

ENROLLED ORIGINAL

A RESOLUTION

16-887

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To approve the salary schedule changes submitted by the University of the District of Columbia for the academic department chairpersons of the University of the District of Columbia not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "University of the District of Columbia Academic Department Chairpersons Salary Schedules Approval Resolution of 2006".

Sec. 2. Pursuant to section 1111 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 § 1-611.1 l(i)), the Council approves the salary schedule changes recommended by the Board of Trustees of the University of the District of Columbia for the academic department chairpersons not covered by collective bargaining, which were transmitted to the Council by the University of the District of Columbia on October 27, 2006, and which provide as follows:

The University of the District of Columbia

STEP-BASED CHAIR SALARY SCHEDULE

Effective Date: October 1, 2004

Increase: 5.0%

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	STEP INCREASES														Difference Between Steps	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14		
01 Distinguished Professor															94,968	
02 Professor	57,693	60,101	62,509	64,917	67,325	69,733	72,141	74,549	76,957	79,365	81,773	84,181	86,589	88,997	2,408	
03 Associate Professor	45,993	47,894	49,795	51,696	53,597	55,498	57,399	59,300	61,201	63,102	65,003	66,904	68,805	70,706	1,901	
04 Assistant Professor	37,451	39,021	40,591	42,161	43,731	45,301	46,871	48,441	50,011	51,581	53,151	54,721			1,570	
05 Instructor	33,765	35,170	36,575	37,980	39,385	40,790	42,195	43,600	45,005	46,410	47,815	49,220			1,405	

Fiscal Year 2005 Proposed

ENROLLED ORIGINAL

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The University of the District of Columbia

STEP-BASED CHAIR SALARY SCHEDULE

Effective Date: October 1, 2005

Increase: 4.0%

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	STEP INCREASES														Difference Between Steps	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14		
01 Distinguished Professor															98,767	
02 Professor	60,001	62,505	65,009	67,513	70,017	72,521	75,025	77,529	80,033	82,537	85,041	87,545	90,049	92,553	2,504	
03 Associate Professor	47,833	49,810	51,787	53,764	55,741	57,718	59,695	61,672	63,649	65,626	67,603	69,580	71,557	73,534	1,977	
04 Assistant Professor	38,949	40,582	42,215	43,848	45,481	47,114	48,747	50,380	52,013	53,646	55,279	56,912			1,633	
05 Instructor	35,116	36,577	38,038	39,499	40,960	42,421	43,882	45,343	46,804	48,265	49,726	51,187			1,461	

Fiscal Year 2006 Proposed

ENROLLED ORIGINAL

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The University of the District of Columbia

STEP-BASED CHAIR SALARY SCHEDULE

Effective Date: October 1, 2006

Increase: 4.0%

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	STEP INCREASES														Difference Between Steps	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14		
01 Distinguished Professor															102,718	
02 Professor	62,401	65,005	67,609	70,213	72,817	75,421	78,025	80,629	83,233	85,837	88,441	91,045	93,649	96,253	2,604	
03 Associate Professor	49,746	51,802	53,858	55,914	57,970	60,026	62,082	64,138	66,194	68,250	70,306	72,362	74,418	76,474	2,056	
04 Assistant Professor	40,507	42,205	43,903	45,601	47,299	48,997	50,695	52,393	54,091	55,789	57,487	59,185			1,698	
05 Instructor	36,521	38,040	39,559	41,078	42,597	44,116	45,635	47,154	48,673	50,192	51,711	53,230			1,519	

Fiscal Year 2007 Proposed

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The University of the District of Columbia

STEP-BASED CHAIR SALARY SCHEDULE

Effective Date: October 1, 2007

Increase: 3.0%

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	STEP INCREASES														Difference Between Steps	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14		
01 Distinguished Professor															105,800	
02 Professor	64,273	66,955	69,637	72,319	75,001	77,683	80,365	83,047	85,729	88,411	91,093	93,775	96,457	99,139	2,682	
03 Associate Professor	51,238	53,356	55,474	57,592	59,710	61,828	63,946	66,064	68,182	70,300	72,418	74,536	76,654	78,772	2,118	
04 Assistant Professor	41,722	43,471	45,220	46,969	48,718	50,467	52,216	53,965	55,714	57,463	59,212	60,961			1,749	
05 Instructor	37,617	39,182	40,747	42,312	43,877	45,442	47,007	48,572	50,137	51,702	53,267	54,832			1,565	

Fiscal Year 2008 Proposed

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The University of the District of Columbia

BANDED CHAIR SALARY SCHEDULE

Effective Date: October 1, 2006

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	ANNUALIZED SALARY	
	MINIMUM	MAXIMUM
01 Distinguished Professor	102,718	110,935
02 Professor	62,401	103,953
03 Associate Professor	49,746	82,592
04 Assistant Professor	40,507	63,920
05 Instructor	36,521	57,488

Fiscal Year 2007 Proposed

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The University of the District of Columbia

BANDED CHAIR SALARY SCHEDULE

Effective Date: October 1, 2007

Increase: 3.0%

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	ANNUALIZED SALARY	
	MINIMUM	MAXIMUM
01 Distinguished Professor	105,800	114,264
02 Professor	64,273	107,070
03 Associate Professor	51,238	85,074
04 Assistant Professor	41,722	65,838
05 Instructor	37,617	59,219

Fiscal Year 2008 Proposed

UNIVERSITY OF THE DISTRICT OF COLUMBIA  
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ENROLLED ORIGINAL

Sec 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the 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 Board of Trustees of the University of the District of Columbia and to the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-888

