

ENROLLED ORIGINAL

A RESOLUTION

15-811

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve the disposition through negotiated agreement of RLA Revitalization Corporation real property legally described as Lot 89 in Square 542.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Disposition of Lot 89 in Square 542 Approval Resolution of 2004".

Sec. 2. (a) Pursuant to sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the disposition of the RLA Revitalization Corporation's ("RLA") real property legally described as Lot 89 in Square 542 pursuant to a negotiated agreement with the Waterfront Associates, LLC development team, subject to the fulfillment of closing conditions or contingencies set forth by the RLA in the term sheet or subsequent agreements unless expressly waived by the RLA.

Sec. 3. 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 Chief Executive Officer of the RLA.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-812

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To approve, on an emergency basis, the proposed amendment to rules that establish licensure standards for nursing facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nursing Facility Proposed Rulemaking Amendment Emergency Approval Resolution of 2004".

Sec. 2. Pursuant to section 5(j) of the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-504(j)), the Mayor on December 16, 2004 transmitted to the Council proposed rules to amend licensure standards for nursing facilities. The Council approves the proposed rules to amend section 3211 of Title 22 of the District of Columbia Municipal Regulations.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-813

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve proposed rules to amend Chapter 4 of Title 16 of the District of Columbia Municipal Regulations to re-establish procedures regulating towing services for motor vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Towing Regulation and Enforcement Authority Regulation Approval Resolution of 2004".

Sec. 2. Pursuant to section 47-2850 of the District of Columbia Official Code, the Mayor on November 3, 2004 transmitted to the Council proposed rules governing towing services for motor vehicles. The Council approves the proposed amendments to Title 16 as proposed by the Department of Consumer and Regulatory Affairs, which were published at 51 DCR 10234, to replace Chapter 4 in its entirety.

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 Director of the Department of Consumer and Regulatory Affairs.

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-814

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve the proposed rules to implement the Urban Forest Preservation Act of 2002.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Urban Forest Preservation Rulemaking Approval Resolution of 2004".

Sec. 2. Pursuant to section 103(b) of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.03(b)) ("Act"), the Mayor on November 5, 2004 transmitted to the Council proposed rules to implement the Act. The Council approves the proposed rules published at 51 DCR 4555 to amend Title 24 of the District of Columbia Municipal Regulations.

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 Mayor and Director of the District Department of Transportation.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

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A RESOLUTION

15-815

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the appointment of Mr. Neil O. Albert to the Comprehensive Housing Strategy Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Comprehensive Housing Strategy Task Force Neil O. Albert Confirmation Resolution of 2004".

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

Mr. Neil O. Albert
1358 Locust Road, N.W.
Washington, D.C. 20012-1319
(Ward 4)

as a member of the Comprehensive Housing Strategy Task Force, established by section 2 of the Comprehensive Housing Strategy Act of 2003, effective March 10, 2004 (D.C. Law 15-73; 51 DCR 3365), representing the Office of the Deputy Mayor for Children, Youth, Families and Elders, Executive Office of the Mayor, completing the unexpired term of Lori E. Parker, which will end June 15, 2005.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-816

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the appointment of Mr. Anthony C. Freeman to the Comprehensive Housing Strategy Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Comprehensive Housing Strategy Task Force Anthony C. Freeman Confirmation Resolution of 2004".

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

Mr. Anthony C. Freeman
5327 28th Street, N.W.
Washington, D.C. 20015
(Ward 4)

as a member of the Comprehensive Housing Strategy Task Force, established by section 2 of the Comprehensive Housing Strategy Act of 2003, effective March 10, 2004 (D.C. Law 15-73; 51 DCR 3365), representing the National Capital Revitalization Corporation, completing the unexpired term of Theodore N. Carter, which will end June 15, 2005.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-817

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the reappointment of Ms. Linda Greenan to the District of Columbia Sports and Entertainment Commission Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Sports and Entertainment Commission Board of Directors Linda Greenan Confirmation Resolution of 2004".

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

Ms. Linda Greenan
3835 S Street, N.W.
Washington, D.C. 20007
(Ward 2)

as a member of the District of Columbia Sports and Entertainment Commission Board of Directors, established by section 4 of the Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1403), for a term to end December 31, 2008.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-818

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve the sale of District-owned real property located at I Street, S.W. and designated for assessment and taxation purposes as Lot 801 in Square 0643 to the Corcoran Gallery of Art.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Randall School Sale Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)), the Mayor transmitted to the Council a request that the Council approve the proposed negotiated sale of real property at 65 I Street, S.W., Washington, D.C., commonly known as "Randall School" and designated for assessment and taxation as Lot 801, Square 0643-S, to the Corcoran Gallery of Art. The sale shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor deems necessary and appropriate: (1) The purchaser shall pay \$6.2 million to the District upon consummation of the sale to the purchaser; (2) The purchaser shall cause the property to be developed into mixed-use development that will accommodate residential, museum, and art school uses in a manner and at a density level acceptable to the Mayor; (3) The purchaser and any developer of the project selected by the purchaser shall execute a memorandum of understanding for local, small, and Disadvantaged Business Enterprises and a First Source Agreement; (4) Twenty percent of all residential units developed as part of the Project shall be sold or rented exclusively to households with incomes less than or equal to 80% of the area median income; (5) The project shall be completed in not less than 10 years; (6) The District shall receive from the purchaser no less than 40% of any profit realized from any disposition of all or any part of its interest in the property or the project; and (7) The District shall have an option to re-acquire the property with any improvements in the event that the project is not completed within 10 years.

