

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in one or more series in an aggregate amount not to exceed \$21 million and to authorize and provide for the loan of the proceeds of the bonds to assist The Freedom Forum, 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 Freedom Forum, Inc. Revenue Bonds Project Emergency Approval Resolution of 2006."

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The Freedom Forum, Inc., a Virginia nonprofit corporation.

(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, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

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

(11) "Project" means:

(A) The financing or refinancing of the cost of the construction and equipping of a headquarters office facility which shall include a museum, conference center areas, retail space, and associated parking facilities, all located at 555 Pennsylvania Avenue, N.W.;

(B) Paying net capitalized interest and certain Issuance Costs with respect to the bonds;

(C) Paying the cost of any bond insurance or other credit enhancement; and

(D) The funding of a debt service reserve fund, if any.

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 \$21 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 the study, development, application or production of innovative commercial or industrial technologies and social services and industrial and commercial development 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 \$21 million; and
- (2) The making of the loan.

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

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

Sec. 5. Bond details.

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

- (1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the bonds to be issued and denominations of the bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
- (8) The time and place of payment of the bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
- (11) The terms and types of credit enhancement under which the bonds may be 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 Columbia, of the final form and content of the bonds.

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

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

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

Sec. 6. Sale of the bonds.

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

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

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

(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.

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.

ENROLLED ORIGINAL

Sec. 8. Financing and Closing Documents.

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

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

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

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents, including those Financing Documents and Closing Documents to which the District is not a party.

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

(f) No person, including, but not limited to, the borrower and any bond owner, shall have

any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

(b) The District reserves the right to issue its bonds in the order or priority it determines in its sole and absolute discretion.

(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.

ENROLLED ORIGINAL

Sec. 15. Expiration.

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

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds authorized by this resolution, and the validity of the bonds shall not be adversely affected.

Sec. 17. Public hearing.

This resolution approving the issuance of bonds for the project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-870

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to approve proposed 10- year Contract No. CFOPD-07-C-008 with Morgan Stanley Bank for Standby Bond Purchase Agreement services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-07-C-008 with Morgan Stanley Bank Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFOPD-07-C-008 for Liquidity Facility Services – Standby Bond Purchase Agreement.

(b) On October 11, 2006, the Office of the Chief Financial Officer's Office of Contracts issued IFB No. CFOPD-07-I-088 for provision of Standby Bond Purchase Agreement services to support certain series of tax-exempt variable rate bonds issued by the District. On December 6, 2001, the District issued its \$214,155,000 Multimodal General Obligation Bonds, Series 2001C and its \$69,715,000 Multimodal General Obligation Refunding Bonds, Series 2001D of variable rate debt for the purpose of financing certain capital projects of the District and refunding a portion of the District's outstanding general obligation bonds. Seven bids were received on October 27, 2006, with the Stanley Morgan Bank bid providing the best value to the District for 10 years in the projected amount of \$2,565,000 at 9 basis points per annum.

(c) Approval is necessary to allow execution of the multiyear, 10-year contract.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-07-C-008 Approval and Payment Authorization Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-871

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve, on an emergency basis, the issuance of Contract No. CFOPD-07-C-008 with Morgan Stanley Bank for provision of Standby Bond Purchase Agreement Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-07-C-008 Approval and Payment Authorization 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 of the District of Columbia approves Contract No. CFOPD-07-C-008 with Morgan Stanley Bank for provision of Standby Bond Purchase Agreement services for the Office of the Chief Financial Officer, Office of Finance and Treasury. The total amount of the 10-year contract is projected to be \$2,565,000.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-872

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to exempt from zoning the government's use of parking garages on the ballpark site to complete the parking on the ballpark site in a timely manner.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ballpark Parking Completion Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Baseball Stadium Agreement, dated September 29, 2004, among the Government of the District of Columbia, the D.C. Sports and Entertainment Commission, and Baseball Expos, L.P., pledges public financing for the construction of a baseball stadium complex.

(b) It is necessary to complete the baseball stadium project within the current budget as authorized by the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006.

(c) In order to complete the parking and team facilities within the current authorized budget, the use of parking facilities on the ballpark site must be exempted from the requirements of zoning during the construction period. The proposed amendment would leave in place other aspects of zoning affecting the ballpark site.

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 Ballpark Parking Completion Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-880

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rent Administrator Hearing Authority Emergency Declaration Resolution of 2006."

Sec. 2. (a) The authority of the Rent Administrator to hold hearings and issue decisions in administrative cases arising under the Rental Housing Act of 1985, effective July 17, 1985, (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), was transferred to the Office of Administrative Hearings ("OAH") on October 1, 2006 pursuant to section 6(b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-1)(1)) ("OAH Act"). The Rent Administrator's power to delegate that authority to hearing examiners also expired as of that date.