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To approve the adjusted banded faculty salary schedules related to the negotiated compensation collective bargaining agreement for faculty members in Compensation Unit 10 approved by the Council on July 11, 2006.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia and Compensation Unit 10 Banded Faculty Salary Schedules 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. Code § 1-618.17(j)), the Council approves the revised banded faculty salary schedules related to the compensation settlement between the Board of Trustees of the University of the District of Columbia and the collective bargaining representative of faculty employees in Compensation Unit #10, which was approved by the University of the District of Columbia and Compensation Unit 10 Faculty Members Emergency Approval Resolution of 2006, effective July 11, 2006 (Res. 16-771; 53 DCR 6302) ("Resolution 16-771"). The revised banded faculty salary schedules supersede the banded schedules of Resolution 16-771. The revised banded faculty salary schedules provide that for fiscal years 2007 and 2008, the beginning salary for each level on the banded salary schedule will correspond to the beginning salary for each level on the step salary schedule, and the highest salary for each level on the banded salary schedule shall be 8% higher than the corresponding level on the step salary schedule. The schedules provide as follows:

The University of the District of Columbia

BANDED FACULTY SALARY SCHEDULE

Effective Date: October 1, 2006

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	ANNUALIZED SALARY	
	MINIMUM	MAXIMUM
01 Distinguished Professor	102,718	110,935
02 Professor	62,401	103,953
03 Associate Professor	49,746	82,592
04 Assistant Professor	40,507	63,920
05 Instructor	36,521	57,488

Fiscal Year 2007 Proposed

The University of the District of Columbia

BANDED FACULTY SALARY SCHEDULE

Effective Date: October 1, 2007

Increase: 3.0%

CBU CODE - XGF, NAA; SERVICE CODE: L30, L31, L33, N30, N31, N32

RANK	ANNUALIZED SALARY	
	MINIMUM	MAXIMUM
01 Distinguished Professor	105,800	114,264
02 Professor	64,273	107,070
03 Associate Professor	51,238	85,074
04 Assistant Professor	41,722	65,838
05 Instructor	37,617	59,219

Fiscal Year 2008 Proposed

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the 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 Board of Trustees of the University of the District of Columbia and to the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-889

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency, due to congressional review, with respect to the need to define "certified business enterprise" and clarify that the dollar volume subcontracting requirement may include purchases from small business enterprises that provide materials, goods, and supplies.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Small and Local Business Development Subcontracting Clarification Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. The Department of Small and Local Business Development Subcontracting Clarification Emergency Amendment Act of 2006, D.C. Act 16-513, contained an applicability date of September 22, 2006, and will therefore expire on December 21, 2006. The temporary bill, Bill 16-943, which passed on second reading on November 14, 2006, was transmitted to the Mayor on November 21, 2006 and has yet to be signed and undergo congressional review. Therefore, congressional review emergency legislation is required to cover any gap in the effectiveness of the 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 Department of Small and Local Business Development Subcontracting 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

16-890

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish within the Office of the Attorney General a loan assistance repayment program for lawyers who practice in poverty areas of the law

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Congressional Review Emergency Declaration Resolution of 2006".

Sec. 2. (a) On July 11 and October 3, 2006, the Council of the District of Columbia approved the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, which will become effective February 20, 2007.

(b) The act would create a loan assistance repayment program administered through the Office of the Attorney General that would be limited to attorneys providing direct legal services to the District's low-income population.

(c) Lawyers receiving repayment assistance would have to work at an organization that is eligible to receive funds from the District of Columbia Bar Foundation. Eligible recipients must be residents of the District of Columbia, meet certain income restrictions, and, to ensure commitment to public interest law, loans would not be completely forgiven until the recipient has worked for 3 years in poverty law.

(d) Full-year funding for this program is included in the already adopted budget for Fiscal Year 2007.

(e) This emergency legislation is necessary to allow the Office of the Attorney General to begin implementing this valuable and important program, and 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 District of Columbia Poverty Lawyer Loan Assistance Repayment Program Congressional Review Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## ENROLLED ORIGINAL

## A RESOLUTION

16-891

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 20 of Title 21 of the District of Columbia Official Code to clarify presumption of incapacity, to add definitions of "best interests", "emergency care", "incapacitated individual for health-care decisions", and "substituted judgment", to amend the definition of "guardian", to permit the court to waive the appointment of a visitor and examiner in certain circumstances, to prohibit the appointment of a guardian with a conflict of interest, to require guardians to limit their caseload, to require the court to appoint the type of guardian which is least restrictive to the individual, to authorize the court to appoint a health-care guardian, to clarify the powers and duties of guardians, and to clarify the reasons that the court may remove a guardian; to amend Chapter 22 of Title 21 of the District of Columbia Official Code to authorize psychologists to certify incapacity to make a health-care decision, to provide that nothing in this chapter condones mercy-killing or conflicts with the Emergency Medical Treatment and Labor Act, to permit court-appointed mental retardation advocates to provide substituted consent for health-care decisions for incapacitated customers, and to authorize a health-care provider, the District of Columbia, or an interested person to file a petition for the appointment of a limited guardian if there is no individual who can act as a substitute health-care decision-maker for an incapacitated customer; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to add definitions of "behavioral plan", "best interests", "comprehensive evaluation", "psychotropic medication", and "substituted judgment", to repeal a provision providing a process for authorizing emergency medical surgery for a customer that is inconsistent with federal law, and to require initial and periodic evaluations of the decision-making capacity of and the availability of health-care decision-making supports for Mental Retardation and Developmental Disabilities Administration ("MRDDA") customers, to require informed consent for services and to establish a process for informed consent for psychotropic medications, to require MRDDA to complete a comprehensive review of psychotropic medication use for all MRDDA customers within one year, to establish an MRDDA health-care decisions policy and to require the MRDDA Administrator to issue reports on those evaluations and the agency's health-care decision-making activities.