(b) The Council finds that 65 I Street, S.W., is no longer required for public purposes.

(c) The Council approves the disposition of 65 I Street, S.W., pursuant to the terms and conditions of this resolution.

(d) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of this property justifies the negotiated sale proposed by the Mayor.

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Sec. 3. 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 of the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chief Financial Officer, and the Corcoran Gallery of Art.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-819

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve the sale of District-owned real property located at 436-438 Massachusetts Avenue, N.W., and designated for assessment and taxation purposes as Lot 856 in Square 0517 to Jemal's 438 Mass. Ave., LLC.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Old Engine No. 6 Sale Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)), the Mayor transmitted to the Council a request that the Council approve the proposed negotiated sale of real property at 436-438 Massachusetts Avenue, N.W., Washington, D.C., commonly known as "Old Engine No. 6" and designated for purposes of assessment and taxation as Lot 856, Square 0517, and the terms of that negotiated sale as set forth in the proposed agreement of purchase and sale between the District of Columbia and Jemal's 438 Mass. Ave., LLC, a for-profit limited liability partnership.

(b) The Council finds that 436-438 Massachusetts Avenue, N.W. is no longer required for public purposes.

(c) The Council approves the disposition of 436-438 Massachusetts Avenue, N.W. pursuant to the negotiated purchase and sale agreement between the District and the Jemal's 438 Mass. Ave., LLC.

(d) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of this property justifies the negotiated sale proposed by the Mayor.

Sec. 3. 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 of the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chief Financial Officer, and Jemal's 438 Mass. Ave., LLC.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-820

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve the sale of District-owned real property located at 2405 Martin Luther King, Jr. Avenue, S.E. and designated for assessment and taxation purposes as Lot 808 in Square 5789.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "2405 Martin Luther King, Jr. Avenue S.E. Sale Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)), the Mayor transmitted to the Council a request that the Council approve the proposed negotiated sale of real property at 2405 Martin Luther King, Jr. Avenue, S.E., Washington, D.C., legally described as Square 5789, Lot 808, and the terms of that sale as set forth in the proposed Agreement of Purchase and Sale between the District of Columbia and the Good Samaritan Foundation, a nonprofit entity.

(B) The Council finds that 2405 Martin Luther King, Jr. Avenue, S.E, Square 5789, Lot 808, is no longer required for public purposes.

(c) The Council approves the disposition of 2405 Martin Luther King, Jr. Avenue, S.E., Square 5789, Lot 808, pursuant to the negotiated purchase and sale agreement between the District and the Good Samaritan Foundation.

(D) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of this property justifies the negotiated sale proposed by the Mayor.

Sec. 3. 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 Mayor, the Chief Financial Officer, and the Good Samaritan Foundation..

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-821

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Unemployment Compensation Act to reduce pension offsets.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unemployment Compensation Pension Offset Reduction Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is a need to provide equitable treatment to older workers by allowing them to draw the full weekly unemployment compensation benefit amount to which they are entitled based on the wages they earned while employed.

(b) Current pension offset provisions of the District of Columbia Unemployment Compensation Act reduce or eliminate unemployment compensation benefits for which the older worker has qualified through his or her work. An individual's weekly unemployment compensation benefit amount to which he or she is entitled is reduced dollar for dollar by the prorated weekly amount of any pension.

(c) Unemployed older workers have earned both benefits, their pensions and their unemployment compensation.

(d) In October 2004, the Council enacted the Unemployment Compensation Pension Offset Reduction Congressional Review Emergency Amendment Act of 2004, effective October 26, 2004 (D.C. Act 15-584; 51 DCR 10676) ("Emergency Act"), which exempts from offset all pensions to which an employee has contributed, including social security and civil service pensions. The Emergency Act expires on December 28, 2004.

(e) Temporary legislation, the Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004, signed by the Mayor on October 4, 2004 (D.C. Act 15-531; 51 DCR 9622), was transmitted to Congress for a 30-day review period as required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and is not projected to become law until March 4, 2005.

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(f) It is important that the provisions of the Emergency Act continue in effect until the temporary legislation is 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 Unemployment Compensation Pension Offset Reduction Second Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-822

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Traffic Act, 1925, to establish the crime of fleeing from a law enforcement officer in a motor vehicle, and to establish penalties for the commission of the crime.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fleeing Law Enforcement Prohibition Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) Motorists fleeing from law enforcement officers threaten the safety of residents in the District of Columbia.

(b) The Council has enacted emergency legislation (D.C. Act 15-495) to establish the crime of fleeing from law enforcement officers in a motor vehicle, and to establish penalties for the commission of the crime.

(c) The Fleeing Law Enforcement Prohibition Congressional Review Emergency Amendment Act of 2004, effective October 12, 2004 (D.C. Act 15-546; 51 DCR 9842), will expire on January 10, 2005.