(b) In preparation for the transfer, the Rent Administrator, the Rental Accommodations and Conversion Division of the Department of Consumer and Regulatory Affairs ("RACD"), and the OAH have undertaken a coordinated effort to ensure that the transfer of responsibility will occur smoothly, with proper regard for the interests of both tenants and housing providers and the prompt and efficient disposition of all administrative cases arising under the Rental Housing Act.

(c) The Rent Administrator and the hearing examiners at RACD have encountered extraordinary challenges in their efforts to issue final decisions in all the rental housing cases in which they have held evidentiary hearings before October 1, 2006. Illness and retirements of hearing examiners are among the factors that have made it impossible for final decisions to be issued in all such cases before the transfer of jurisdiction.

(d) As of October 1, 2006, there were approximately 125 cases in which a hearing examiner in RACD has held a full evidentiary hearing but has not issued a final decision. If

ENROLLED ORIGINAL

those cases are transferred to OAH, significant delays will result. The Administrative Law Judge assigned to the case by OAH either must listen to the recording of the already-completed hearing, or may need to conduct a new hearing if the recording is unavailable or inaudible in part.

(e) As of October 1, 2006, OAH assumed responsibility for more than 200 additional cases that already have been filed at RACD, but have not received a hearing. OAH's ability to issue prompt decisions in those cases, as well as in the cases filed with OAH after October 1, 2006, will be severely compromised if the Administrative Law Judges also must devote their time to deciding cases that already have been heard by hearing examiners at RACD.

(f) Allowing hearing examiners at RACD to retain the authority to issue final orders in cases in which they already have held hearings will help to ensure that the claims of tenants and housing providers in these important matters are decided quickly and efficiently.

(g) The Council finds that there is a critical and prompt need to amend the OAH Act to avoid serious delays in the adjudication of administrative hearings conducted under the Rental Housing Act so that the Rent Administrator and the RACD hearing examiners may retain the authority to issue final orders in cases that they have heard before October 1, 2006.

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 Rent Administrator Hearing Authority Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-881

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to repeal changes to condominium and cooperative conversion fees to consider potential unintended consequences arising from the enactment of the changes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Vacancy Conversion Fee Exemption Reinstatement Emergency Declaration Resolution of 2006".

Sec. 2. (a) On July 11, 2006, the Council passed the Fiscal Year 2007 Budget Support Act of 2006. On that date, the Council also approved the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-477; 53 DCR 7068).

(b) Subtitle M of Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006, the Vacancy Conversion Fee Clarification Amendment Act of 2006, clarified the circumstances for collection of a condominium and cooperative conversion fee, including circumstances under which the fee may be reduced; eliminated the vacancy exemption to payment of condominium and cooperative conversion fees; and limited the duration of vacancy exemptions properly granted for tenant elections.

(c) The Council enacted this legislation to remove what had been an incentive to certain unscrupulous developers to empty buildings of their occupants through coercion or other means, to avail themselves of the 5% conversion fee payment exemption for vacant properties.

(d) Since emergency enactment of the Fiscal Year 2007 Budget Support Act of 2006, the Committee on Consumer and Regulatory Affairs has heard from several developers across the District, including developers that produce affordable housing, of various unintended consequences and unresolved issues surrounding the repeal of the conversion fee payment exemption for vacant buildings.

(e) Ambiguities raised by this legislation include whether this legislation applies to conversions currently in process; whether there is a grandfather provision for developers who acquired vacant property but failed to register the property prior to August 8, 2006; whether this legislation applies to purchases pursuant to the tenant opportunity to purchase provisions of the

ENROLLED ORIGINAL

Rental Housing Sale and Conversion Act of 1980; and whether there should be an exemption for small developers who generally deal in vacant properties and for whom the 5% conversion fee exemption represents a majority of their profit margin.

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 Vacancy Conversion Fee Exemption Reinstatement Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-882

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to approve the negotiated compensation settlement between the District of Columbia Board of Education and the District Council 20, Local 2921, American Federation of State, County, and Municipal Employees, AFL-CIO, for the period from January 1, 2004 through September 30, 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement Between the District of Columbia Board of Education and District Council 20, Local 2921, American Federation of State, County, and Municipal Employees, AFL-CIO, Emergency Declaration Resolution of 2006".

Sec. 2. (a) The District of Columbia Board of Education has negotiated or begun negotiations of several collective bargaining agreements with the collective bargaining unit.

(b) The most recent collective bargaining agreement between the Board of Education and District Council 20, Local 2921, American Federation of State, County, and Municipal Employees, AFL-CIO, expired on December 31, 2003.

(c) As a result of negotiations over the course of almost 2 years, the Board of Education and District Council 20, Local 2921, American Federation of State, County and Municipal Employees, AFL-CIO have reached an agreement ratified by both parties.