ENROLLED ORIGINAL

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

Sec. 2. The Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Emergency Amendment Act of 2005, effective September 25, 2006 (D.C. Act 16-480; 53 DCR 7940), expires on December 21, 2006. The Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Temporary Amendment Act of 2006, signed by the Mayor on October 18, 2006 (D.C. Act 16-486), is pending Congressional review and is not projected to become law until February of 2007. There exists an emergency need for gap-filling legislation to ensure that there is no lapse in legal authority or in rules that have already been issued to implement the act. It is further imperative, appropriate, and necessary that this emergency legislation be considered and passed to protect the health, safety, and welfare of District citizens with developmental disabilities.

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 Decisions for Persons with Developmental Disabilities 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

16-892

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt the Georgetown bridge repairs, known as the Wisconsin Avenue Bridge Project, from the maximum noise level restrictions and from the limitations on after-hours work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Wisconsin Avenue Bridge Project and Noise Control Congressional Review Emergency Declaration Resolution of 2006".

- Sec. 2. (a) The current emergency act (D.C. Act 16-451) expired on October 19, 2006.
- (b) The temporary act (D.C. Act 16-495) is pending Congressional review.
- (c) The permanent bill (B16-680) had 2<sup>nd</sup> reading on December 5, 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 Wisconsin Avenue Bridge Project and Noise Control 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

16-893

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency, due to Congressional review, with respect to the need to impose an additional tax of .35% on transfers of security interests.

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

Sec. 2. (a) The Council passed emergency and temporary legislation to impose an additional tax of .35% on transfers of security interests.

(b) The current emergency act (D.C. Act 16-481) expires on January 3, 2007.

(c) The temporary act (D.C. Act 16-506) is pending Congressional review.

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 Deed Transfer and Recordation Clarification Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-894

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to order the closing of portions of the public alley system in Square 701, bounded by M Street, N.E., 1<sup>st</sup> Street, N.E., N Street, N.E., and Half Street, N.E., in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of Portions of a Public Alley System in Square 701, S.O. 06-9889, Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Council considered the Closing of Public Alleys in Square 701, S.O. 06-9889, Act of 2006, passed on 1<sup>st</sup> reading on November 14, 2006 (Engrossed version of Bill 16-818) ("permanent legislation"), in November. The permanent legislation is scheduled for its second reading on December 5, 2006.

(b) The alley closing legislation will facilitate the development of a mixed-use facility, including office, residential and retail uses immediately to the north of the new Washington Nationals Baseball Stadium, which will include affordable housing, as required by applicable law, and will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenue residential income tax revenue, and new retail sales tax revenue. The development will also create more than 300 jobs during construction and additional permanent jobs after completion of the project.

(c) Advisory Neighborhood Commission 6D, which represents the area in which the project is located, supports the alley closing.

(d) The project is critical to the development of the area surrounding the Washington Nationals Baseball Stadium. Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously. Any delay in approving the alley closing and the potential resultant delay in construction could adversely impact the timely development of this important project.

ENROLLED ORIGINAL

Sec. 3 The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of Portions of a Public Alley System in Square 701, S.O. 06-9889, Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-895

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to order the closing of portions of a public alley system in Square 776, bounded by H Street, N.E., 3<sup>rd</sup> Street, N.E., I Street, N.E., and 4<sup>th</sup> Street, N.E., in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of Portions of a Public Alley System in Square 776, S.O. 06-9227, Emergency Declaration Resolution of 2006".

Sec. 2. (a) The Council considered the Closing of Public Alleys in Square 776, S.O. 06-9227, Act of 2006, passed on 1<sup>st</sup> reading on November 11, 2006 (Engrossed version of Bill 16-817) ("permanent legislation"), in November. The permanent legislation is scheduled for 2<sup>nd</sup> reading on December 5, 2006.

(b) The alley closing legislation will facilitate the development of a mixed-use facility including residential and retail uses in Square 776, which will include affordable housing and will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenue, residential income tax revenue, and retail sales tax revenue. The development will also create approximately 200 jobs during construction and additional permanent jobs after completion of the project.

(c) The Advisory Neighborhood Commission 6C, which represents the area in which the project is located, supports the alley closing.

(d) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously, as the Zoning Commission for the District of Columbia has taken action to approve the planned unit development associated with this project.

(e) Securing the alley closing approval for this development is essential for the applicant to move forward in a timely manner with construction documents and in negotiations with potential retail tenants, including potential grocery store tenants.

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 Portions of a Public Alley System in Square 776, S.O. 06-9227, Emergency Act of 2006 be

adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-896

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to clarify that tenants who become owners only after the exercise of their rights under the Tenant Opportunity to Purchase Act are qualified to vote in a condominium or cooperative conversion election.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tenant-Owner Voting in Conversion Election Clarification Emergency Declaration Resolution of 2006".

Sec. 2. The Council finds that:

(1) There is an ambiguity in the Rental Housing Conversion and Sale Act of 1980 ("Act") that prevents tenants who become owners after the exercise of their rights under the Tenant Opportunity to Purchase Act of 1980 ("TOPA"), which is Title IV of the Act, and without the intervention of third-party developers, from voting in a condominium or cooperative conversion election.