(d) The Fleeing Law Enforcement Prohibition Amendment Act of 2004, signed by the Mayor on October 4, 2004 (D.C. Act 15-528; 51 DCR 9600), is pending Congressional review, making emergency legislation necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fleeing Law Enforcement Prohibition Second Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-823

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 23 of Title 16 of the District of Columbia Official Code to require that the court find by clear and convincing evidence that a juvenile who has pled or been found guilty of an offense is not in need of care or rehabilitation before the court can dismiss the matter at disposition, to confirm that a case may not be dismissed only on the grounds that a child is receiving care and rehabilitation in another case, and to require the involvement and participation of a parent, guardian, or other person with whom a child resides, in the rehabilitation process.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Justice Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) Hearings held by the Committee on the Judiciary on a number of bills related to juvenile justice issues have demonstrated significant shortcomings in existing law. Among issues highlighted were concerns that juveniles who were adjudicated for more than one delinquent act often had their cases dismissed simply because they were already receiving care and rehabilitation in another case and, therefore, were not being penalized for the serial nature of their acts. Additionally, the witnesses emphasized the problem of lack of parental involvement in juvenile court proceedings.

(b) Emergency legislation is needed to respond to this problem by establishing that a judge may not dismiss a case until it reaches the disposition phase and that a case may not be dismissed on the sole ground that a juvenile is receiving care and rehabilitation in another case.

(c) The Committee on the Judiciary has approved permanent legislation, Bill 15-537, the Omnibus Juvenile Justice Act of 2004, that includes these provisions. Bill 15-537 was approved by the Council on November 9, 2004, and is pending Congressional review.

(d) The Juvenile Justice Congressional Review Emergency Act, effective October 12, 2004 (D.C. Act 15-547; 51 DCR 9844), will expire on January 10, 2005.

(e) Temporary legislation, the Juvenile Justice Temporary Act of 2004 (D.C. Act 15-532), was signed by the Mayor on October 4, 2004 and is pending Congressional review, making emergency legislation necessary to prevent a gap in the legal authority.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Juvenile Justice Second Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-824

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to enact guidelines and safeguards to reform the Office of Property Management's lease and construction management operations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Property Management Reform Second Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) Attempts have been made to circumvent the need for Council approval by drafting contracts slightly below the threshold of \$1 million which would require Council approval.

(2) Leases and other contracts between the District of Columbia ("District") and a single party have been separated into multiple writings to lower the dollar amount in each individual contract, thus evading the requirement for Council approval.

(3) Addenda and amendments to Council-approved documents were ratified without Council approval, even in cases where the amount in the amendment or addendum exceeded \$1 million.

(4) The practice of awarding sole source contracts by the Office of Property Management ("OPM") deserves additional scrutiny.

(5) The Council needs to gather data on the OPM's contracting practices to determine whether there is a pattern and practice of deliberate evasion of Council scrutiny in the construction of these contracts and to determine whether a charter change is necessary to require Council approval for contracts below \$1 million.

(6) When considering the relocation of District facilities, the Council needs a complete cost-benefit analysis of the relocation.

(7) The Council needs information on the history and performance, costs, and benefits associated with instituting the tenant representation contract to determine whether it should be reinstated.

(8) The Subcommittee on Human Rights, Latino Affairs, and Property

ENROLLED ORIGINAL

Management has oversight authority over OPM and has the authority to examine the operations of OPM, including its lease management functions and its management of construction projects, and recommends that additional safeguards and tighter approval procedures are implemented to assure that past, current, and future lease agreements or memoranda of understanding associated with or entered into on the District's behalf are based on a fair market value of leased and purchased property.

(9) On June 1, 2004, the Council approved emergency and temporary legislation to reform the Office of Property Management's lease and construction management operations. Permanent reform legislation, Bill 15-715, is pending Congressional review.

(10) The Council-approved emergency legislation, D.C. Act 15-865, expired on September 21, 2004. The Council-approved congressional review emergency legislation, D.C. Act 15-539, expired on December 20, 2004. Temporary legislation, D.C. Act 15-476, is pending Congressional review with a projected law date of February 28, 2005. This emergency legislation is necessary to prevent a lapse in 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 Office of Property Management Reform Second Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-825

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency, due to congressional review, with respect to the need to establish the Low-Income Housing Tax Credit Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Low-Income Housing Tax Credit Fund Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Internal Revenue Service has informed the Department of Housing and Community Development that its compliance with its monitoring requirements under the Internal Revenue Code's Low-Income Housing Tax Credit Program ("LIHTC") are not being met.

(b) The Council enacted the Low- Income Housing Tax Credit Fund Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-511; 51 DCR 10573) which expired October 31, 2004 to establish a fund to pay for the required monitoring under LIHTC.

(c) The Low- Income Housing Tax Credit Fund Temporary Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-570; 51 DCR 10573) is pending Congressional review, making emergency legislation necessary.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary for the Low-Income Housing Tax Credit Fund Congressional Review Act of 2004 to be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-826

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the Mayoral appointment of Marie Pierre-Louis, M.D., as Chief Medical Examiner for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Medical Examiner Marie Pierre-Louis Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:
Marie Pierre-Louis, M.D.
6404 Luzon Avenue, N.W.
Washington, D.C. 20012
(Ward 4)

as Chief Medical Examiner, established by section 2903 of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to fill the unexpired term ending April 30, 2007.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-827

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the appointment of Mr. J. Fernando Barrueta to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia J. Fernando Barrueta Confirmation Resolution of 2004".