(d) The members of District Council 20, Local 2921, American Federation of State, County and Municipal Employees, AFL-CIO, received their most recent wage increase as the result of a negotiated compensation settlement agreement for fiscal years 2002 through 2004, which was approved by the Council.

(e) The members District Council 20, Local 2921, American Federation of State, County and Municipal Employees, AFL-CIO, provide a supportive function to the instructional program in the position of Educational Aide or secretarial or clerical services in the District of Columbia Public Schools.

(f) Unless legislative action is immediately taken upon the negotiated compensation agreement between the Board of Education and District Council 20, Local 2921, American Federation of State, County and Municipal Employees, AFL-CIO, a negative impact upon the financial well-being and personal morale of the members of the collective bargaining unit may

compromise the delivery of non-instructional services, affecting the learning environment for District public school students.

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 Compensation Settlement Between the District of Columbia Board of Education, and District Council 20, Local 2921, American Federation of State, County and Municipal Employees, AFL-CIO, Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-883

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve, on an emergency basis, the negotiated compensation settlement between the District of Columbia Public Schools and the District Council 20, Local 2921, American Federation of State, County, and Municipal Employees, AFL-CIO, submitted by the Mayor for District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement Between the District of Columbia Public Schools and the District Council 20, Local 2921, American Federation of State, County, and Municipal Employees, AFL-CIO, Approval Resolution of 2006".

Sec. 2. Pursuant to section 1717(j) 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 §1-167.17(j)), the Council approves the compensation settlement between the District of Columbia Public Schools and the District Council 20, Local 2921, American Federation of State, County, and Municipal Employees, AFL-CIO, which was transmitted to the Council by the Mayor on November 9, 2006, following its approval by the District of Columbia Board of Education, and the related salary schedules, which provide as follows:.

BOARD OF EDUCATION										
Educational Aide Employees (60, 70 & 80 Hour Tour of Duty)										
Clerical Employees (Non Typing Proficiency)										
CBU Codes: AEA, AEB, AEC Service Code A01										
Bargaining Units Represented by the Local 2921, District Council 20, AFSCME, AFL-CIO										
Effective: The first full pay period on or after October 1, 2005										
Increase:	5.00%									
GRADE	STEPS									
	1	2	3	4	5	6	7	8	9	10
EG/DS-01	15,066	15,525	15,984	16,443	16,901	17,360	17,819	18,277	18,736	19,195
EG/DS-02	16,787	17,297	17,807	18,317	18,827	19,337	19,845	20,355	20,866	21,375
EG/DS-03	18,181	18,743	19,303	19,864	20,425	20,985	21,547	22,108	22,668	23,230
EG/DS-04	20,248	20,877	21,505	22,132	22,760	23,388	24,017	24,645	25,271	25,899
EG/DS-05	22,476	23,183	23,890	24,597	25,304	26,011	26,717	27,425	28,132	28,838
EG/DS-06	24,915	25,698	26,480	27,262	28,044	28,828	29,610	30,392	31,175	31,957
EG/DS-07	27,514	28,387	29,260	30,134	31,009	31,882	32,756	33,629	34,503	35,378

This schedule quotes an annual rate based upon 80 hours TOD and 26 pay periods.

 Tony J. Demasi
 Executive Director, Human Resources
 Date: _____

 Pamela Graham
 Chief Financial Officer
 Date: _____

2
9415

BOARD OF EDUCATION										
Educational Aide Employees (60, 70 & 80 Hour Tour of Duty)										
Clerical Employees (Non Typing Proficiency)										
CBU Codes: AEA, AEB, AEC Service Code A01										
Bargaining Units Represented by the Local 2921, District Council 20, AFSCME, AFL-CIO										
Effective: The first full pay period on or after June 1, 2006										
Increase:										
GRADE	STEPS									
	1	2	3	4	5	6	7	8	9	10
EG/DS-01	15,820	16,302	16,783	17,265	17,746	18,228	18,709	19,191	19,673	20,155
EG/DS-02	17,627	18,161	18,697	19,233	19,768	20,304	20,837	21,373	21,909	22,444
EG/DS-03	19,090	19,680	20,268	20,857	21,446	22,035	22,624	23,213	23,802	24,392
EG/DS-04	24,440	24,440	24,440	24,440	24,440	24,557	25,217	25,877	26,535	27,194
EG/DS-05	24,440	24,440	25,084	25,827	26,569	27,311	28,053	28,796	29,538	30,280
EG/DS-06	26,161	26,983	27,804	28,625	29,447	30,269	31,091	31,912	32,733	33,555
EG/DS-07	28,890	29,806	30,723	31,641	32,559	33,476	34,394	35,311	36,228	37,147

This schedule quotes an annual rate based upon 80 hours TOD and 26 pay periods.