(2) As the cost of housing in the District of Columbia increases, in addition to existing cases, there is also the likelihood that even more tenants will take advantage of their TOPA rights via forms of homeownership such as limited equity cooperatives and limited liability companies, where tenants purchase their buildings without the intervention of third-party developers.

(3) These forms of homeownership permit tenants who may not otherwise have been able to purchase their buildings to do so in a more affordable way. The Act's public policy goal of creating homeownership opportunities for low-income tenants is diminished whenever homeownership opportunities for low-income tenants are lost due to the above referenced ambiguity.

(4) Accordingly, Council finds that there is a critical and prompt need to amend the Rental Housing Conversion and Sale Act of 1980 to clarify that in addition to other qualified tenants, tenants who become owners only after the exercise of their rights under TOPA are qualified to vote in a condominium or cooperative conversion election.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tenant-Owner Voting in Conversion Election Clarification Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-897

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-010 and the award of a task order placed against that human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Life Stride Human Care Agreement No. RM-07-HCA-MHRS-010 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-MHRS-010 for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001 dated October 3, 2006, for the services received under that human care agreement.

(b) On October 3, 2006, a human care agreement was awarded to Life Stride, Inc. ("Life Stride") for the period from October 3, 2006, through September 30, 2007, in the not-to-exceed amount of \$1,370,444.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$342,611.00 was issued to Life Stride for the provision of mental health rehabilitation services.

(c) Approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Life Stride Human Care Agreement No. RM-07-HCA-MHRS-010 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

16-898

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-013 and the award of task orders placed against the human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Psychiatric Center Chartered Human Care Agreement No. RM-07-HCA-MHRS-013 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-013, for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001, dated October 3, 2006, for the services received under that agreement.

(b) On October 3, 2006, a human care agreement was awarded to Psychiatric Center Charter, Inc. ("PCC") for the period of October 3, 2006, through September 30, 2007, not to exceed \$1,169,283.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$292,321.00 was issued to PCC for the provision of mental health rehabilitation services.

(c) Approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Psychiatric Center Chartered Human Care Agreement No. RM-07-HCA-MHRS-013 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-899

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-015 and the award of task orders placed against that human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Planned Parenthood Human Care Agreement No. RM-07-HCA-MHRS-015 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-MHRS-015 for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001, dated October 3, 2006, for the services received under this agreement.

(b) On October 3, 2006, a Human Care Agreement was awarded to Planned Parenthood of Metropolitan Washington ("Planned Parenthood") for the period from October 3, 2006, through September 30, 2007, in the not-to-exceed amount of \$1,063,065.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$265,767.00 was issued to Planned Parenthood for the provision of mental health rehabilitation services.

(c) Council approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Planned Parenthood Human Care Agreement No. RM-07-HCA-MHRS-015 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

16-900

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-016 and the award of task orders placed against that human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anchor Mental Health Association Human Care Agreement No. RM-07-HCA-MHRS-016 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-MHRS-016 for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001, dated October 3, 2006, for the services received under that human care agreement.

(b) On October 3, 2006, a human care agreement was awarded to Anchor Mental Health Association, Inc. ("Anchor") for the period from October 3, 2006, through September 30, 2007, in the not-to-exceed amount of \$1,772,718.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$443,180.00 was issued to Anchor for the provision of mental health rehabilitation services.

(c) Approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anchor Mental Health Association Human Care Agreement No. RM-07-HCA-MHRS-016 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-901

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-018 and the award of a task order placed against the human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Psychotherapeutic Outreach Services Human Care Agreement No. RM-07-HCA-MHRS-018 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-018, for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001, dated October 3, 2006, for the services received under that human care agreement.

(b) On October 3, 2006, a Human Care Agreement was awarded to Psychotherapeutic Outreach Services ("POS") for the period of October 3, 2006, through September 30, 2007, not to exceed \$1,271,182.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$317,796.00 was issued to POS for the provision of mental health rehabilitation services.

(c) Approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Psychotherapeutic Outreach Services Human Care Agreement No. RM-07-HCA-MHRS-018 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-902

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-022 and the award of task orders placed against that human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Pathways to Housing Human Care Agreement No. RM-07-HCA-MHRS-022 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-MHRS-022 for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001, dated October 3, 2006, for the services received under this agreement.

(b) On October 3, 2006, a human care agreement was awarded to Pathways to Housing, DC, Inc. ("Pathways") for the period from October 3, 2006, through September 30, 2007, in the not-to-exceed amount of \$1,365,523.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$341,381.00 was issued to Pathways for the provision of mental health rehabilitation services.

(c) Council approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Pathways to Housing Human Care Agreement No. RM-07-HCA-MHRS-022 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-903

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. RM-07-HCA-MHRS-030 and the award of task orders placed against the human care agreement for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Hospital Center Human Care Agreement No. RM-07-HCA-MHRS-030 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the award of Human Care Agreement No. RM-07-HCA-030, for mental health rehabilitation services for persons with mental health disabilities and to authorize payment for modified Task Order 001, dated October 3, 2006, for the services received under that human care agreement.

(b) On October 3, 2006, a human care agreement was awarded to Washington Hospital Center ("WHC") for the period of October 3, 2006, through September 30, 2007, not to exceed \$1,379,688.00. Modified Task Order No. 001, dated October 3, 2006, in the amount of \$344,922.00 was issued to WHC for the provision of mental health rehabilitation services.