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

Mr. J. Fernando Barrueta
6812 Lumsden Street
McLean, Virginia 22101

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), for a term to end May 15, 2009.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-828

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the appointment of Mr. James W. Dyke, Jr., to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia James W. Dyke, Jr., Confirmation Resolution of 2004".

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

Mr. James W. Dyke, Jr.
2125 Cabots Point Lane
Reston, VA 20191

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing George S. Willie, whose term ended May 15, 2004, for a term to end May 15, 2009.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-829

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the appointment of Ms. Rita J. Kirshstein to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Rita J. Kirshstein Confirmation Resolution of 2004".

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

Ms. Rita J. Kirshstein
1221 Webster Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing Dr. Ramona Hoage Edelin, whose term ended May 15, 2003, for a term to end May 15, 2008.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-830

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To confirm the appointment of Mr. Leonard H. Robinson, Jr., to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Leonard H. Robinson, Jr., Confirmation Resolution of 2004".

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

Mr. Leonard H. Robinson, Jr.
3503 17th Street, N.W.
Washington, D.C. 20010
(Ward 1)

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

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-831

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need for Council approval of Contract No. DCFJ-2004-R-0031 for the purchase of electricity for the use of the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFJ-2004-R-0031 (Delivery of Electrical Power and Ancillary Services) Council Approval Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the District of Columbia, conducted a reverse auction on Monday, December 20, 2004, by which prospective vendors submitted bids below the PEPCO Standard Offer Service Price as filed with the Public Service Commission.

(b) Immediate Council approval of Contract No. DCFJ-2004-R-0031 (Delivery of Electrical Power and Ancillary Services) is necessary to prevent the District from incurring significant cost associated with holding an energy contract open.

(c) Due to the volatility of the electricity market, suppliers add a premium to the price of electricity for every day the price is held for a customer. The premium is the price paid for protecting the supplier from the risk that the market price may change. Thus, the longer the time period between the date of the contract award and final Council approval, the higher the total cost to the District. If the District were to delay approval of Contract No. DCFJ-2004-R-0031, it will incur an otherwise avoidable additional cost in the millions of dollars.

(d) In order to realize the significant savings, the Council of the District of Columbia must approve Contract No. DCFJ-2004-R-0031 immediately.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCFJ-2004-R-0031 (Delivery of Electrical Power and Ancillary Services) Council Approval Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

JAN 14 2005

ENROLLED ORIGINAL

A RESOLUTION

15-832

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to ensure that there is an appropriate number of board members on the Corporation's board by adding 2 new board members to be filled by a recognized labor union organization and a recognized environmental organization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anacostia Waterfront Corporation Board Expansion Emergency Declaration Resolution of 2004".

Sec. 2. (a) The purpose of this legislation is to expand the Anacostia Waterfront Corporation board to include 2 more seats. Those seats would be filled by 2 very important groups in the District.

(b) The first board seat would be filled by a representative from the unions. This group thought that they were going to be included originally and were not included and now have asked that we make sure they are represented on the board.

(c) The second seat would be filled by a representative from an environmental group. There has been a lot of discussion regarding the lack of environmental involvement on the board and we believe that this would resolve that situation.

(d) The reason that this is an emergency is because the newly enacted Anacostia Waterfront Corporation is being placed into action by the Mayor. Without these 2 additional seats on the board there will not be proper representation on the board at the beginning of the new year. It is vital that these new board members be placed on the board prior to the board becoming fully operational.

(e) For the above stated reasons, it is necessary to enact this legislation on an emergency basis.

JAN 14 2005

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 Anacostia Waterfront Corporation Board Expansion Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-833

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to amend Title 16 of the District of Columbia Official Code to require the appointment of a guardian ad litem within 24 hours of a child being taken into custody due to a substantiated allegation of abuse or neglect, to require that a shelter care hearing commence within 72 hours after a child has been taken into custody, to authorize the Child and Family Services Agency to convene a family team meeting within the 72-hour period to solicit the assistance of family members, relatives, social service workers, and the guardian ad litem in developing a safety plan for a child, and to require independent evaluations 6 months, 18 months, and 30 months after the effective date of this act to assess the impact of the 72-hour time frame and the family team meetings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child in Need of Protection Emergency Declaration Resolution of 2004".

Sec. 2. (a) On December 7, 2004, the Council approved Bill 15-389, the Child in Need of Protection Amendment Act of 2004, on first reading. The legislation is scheduled for a second and final reading at the December 21, 2004, legislative meeting.

(b) The Child and Family Services Agency ("CFSA") has asked for immediate statutory authority to implement certain provisions of Bill 15-389 in order to begin convening family team meetings ("FTMs") in January 2005, an initiative that CFSA has been planning for more than one year. FTMs involve convening parents, relatives, caregivers, social workers, and other private and public agency workers who work with a child, within a 72-hour period, to develop a safety plan for the child that could avert the need to remove the child from a home or result in a safe, permanent out-of-home placement more quickly.