 Tony J. Demasi
 Executive Director, Human Resources
 Date: _____

 Pamela Graham
 Chief Financial Officer
 Date: _____

3
9416

BOARD OF EDUCATION										
Educational Aide Employees (60, 70 & 80 Hour Tour of Duty)										
Clerical Employees (Non Typing Proficiency)										
CBU Codes: AEA, AEB, AEC Service Code A01										
Bargaining Units Represented by the Local 2921, District Council 20, AFSCME, AFL-CIO										
Effective: The first full pay period on or after January 1, 2007										
Increase:	5.00%									
GRADE	STEPS									
	1	2	3	4	5	6	7	8	9	10
EG/DS-01	\$16,611	\$17,117	\$17,623	\$18,128	\$18,633	\$19,139	\$19,645	\$20,151	\$20,657	\$21,163
EG/DS-02	\$18,508	\$19,070	\$19,632	\$20,195	\$20,756	\$21,319	\$21,879	\$22,442	\$23,004	\$23,566
EG/DS-03	\$20,044	\$20,664	\$21,282	\$21,900	\$22,518	\$23,136	\$23,756	\$24,374	\$24,992	\$25,611
EG/DS-04	\$25,662	\$25,662	\$25,662	\$25,662	\$25,662	\$25,785	\$26,478	\$27,171	\$27,862	\$28,554
EG/DS-05	\$25,662	\$25,662	\$26,338	\$27,119	\$27,898	\$28,677	\$29,456	\$30,236	\$31,015	\$31,794
EG/DS-06	\$27,469	\$28,332	\$29,194	\$30,057	\$30,919	\$31,783	\$32,645	\$33,507	\$34,370	\$35,232
EG/DS-07	\$30,334	\$31,296	\$32,260	\$33,223	\$34,187	\$35,150	\$36,113	\$37,076	\$38,040	\$39,004

This schedule quotes an annual rate based upon 80 hours TOD and 26 pay periods.

 Tony J. Demasi
 Executive Director, Human Resources
 Date: _____

 Pamela Graham
 Chief Financial Officer
 Date: _____

4

9417

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 (87 Stat. 813; D.C. Official 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 Superintendent of Public Schools, the District Council Local 2921, AFL-CIO, the Board of Education, and to the Office of the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-884

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. RM-06-B-0070-SJ with Tompkins Builders, Incorporated, for the construction of a new psychiatric hospital and associated site work at St. Elizabeths Hospital to enable the District of Columbia to accept the contractor's bid of \$139,915,510.00 prior to the expiration of the bid-hold period on November 21, 2006, and to avoid any cost increases associated with re-bidding the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tompkins Builders, Incorporated Contract No. RM-06-B-0070-SJ Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve Contract No. RM-06-B-0070-SJ with Tompkins Builders, Incorporated, to authorize the construction of a new psychiatric hospital and associated site work at St. Elizabeths Hospital.

(b) The term of the contract is for 970 calendar days from the date of the notice to proceed for a fixed price of \$139,915,510.00.

(c) Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council must affirmatively approve multiyear contracts within a 45-day review period. If the contract is not executed by both parties prior to November 21, 2006, the 90-day bid hold condition will expire, which could result in substantial cost increases to the District if the contract were to be re-bid.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tompkins Builders, Incorporated Contract No. RM-06-B-0070-SJ Emergency Declaration Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-885

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To approve, on an emergency basis, the multiyear Contract No. RM-06-B-0070-SJ with Tompkins Builders, Incorporated, for the construction of a new psychiatric hospital and associated site work at St. Elizabeths Hospital to enable the District of Columbia to accept the contractor's bid of \$139,915,510.00 prior to the expiration of the bid-hold period on November 21, 2006, and to avoid any cost increases associated with re-bidding the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tompkins Builders, Incorporated, Contract No. RM-06-B-0070-SJ Emergency Approval Resolution of 2006".

Sec. 2. (a) Pursuant to section 105a(d) 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(d)), the Mayor transmitted to the Council a request for approval of the proposed Contract No. RM-06-B-0070-SJ with Tompkins Builders, Incorporated, for construction of a new psychiatric hospital and associated site work at St. Elizabeths Hospital, which contract is for 970 calendar days from the date of the notice to proceed for a fixed price of \$139,915,510.00.

(b) The Council approves the terms and conditions of the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by 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. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-886

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 14, 2006

To appoint Michelle L. Pourciau, Director of the District Department of Transportation, as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Directors of the Washington Metropolitan Area Transit Authority Michelle L. Pourciau Alternate Member Appointment Resolution of 2006".

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

Michelle L. Pourciau
3023 Oliver Street, N.W.
Washington, D.C. 20015
(Ward 4)

Director of the District Department of Transportation, as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority, replacing Daniel M. Tangerlini, in accordance with section 5(a) of the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), to serve at the pleasure of the Council.

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

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.