(c) Approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with 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.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Washington Hospital Center Human Care Agreement No. RM-07-HCA-MHRS-030 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-904

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to immediately reorganize the functions and activities related to street vending to protect the health and welfare of the general public by creating an organized and safe environment where street vending is encourage by designating appropriate vending site locations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Emergency Declaration Resolution of 2006".

Sec. 2. (a) A moratorium on the issuance of Class A, B, and D licenses for sidewalk and roadway vendors was adopted by the Council in reaction to concerns about arguments between vendors over site locations, reported counterfeiting of vending licenses, and complaints from the business community regarding competition from vendors located outside of their establishments.

(b) The Department of Consumer and Regulatory Affairs contracted with the Public Space Planning and Management Corporation in September 2004 to develop a comprehensive vending demonstration project which would determine vending site locations by using a computerized Geographical Information System.

(c) Pursuant to section 3 of the Vending Licensing Moratorium Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-72; 24 DCMR § 505.11), the Department of Consumer and Regulatory Affairs submitted to the Council in June 2006 a report describing the proposed manner in which the recommendations of the demonstration project would be implemented.

(d) The report recommends that the Department of Transportation take responsibility for identifying permissible vending locations on public space and issue a portfolio of permits, to be distributed to vendors by the Department of Consumer and Regulatory Affairs, for the rental of public space for an appropriate public space rental fee.

(e) The vending license moratorium expired on October 15, 2006.

(f) Ninety days after the moratorium expires, the findings and recommendations of the demonstration project are to be implemented.

(g) Several hundred vendors have applied for new vendor licenses since October 15, 2006.

(h) The Department of Transportation requires authority to manage the public space issues involved in vending by determining vending site locations, issuing a portfolio of permits, for distribution by the Department on Consumer and Regulatory Affairs, and charging permit fees to vendors to rent public space. Without this authority, the Department on Consumer and Regulatory affairs and the Department of Transportation cannot implement the recommendations of the demonstration project, to ensure the safety and welfare of vendors and the citizens of the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-905

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to clarify that a Commission may provide reimbursements for authorized purchases made with credit cards.

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

Sec. 2. (a) Two opinions by the Office of the Attorney General ("OAG"), dated May 28, 1996 and June 14, 2004, have concluded that an Advisory Neighborhood Commission ("ANC") may not use credit cards directly or indirectly to purchase goods and services because it is not expressly authorized in the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*).

(b) The exclusion of the use of a credit card has not only prohibited an ANC from using a credit card directly to make purchases but also from reimbursing a ANC commissioner or employee who makes purchases for the ANC with his or her own credit card.

(c) This prohibition has created a hardship for ANCs in that there are substantial cost savings and conveniences to be realized through internet and retail credit card purchases.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Advisory Neighborhood Commissions Clarification Emergency Amendment Act of 2006 be adopted after a single reading.

Sec 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-906

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to approve a multiyear contract for the purchase of premium unleaded gasoline under federal contract number SPO600-05-D-4061 with Conectiv Energy Supply, Inc., and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Multiyear Contract for the Purchase of Fuel under Federal Contract No. SP0600-05-D-4061 Approval and Payment Authorization Emergency Declaration Resolution of 2006".

Sec. 2. (a) There exists an immediate need to approve the multiyear contract for the purchase of premium unleaded gasoline under federal Contract No. SPO600-05-D-4061 for various District agencies and to authorize payment for the fuel received and to be received under this federal contract.

(b) The Office of Property Management ("OPM"), is responsible for providing various District agencies with diesel fuel, unleaded gasoline, and fuel oil #2, which are used for heating District office facilities and maintaining the vehicle fleets of the Fire Department, Metropolitan Police Department, and the Department of Public Works.

(c) In November 2004, the OPM submitted its requirements for diesel fuel, unleaded gasoline, and fuel oil #2 to the Defense Logistics Agency, Defense Energy Support Center ("DESC") for inclusion in its solicitation that was issued in February 2005.

(d) On September 29, 2005, DESC awarded Contract No. SP0600-05-D-4061 to Conectiv Energy Supply, Inc. ("Conectiv") to provide premium unleaded gasoline from October 1, 2005, until July 31, 2010. The requirements of OPM for premium unleaded gasoline were included in the award to Conectiv.

(e) Under various purchase orders issued by the Office of Contracting and Procurement, Conectiv provided premium unleaded gasoline from October 1, 2005 to the present. From October 1, 2005, to the present, expenditures under purchase orders issued under this contract were approximately \$555,965.36. The Office of Contracting and Procurement did not request Council approval for the multiyear contract.

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(f) Council approval is necessary to authorize the multiyear agreement, the purchase orders issued under this contract, and to approve payment to Conectiv for the premium unleaded gasoline provided between October 1, 2005, and October 11, 2006.

(g) The estimated total expenditure under this multiyear contract with Conectiv is \$2,650,708.80.

(h) Approval is necessary to allow the District to continue to receive the benefit of these vital goods and services from Conectiv.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Multiyear Contract for the Purchase of Fuel under Federal Contract No. SP0600-05-D-4061 Approval and Payment Authorization Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-907

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to continue the terms of the current appointees of the Washington Convention Center Authority Advisory Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Advisory Committee Emergency Declaration Resolution of 2006".

Sec. 2. (a) The terms of the current members of the Washington Convention Center Authority Advisory ("WCCA") Committee are about to expire.

(b) The WCCA Advisory Committee has played a valuable role of involving the community in the decision-making process for issues involving the new Washington Convention Center.