(c) Under current law, the government has a maximum period of 24 hours to decide whether it is justified in petitioning the Family Court to remove a child from his or her home – a time period so constrained that there is little time to gather information from those who know the child best and make a good decision on his or her behalf. There has been a considerable amount of research on the FTM concept suggesting that a 72-hour period to conduct FTMs could lead to better results for children who have been abused or neglected. For example, a study of FTMs by researchers at the University of Washington found that the meetings resulted in an increase in children living with their parents, a high rate (82 percent) of permanent placements for children who had been the subject of family team meetings, and a low annual rate (6.8 percent) of subsequent referrals to the child protection system.

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 Child in Need of Protection Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-834

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to approve 4 supply schedule contracts for temporary support services, and to authorize payment for the services received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the: "Supply Schedule for Temporary Support Services Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve Contract No. PODS-2003 C-96269-05 for temporary support services to authorize payment for services received under that contract.

(b) On September 27, 2002, the Office of Contracting and Procurement ("OCP") awarded Contract No. PODS-2003-C-96269-05 to National Associates, Inc., with an annual ceiling of \$999,999.00. The contract was for one year, with 4 option years to provide temporary support services. The contract is under the DC Supply Schedule.

(c) In the base year, orders placed under this contract exceeded the annual ceiling amount by \$136,607.80.

(d) In option year one, orders placed under this contract exceeded the annual ceiling amount by \$673,827.71.

(e) All orders under this contract were stopped as of August 1, 2004 and no more orders will be placed during this option year.

(f) In order to make payments to National Associates, Inc., Council approval is necessary for the base year of \$1,136,606.80 and for option year one for \$1,673,826.71 for temporary support services already provided.

Sec. 3. (a) There exists an immediate need to approve Contract No. PODS-2003 C-615-05 for office supplies and to authorize payment for the office supplies received under that contract.

(b) On November 26, 2002, the OCP awarded Contract No. PODS- 2003-C-615-05 to Standard Office Supply, with an annual ceiling of \$999,999.00. The contract was for one year,

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with 4 option years to provide office supplies. The contract is under the DC Supply Schedule.

(c) In the base year, orders placed under this contract exceeded the annual ceiling amount by \$790,519.31.

(d) In option year one, orders placed under this contract exceeded the annual ceiling amount by \$1,782,616.81.

(e) All orders under this contract were stopped as of August 1, 2004 and no more orders will be placed during this option year.

(f) In order to make payments to Standard Office Supply, Council approval is necessary for the base year of \$1,790,518.31 and for option year one for \$2,782,615.81 for these vital office supplies already provided.

Sec. 4. (a) There exists an immediate need to approve Contract No. PODS-2003-C-96269-09 for Temporary Support Services to authorize payment for services received under that contract.

(b) On November 8, 2002, OCP awarded Contract No. PODS 2003-C-96269-09 to Midtown Personnel, Inc., with an annual ceiling of \$999,999.00. The contract was for one year, with 4 option years to provide temporary support service. The contract is under the DC Supply Schedule.

(c) In the base year, orders placed under this contract exceeded the annual ceiling amount by \$120,288.00.

(d) In option year one, orders placed under this contract exceeded the annual ceiling amount by \$695,528.00.

(e) All orders under this contract were stopped as of August 1, 2004 and no more orders will be placed during this option year, ending November 7, 2004.

(f) In order to continue to make payments to Midtown Personnel, Inc., Council approval is necessary for the base year of \$1,120,287.00, and for option year one for \$1,695,527.00 for temporary support services already provided

Sec. 5. (a) There exists an immediate need to approve Contract No. PODS-2003-C-96269-08 for temporary support services to authorize payment for services received under that contract.

(b) On November 6, 2002, OCP awarded Contract No. PODS-2003-C-96269-08 to V-Tech Solutions, with an annual ceiling of \$999,999.00. The contract was for one year, with 4 option years to provide temporary support service. The contract is under the DC Supply Schedule.

(c) In the base year, orders placed under this contract exceeded the annual ceiling amount by \$258,852.11.

(d) In option year one, orders placed under this contract exceeded the annual ceiling amount by \$462,030.81.

(e) All orders under this contract were stopped as of August 1, 2004 and no more orders will be placed during this option year.

ENROLLED ORIGINAL

(f) In order to continue to make payments to V-Tech Solutions, Council approval is necessary for the base year of \$1,258,851.11 and for option year one for \$1,462,029.81 for temporary support services already provided.

Sec. 6. The Council determines that the circumstances enumerated in sections 2, 3, 4, and 5 constitute emergency circumstances making it necessary that the Supply Schedule for Temporary Support Services Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 7. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-835

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. PO-JA-2003-HC-011-040 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. PO-JA-2003-HC-011-040 with National Children's Center Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve task orders placed against Human Care Agreement No. PO-JA-2003-HC-011-040 ("Human Care Agreement") for the period July 1, 2004 through September 30, 2004 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that agreement.

(b) On February 10, 2004, a human care agreement was awarded to National Children's Center. On March 25, 2004, 9 task orders for the period March 28, 2004 through May 27, 2004 in the amount of \$562,864.20 were issued to National Children's Center for its 9 residential facilities. An additional 9 task orders were issued on June 27, 2004 for the period May 28, 2004 through June 30, 2004 in the amount of \$282,838.18. During this period National Children's Center obtained its medicaid certification for 2 of its facilities and reduced its per diem rate for 2 facilities.