(c) With the construction of the new Washington Convention Center hotel, it is important to continue the work of this committee to keep the community involved and informed as the hotel construction moves forward.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Washington Convention Center Advisory Committee Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-908

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

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

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

Sec. 2. (a) The Finance and Revenue Technical Amendments Temporary Amendment Act of 2006 approved June 5, 2006 (D.C. Law 16-102; 53 DCR 1912 ) expires on December 23, 2006.

(b) These amendments are currently pending Congressional review as part of the Technical Amendments Act of 2006, signed by the Mayor on July 31, 2006 (D.C. Act 16-475; 53 DCR 6794), which has a projected law date of January 23, 2007.

(c) Amendments are needed to make technical, clarifying changes to legislation passed by the Committee on Finance and Revenue at the recommendation of the Office of Tax and Revenue for auditing purposes and include:

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

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

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

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

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(5) The Heating Oil Clarification Act of 2004 (D.C. Act 15-672) needs further clarification for the commencement date for the change in a utility tax rate.

(6) The Arena Tax Amendment Act of 1994 (D.C. Act 10-315) clarifies the intent of the Council real property tax exemption for the MCI Arena by adding a cross reference to the Land Disposition Agreement and Ground Lease.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Finance and Revenue Technical Amendments Second Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-909

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to establish the Film DC Economic Incentive Grant Fund to provide incentives to attract and retain film, television, and multimedia business in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Film DC Economic Incentive Emergency Declaration Resolution of 2006".

(a) Currently, a vast majority of motion picture and television productions whose fictional setting is the District of Columbia are just filming 2 to 3 days in the District to get the background shots they need and then leaving to film the rest of their shots in Maryland, Virginia, Louisiana, California, or Canada.

(b) By providing an economic incentive, the proposed emergency act would encourage productions to stay in the District longer, which will generate new tax revenue for the District of Columbia and would also result in growth to the District's economy.

(c) The District needs to establish the Film DC Economic Incentive Grant Fund to provide incentives to attract and retain film, television, and multimedia business in the District.

(d) The Office of Motion Picture and Television Development desires to begin negotiating with the film, National Treasure 2, in January, to try get the film to produce and shoot the majority of its scenes in the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Film DC Economic Incentive Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-910

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to authorize the deposit of the net proceeds from the sale of the real property known as Old Engine Company 12, 1626 North Capitol Street, N.W., into the Commercial Trust Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Old Engine Company 12 Deposit of Sale Proceeds Emergency Declaration Resolution of 2006".

Sec. 2 (a) The Old Engine Company 12 Disposition Approval Resolution of 2006 ("Resolution") became effective July 11, 2006.

(b) Section 2(b)(1) of the Resolution states: "The sale of the Property shall be subject to the following terms and conditions, in addition to other terms and conditions as the Mayor deems necessary and appropriate: The Purchaser shall pay \$600,000 to the District upon consummation of the sale to the Purchaser."

(c) The District has made several commercial revitalization commitments in areas throughout the city, specifically through the ReStore DC and the DC Main Streets programs. The funding for these commitments is located in Fund 0622 ("Commercial Trust Fund").

(d) The Commercial Trust Fund budget line for FY 2007 includes the projected net proceeds from the sale of Old Engine Company 12, but there is no authorization for its deposit.

(e) If the net proceeds from the sale of Old Engine Company 12 are not deposited in the Commercial Trust Fund, the result will be a \$600,000 budget shortfall in that line item.

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 Old Engine Company 12 Deposit of Sale Proceeds Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-911

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to allow the Office of Tax and Revenue to enter into a closing agreement for any taxable period.

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

Sec. 2. (a) The Office of Chief Financial Officer's Office of Tax and Revenue needs to be able to enter into a closing agreement for taxable periods prior or subsequent to the date of a closing agreement.

(b) Present law permits a closing agreement only for taxable periods prior to the date of the closing agreement.

(c) Amending the law to allow the Office of Tax and Revenue to enter into a closing agreement for any taxable period would be advantageous to the District and taxpayers because it permits resolution of all tax matters including future tax periods in a one closing agreement, and brings the District of Columbia's law into conformance with the Internal Revenue Code § 7121(a).

(d) There are cases pending for which the ability to enter into a closing agreement for any taxable period would bring about settlement.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Closing Agreement Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-912

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to clarify that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer, to provide that such benefits shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and to clarify that a former owner that received the benefits is personally liable for the amount of benefits improperly received.

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

(a) The D.C. Land Title Association expressed grave concern about the current law's retroactive rescission of the homestead and senior/disabled deductions in the limited instance where a property is not transferred to a homesteader or a senior or disabled person.

(b) Under current law, the retroactive rescission is effective back to the first day of the half tax year when the property was transferred. The retroactive rescission makes prorating taxes at settlement very difficult because the settlement company must escrow significant funds pending the finalization of the tax bill by the Office of Tax and Revenue during the next billing cycle.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Real Property Tax Benefits Clarification Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-913

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to delay implementation by one tax year of the owner-occupant residential tax credit to real properties that were under the lower income homeownership cooperative housing association 5-year exemption; to clarify that to receive the credit there must be continuous ownership; and to clarify that no credits will be granted for tax years prior to Tax Year 2007.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lower Income Homeownership Cooperative Housing Association Re-Clarification Emergency Declaration Resolution of 2006".

(a) At the request of the Office of Tax and Revenue, the Council included title I-I in the Fiscal Year 2007 Budget Support Act of 2006 to ensure that residents receive the benefit of the property tax cap even though they are not paying taxes during that period because, without the Office of Tax and Revenue's revaluation of the taxable assessments, the value of applying for the Lower Income Homeownership Cooperative Housing Association Program would be eliminating the benefit of applying for this program.