(c) The Department of Human Services has been working to convert as many medicaid-eligible customers and providers as possible to the Medicaid Home and Community Based Services ("HCBS") waiver. The HCBS waiver allows medicaid eligible individuals to either remain in their own homes or live in a community setting rather than an institutional setting such as a hospital, nursing home, or intermediate care facility for the mentally retarded (ICF-MR). Converting to waiver services not only offers a customer services in the individual's own home or community, but also reduces institutional placement and District funding of services. The waiver requires a 30% match by the District. The conversion of the currently 100% District funded programs to medicaid would translate to 30% District funding and 70% federal funding.

(d) The Department of Human Services anticipated having this conversion process completed for National Children's Center for all of its 9 facilities before May 2004, but to date they have only been able to convert 2 facilities. The Office of Contracting and Procurement had estimated that the conversion of all of the 9 facilities would have resulted in a total price of less than \$1million.

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(e) In order to maintain this critical court-ordered service, additional task orders were placed against the Human Care Agreement that exceeded \$1 million. Those task orders were issued for the period July 1, 2004 through September 30, 2004 in the amount of \$794,870.80. Those task orders combined with previously issued task orders cumulatively total \$1,640,573.18. The proposed task orders with a proposed effective date of October 1, 2004 through February 9, 2005 and the previously issued task orders placed against the Human Care Agreement are approved and payment is authorized for services received under that agreement.

(f) Approval is necessary to allow payment for these vital court-ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

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 Human Care Agreement No. PO-JA-2003-HC-011-040 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-836

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to approve Contract No. POFA-2004-C- 0001 for automated traffic enforcement equipment and services, and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POFA-2004-C-0001 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve Contract No. POFA-2004 C-0001 for automated traffic enforcement equipment and services, and to authorize payment for the services received under that contract.

(b) On May 5, 2004, the long-term contract with ACS State and Local Solutions to provide automated traffic enforcement equipment and services for the District expired. In order to continue these services, the Office of Contracting and Procurement ("OCP") awarded a 43-day letter contract to ACS State and Local Solutions in the amount of \$983,925.00 for the period of May 6, 2004 through June 18, 2004, with projected completion of the definitized contract prior to June 18, 2004. Since the definitized contract was not completed by June 18, 2004, OCP extended the letter contract for 43 days until August 3, 2004 for an additional \$983,925.00 and then further extended the letter contract 58 days through September 30, 2004 for an additional \$1,268,170.00, with a further extension of \$983,925.00 from October 1, 2004 through November 15, 2004 for a total of \$4,219,945.00.

(c) Approval is necessary to allow the District to continue to receive the benefit of these automated traffic enforcement equipment and services, and to ensure the safety and well-being of District residents and the general public on the streets of the District of Columbia. Without this approval, the contract must cease and the contractor, ACS State and Local Solutions, cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POFA-2004-C-0001 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-837

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to approve Contract No. POVK-2004-C-0002 for ticket processing and collection services and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POVK-2004-C-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve Contract No. POVK-2004-C-0002 for ticket processing and collection services and to authorize payment for the services received under that contract.

(b) On May 5, 2004, the long-term contract with ACS State and Local Solutions to provide ticket processing and collection services for the District expired. In order to continue these services, the Office of Contracting and Procurement awarded a 42-day letter contract to ACS State and Local Solutions in the amount of \$986,661 for the period of May 6, 2004, through June 16, 2004, with projected completion of the definitized contract prior to June 16, 2004. Since the definitized contract was not completed by June 16, 2004, the Office of Contracting and Procurement extended the letter contract for 42 days, until July 28, 2004, for an additional \$986,661, and then further extended the letter contract 84 days through September 30, 2004, for an additional \$1,503,488. A third extension of 43 days for \$986,661 took the letter contract through November 12, 2004.

(c) Approval is necessary to allow the District to continue to receive the benefit of these vital ticket processing and collection services by ACS State and Local Solutions. Without this approval, the contract must cease and the contractor cannot be paid for services provided in excess of one million dollars.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POVK-2004-C-0002 Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-838

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to approve Contract No. POAM-2004-C-0005-DW for facilities management services at the Wilson Building, and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POAM-2004-C-0005-DW with CB Richard Ellis Real Estate Services, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve Contract No. POAM-2004-C-0005-DW for facilities management services at the Wilson Building, located at 1350 Pennsylvania Avenue, N.W., Washington, D.C., and to authorize payment for the services received under that contract.