(b) The implementation of this legislation needs to be delayed because of the unanticipated difficulty in determining continuous ownership and retroactively adjusting the property tax cap.

(c) The Office of Tax and Revenue will provide property tax credits for Tax Year 2007 for anyone who is adversely impacted by the one year delay in the following tax year.

(d) If the proposed emergency act is not passed, the Office of Tax and Revenue still will not be able to provide the tax credits until the next fiscal year, which could have an adverse impact on the District's audit.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Lower Income Homeownership Cooperative Housing Association Re-Clarification Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-914

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings, to consolidate the overlapping responsibilities for the designation, registration and assessment of vacant properties, to provide for the augmentation of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals, to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nuisance Properties Abatement Reform and Real Property Classification Emergency Declaration Resolution of 2006".

(a) Certain legislative amendments are necessary to collect the \$8 million in the vacant property revenue initiative included in the Fiscal Year 2007 budget which include:

- (1) Providing for the abatement of nuisances in the District of Columbia by limiting and clarifying the exceptions from the vacant and Class 3 designations; and
- (2) By transferring fully from the Office of Tax and Revenue to the Department of Consumer and Regulatory Affairs the authority to designate improved properties as vacant and therefore subject to Class 3 taxation.

(b) If legislation is not enacted to allow for improved monitoring and enforcement of

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vacant properties, as anticipated by the Fiscal Year 2007 Budget Support Act of 2006, the District will not collect anticipated revenues and there will be a budget shortfall.

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 Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-915

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need authorize the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$40 million and to authorize and provide for the loan of the proceeds of the bond to assist the Protestant Episcopal Cathedral Foundation of the District of Columbia in the financing, refinancing or reimbursing of costs associated with an authorized project under 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 "Protestant Episcopal Cathedral Foundation of the District of Columbia (St. Albans School) Revenue Bonds Project Emergency Declaration Resolution of 2006".

Sec. 2. The Council finds that:

(1) The Protestant Episcopal Cathedral Foundation of the District of Columbia ("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 renovation of and additions to existing school facilities, construction of a commons building, renovation of a performing arts center, and the purchase of equipment and furnishings for such facilities for the benefit of St. Albans School, located at 3101 Wisconsin Avenue, N.W. (Lot 25, Square 1944);

(B) Any capitalized interest with respect to the bonds;

(C) Funding reserves;

(D) Any bond insurance or other credit enhancement; and

(E) Certain issuance costs and other eligible costs with respect to the bonds.

(3) In order to meet the present construction schedule of the project, and to maximize interest savings on the bonds while interest rates on tax-exempt bonds are presently low, the issuance needs to occur prior to the next scheduled Council meeting. Council approval of the resolution authorizing the issuance of the bonds would avoid unnecessary delays in the construction schedule of the project and provide maximum savings to the borrower.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 3 constitute emergency circumstances making it necessary that the Protestant Episcopal Cathedral Foundation of the District of Columbia (St. Albans School) Revenue Bonds Project Emergency Approval Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-916

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 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 principal amount not to exceed \$40 million and to authorize and provide for the loan of the proceeds of the bonds to assist the Protestant Episcopal Cathedral Foundation of the District of Columbia 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 "Protestant Episcopal Cathedral Foundation of the District of Columbia (St. Albans School) 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 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 Protestant Episcopal Cathedral Foundation of the District of Columbia, a District of Columbia nonprofit corporation established in the District of Columbia by an Act of Congress, and exempt from federal income taxes.

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

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds and

## ENROLLED ORIGINAL

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 (if any), 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 lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

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

(A) The renovation of and additions to existing school facilities, construction of a commons building, renovation of a performing arts center, and the purchase of equipment and furnishings for such facilities for the benefit of St. Albans School, located at 3101 Wisconsin Avenue, N.W. (Lot 25, Square 1944);

(B) Any capitalized interest with respect to the bonds;

(C) Funding reserves;

(D) Any bond insurance or other credit enhancement; and

(E) Certain Issuance Costs and other eligible costs with respect to the bonds.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse 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.

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

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

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

(2) The making of the loan.

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

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

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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 of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

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

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

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

#### Sec. 6. Sale of the bonds.

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

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

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

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

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents 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 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 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.

## ENROLLED ORIGINAL

(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 or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, 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, sale or delivery of the bonds, or for any

representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

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

Sec.12. Maintenance of documents.

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

Sec.13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

Sec. 15. Expiration.

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

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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 has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

16-917

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to declare the sense of the Council in support of permitting commercial filming on the United States Capitol grounds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Permitting Commercial Filming on the United States Capitol Grounds Emergency Declaration Resolution of 2006".

Sec. 2. Findings.

(a) Television and motion pictures are prohibited from engaging in commercial filming on the Capitol Grounds. Noncommercial and private filming is permitted.

(b) The Council is considering Bill 16-935, the Film DC Economic Incentive Act of 2006, which establishes a fund to provide an economic incentive through grants to make the District more competitive in attracting filmmaking with other jurisdictions.

(c) Encouraging more productions to film in the District of Columbia will infuse new revenue into the local economy and will create new jobs for District residents.

(d) The Capitol Grounds are an attractive venue for commercial filmmaking, and allowing commercial filmmakers to film on the Capitol Grounds will increase the likelihood that movies with a plot set in the District of Columbia will film a large portion of the scenes in the District.