(b) On July 31, 2004, the 8-month contract with CB Richard Ellis Real Estate Services, Inc. to provide facilities management services at the Wilson Building expired. Before the expiration of the contract, the Office of Contracting and Procurement ("OCP") commenced action geared towards issuing a new solicitation for the award of a new contract through the competitive process. Subsequently, a draft solicitation was prepared and forwarded to the Office of Property Management for review and input. In order to maintain continuity of services at the Wilson Building, OCP awarded a month-to-month contract to the incumbent contractor, CB Richard Ellis Real Estate Services, Inc., in the amount of \$93,986.92 per month with projected completion of the contract award prior to October 1, 2004. A new contract was not awarded, however, on October 1, 2004, and OCP issued another Purchase Order for the month of October to ensure that services are not interrupted at the Wilson Building. OCP awarded a sole source contract from November 1, 2004 through April 30, 2005 to maintain continuity of services while a new solicitation is finalized for the award of a long term contract. It is essential to maintain continuity of services at the Wilson Building because the lack of such services will create an unhealthy environment resulting in public health or safety issues for the occupants.

ENROLLED ORIGINAL

(c) Approval is necessary to allow the continuation of this vital service and to ensure the continued provision of facilities management services at the Wilson Building

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POAM-2004-C-0005-DW Approval and Payment Authorization Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-839

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of up to \$2.8 million aggregate principal amount of District of Columbia revenue bonds to finance, and provide for the loan of the proceeds of these bonds to assist The Good Samaritan Foundation in the financing, refinancing, or reimbursing of costs associated with an authorized project .

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Good Samaritan Foundation Revenue Bond Project Emergency Declaration Resolution of 2004."

Sec. 2. The Council finds that:

(1) The Good Samaritan Foundation ("Borrower") has requested that the District issue revenue bonds to finance, refinance or reimburse the Borrower for costs to:

- (A) Acquire, construct, renovate, equip and furnish an office building to be located at 2405 Martin Luther King, Jr. Avenue, S.E., Washington, D.C.;
- (B) Fund any required debt service reserve fund or capitalized interest;
- (C) Pay certain costs of any bond insurance or credit enhancement; and
- (D) Pay certain costs of issuance.

(2) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for the costs described above.

(3) Because the Borrower has requested that the District issue its revenue bonds on or about December, 2004 since changing conditions in the bond market may quickly erode the savings available to the Borrower, it is important that the Council expedite the process for the issuance of the Bonds by 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 Good Samaritan Foundation Revenue Bond Project Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-840

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$2.8 million aggregate principal amount of District of Columbia revenue bonds in one or more series pursuant to a plan of finance, and to authorize and provide for the loan of the proceeds of these bonds to assist The Good Samaritan Foundation 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 "Good Samaritan Foundation Revenue Bonds Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be The Good Samaritan Foundation, a 501(c)(3) corporation and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

(7) "District" means the District of Columbia.

(8) "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 those documents.

(9) "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.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or

ENROLLED ORIGINAL

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

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means:

(A) Financing and refinancing of all or a portion of the costs of the acquisition, construction, renovation, furnishing and equipping of an office building of the Borrower, including land, buildings, improvements and personal property, located at 2405 Martin Luther King, Jr. Avenue, S.E., Washington, D.C. (Lot 808, Square 5789);

(B) Funding of any required deposit to a debt service reserve fund or capitalized interest; and

(C) Payment of certain costs of issuance such as fees and premiums for any bond insurance or credit enhancement.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, refunding bonds, notes, or other obligations to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by Loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$2.8 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 facilities used to house and equip operations related to the development and application of social services within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

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

- (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$2.8 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 such 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 of interest or the method for determining the rate of interest on the Bonds;
- (4) The date of issuance, sale, delivery, payment of interest, and maturity date of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under the 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.

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

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

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

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

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest 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 of those offering documents on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the Bonds being sold.

(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 that series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

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

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

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Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and 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 Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

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covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

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Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

15-841

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of an aggregate principal amount not to exceed \$4.5 million of District of Columbia Revenue Bonds in one or more series, and to authorize and provide for the loan of the proceeds of the bonds to assist the American Library Association, a District of Columbia nonprofit corporation, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The American Library Association Revenue Bond Project Emergency Declaration Resolution of 2004".

Sec. 2. (a) The American Library Association ("Association") is a nonprofit corporation organized under the laws of the District which seeks a loan from the proceeds of District of Columbia Revenue Bonds ("Bonds") to finance and refinance all the costs incurred in connection with the: (1) Acquisition of an office condominium unit containing approximately 10,000 square feet located on a portion of the lower level and all of the 1st and 2nd floors of a building at 1615 New Hampshire Avenue, N.W., Washington, D.C. and 5 assigned parking spaces at this same location; (2) Purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto; (3) Refinancing, in whole or in part, of any then-existing indebtedness; and (4) Certain expenditures to the extent financeable, including, without limitation, costs of issuance, construction period interest, and credit enhancement costs.

(b) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile. In order for the Association to maximize interest savings on the Bonds, the issuance needs to occur prior to the next scheduled Council meeting. Council approval of a resolution authorizing the issuance of up to \$4.5 million in bonds would permit them to be issued promptly to provide maximum savings for the Association.