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 Sense of the Council in Support of Permitting Commercial Filming on the United States Capitol Grounds Emergency Resolution of 2006 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-918

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare, on an emergency basis, the sense of the Council in support of commercial filming on the United States Capitol grounds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Permitting Commercial Filming on the United States Capitol Grounds Emergency Resolution of 2006".

Sec. 2. The Council finds that:

(1) Television and motion pictures are prohibited from engaging in commercial filming on the Capitol Grounds. Noncommercial and private filming is permitted.

(2) The Council is considering Bill 16-935, the Film DC Economic Incentive Act of 2006, which establishes a fund to provide an economic incentive through grants to make the District more competitive in attracting filmmaking with other jurisdictions.

(3) Encouraging more productions to film in the District of Columbia will infuse new revenue into the local economy and will create new jobs for District residents.

(4) The Capitol Grounds are an attractive venue for commercial filmmaking and allowing commercial filmmakers to film on the Capitol Grounds will increase the likelihood that movies with a plot set in the District of Columbia will film a large portion of the scenes in the District.

Sec. 3. It is the sense of the Council that commercial filming should be permitted on the United States Capitol grounds.

Sec. 4. The Secretary to the Council shall transmit copies of this resolution, upon its adoption, to the Mayor, the District of Columbia Delegate to the United States House of Representatives, the chairpersons of the committees of the United States Congress with oversight and budgetary jurisdiction over the District of Columbia, the chief of the United States Capitol Police, and the director of the United States Capitol Police Special Events Unit.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-919

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2006

To declare the existence of an emergency with respect to the need to create a public/private partnership between the District of Columbia and New Town Development, LLC for the purpose of economic, social, and cultural revitalization, of creating a substantial number of workforce housing units, of creating a project labor agreement with a job training program for District residents, and of preserving certain buildings and business operations presently located on the approximately 24-acre site in Ward 5 that is bounded by Florida Avenue, N.E., on the south, 6<sup>th</sup> Street, N.E., on the east, Penn Street, N.E., on the north, and the railroad tracks and metro rail on the west, hereinafter designated as "New Town at Capital City Market Project" in accordance with New Town at the Capital City Market: A Neighborhood Revitalization Initiative and Development Plan presented to the District government by New Town Development, LLC, and to authorize the Mayor to use tax incentives, economic and other development initiatives as may be provided by existing laws and regulations, and other existing laws and regulations to achieve the purposes and goals of the emergency act within the footprint of New Town at the Capital City Market.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Town at Capital City Market Revitalization Development and Public/Private Partnership Emergency Declaration Resolution of 2006".

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

(1) By approving the underlying act, the Deputy Mayor for Planning and Economic Development will be able to develop a Final Conceptual Plan and an Agreement between the District and the Developer, with input from the affected community (Ward 5), the stakeholders of the Capital City Market ("Market"), and any other interested person, group, organization, or community that the Mayor determines.

(2) The Revitalization and Development Plan presented by the New Town Development, LLC can be used as a model for developing large tracts of underutilized land to create workforce housing, needed community facilities and services, jobs, and to increase the District's tax base.

## ENROLLED ORIGINAL

(3) It is estimated that the Revitalization and Development Plan for New Town at Capital City Market will result in a \$1.2 billion development.

(4) In 2006 constant dollars, the proposed Revitalization and Development Plan is projected to produce over 5,000 construction jobs and about 9,000 permanent jobs; an ongoing payroll of over \$400 million; annual income taxes in excess of \$16 million; annual property tax revenues of over \$17 million; annual direct (on-site) sales taxes of over \$11 million; and over \$3 million annually in personal property taxes.

(5) The project, when completed, could potentially increase home ownership opportunities for many District residents and employees by approximately 1,700 new mixed-income residential units.

(6) While the Market has an active retail and wholesale business of local, national and international food and meat products, the Market now is an underutilized resource of its neighborhood and the city.

(7) The Market has deteriorated and has deteriorating structures, defective and inadequate street layout, excessive vacant land, vacant buildings, unsanitary and unsafe conditions, and diversity of ownership, and is becoming an attractive place for criminal activity and homeless inhabitants.

(8) The Market is located less than 350 yards from the new Metro entrance of New York/Florida Avenues Metro station.

(9) The Market's present condition, uses, and zoning substantially impair the sound growth of an underutilized site near a metrorail station and prevent the development of new housing and much needed workforce housing.

(10) The Market is an ideal site for transit-oriented development that will increase pedestrian-friendly residential density adjacent to transit facilities that is consistent with the District's goals of maximizing transit usage while reducing automobile dependency.

(11) The New Town at the Capital City Market Project will accomplish neighborhood revitalization and historic preservation and provide workforce housing and jobs.

(12) The Revitalization and Development Plan will create a substantial number of workforce housing units for renters and buyers that fall between 50% to 120% of the Area Median Income.

(13) The Revitalization and Development Plan will create a planned community of housing, office, retail wholesale, local, national and international restaurants, entertainment, recreational and support facilities, and government facilities.

(14) The Revitalization and Development Plan will allow existing property owners or lessees to invest in the project, become fee simple owners in the new retail and warehouse facility, allow existing property owners to do a like-kind property exchange, and participate in other revitalization and development options.

(15) The Revitalization and Development Plan will allow the present retailers and wholesalers to continue their businesses in the new revitalized Market.

**ENROLLED ORIGINAL**

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 New Town at Capital City Market Revitalization Development and Public/Private Partnership Emergency Act of 2006 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.