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 American Library Association Revenue Bond Project Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-842

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To authorize and provide, on an emergency basis, for the issuance, sale and delivery of up to \$45 million aggregate principal amount of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of the bonds to assist the American Library Association 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 "American Library Association Revenue Bonds Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be the American Library Association, a nonprofit corporation organized under the laws of the Commonwealth of Massachusetts, and exempt from federal income taxes as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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(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 these 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, certain legal, accounting, rating agency, and all other fees, costs, charges, and certain expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, expenses, program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

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

(11) "Project" means:

(A) Financing the acquisition of an office condominium unit containing approximately 10,000 square feet located on a portion of the lower level and all of the 1st and 2nd floors of a building located at 1615 New Hampshire Avenue, N.W., Washington, D.C. and 5 assigned parking spaces located at this location in the building's garage;

(B) Financing the purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(C) Refinancing, in whole or in part, of any then-existing indebtedness;

and

(D) Financing certain associated expenditures to the extent financeable, including, without limitation, costs of issuance, construction period interest and credit enhancement costs.

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, 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 a total aggregate principal amount not exceed \$4.5 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District or to economic development of the District within the meaning of section 490 of the Home Rule Act.

(4) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$4.5 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for 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 such 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 of interest or the method for determining the rate of interest on the Bonds;

(4) The date of issuance, sale, delivery, payment of interest, and maturity of the Bonds;

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(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under the 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 by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest 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 of these documents on behalf of the District for purposes of compliance with federal laws

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and regulations governing such matters, and may authorize the distribution of the documents in connection with the Bonds being sold.

(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 that series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

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

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

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and 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 the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

(c) Nothing contained in the Bonds, the Financing Documents, or 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 covenant, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

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Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

DISTRICT OF COLUMBIA REGISTER

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Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-843

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of an aggregate principal amount not to exceed \$7.3 million of District of Columbia Revenue Bonds in one or more series, and to authorize and provide for the loan of the proceeds of the bonds to assist The National Community Reinvestment Coalition, a District of Columbia nonprofit corporation, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The National Community Reinvestment Coalition Revenue Bond Project Emergency Declaration Resolution of 2004".

Sec. 2. (a) The National Community Reinvestment Coalition, ("Borrower") is a non-profit corporation organized under the laws of the District which seeks to have the District issue, sell, and deliver revenue bonds, in one or more series, of an aggregate principal amount not to exceed \$7.3 million ("Bonds") in connection with the: (A) Financing, refinancing or reimbursing of the Borrower of the costs of acquisition, construction, renovation, equipping and furnishing of a building located at 727 15th Street, N.W., Washington, D.C. to be used as the headquarters of the Borrower (Square 222, Lot 20) ("Project"); (B) Funding if necessary or appropriate, of any working capital costs; (C) Funding any required deposit to a debt service reserve fund, other reserve fund, or capitalized interest fund; (D) Paying the cost of issuance of the bonds; and (E) Paying the costs of any bond insurance or other debt enhancement and making the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project. The Borrower is liable for repayment of the Bonds.

(b) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile. In order for the Borrower to maximize interest savings on the Bonds, the issuance needs to occur prior to the next scheduled Council meeting. Council approval of a resolution authorizing the issuance of up to \$7.3 million in Bonds would permit them to be issued promptly to provide maximum savings for the Borrower.

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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 National Community Reinvestment Coalition Revenue Bond Project Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-845

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to authorize the issuance, sale, and delivery of up to \$37,368,058 aggregate principal amount of District of Columbia revenue bonds, and to provide for the loan of the proceeds of those 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 .

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Protestant Episcopal Cathedral Foundation of the District of Columbia Revenue Bonds Project Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) Protestant Episcopal Cathedral Foundation of the District of Columbia (the "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 costs of:

(A) Financing and refinancing of all or a portion of the costs of the development of bus parking facilities and a car garage for the Borrower on and abutting the grounds of the National Cathedral, located in the 3100 block of Wisconsin Avenue, near the intersection of Wisconsin Avenue and Woodley Road, N.W., Washington, D.C. including equipment functionally related and subordinate thereto;

(B) Funding of any required deposit to a debt service reserve fund or capitalized interest account;

(C) Paying certain issuance costs with respect to the Bonds; and

(D) Paying the cost of any bond insurance or other credit enhancement.

(3) Because the Borrower has requested that the District issue its revenue bonds as soon as possible because changing conditions in the bond market may quickly erode the savings available to the Borrower, and since the Council will go into recess in December, it is important that the Council expedite the process for the issuance of the Bonds.

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 Protestant Episcopal Cathedral Foundation of the District of Columbia Revenue Bonds Project Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-846

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$37,368,058 aggregate principal amount of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of those 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 Revenue Bonds Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be Protestant Episcopal Cathedral Foundation of the District of Columbia, a District of Columbia non-stock not-for-profit corporation, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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

(10) "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.*).

(11) "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, certain legal, accounting, rating agency, and certain other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, expenses, program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(12) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(13) "Project" means:

(A) Financing and refinancing of all or a portion of the costs of the development of bus parking facilities and a car garage for the Borrower on and abutting the grounds of the National Cathedral located in the 3100 block of Wisconsin Avenue, near the intersection of Wisconsin Avenue and Woodley Road, N.W., Washington, D.C. including equipment functionally related and subordinate thereto;

(B) Funding of any required deposit to a debt service reserve fund or capitalized interest account;

(C) Paying certain Issuance Costs with respect to the Bonds; and

(D) Paying the cost of any bond insurance or other credit enhancement.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, refunding bonds, notes, or other obligations to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490, and may effect the financing, refinancing, or reimbursement by Loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$37,368,058, 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 related to parking facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

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

- (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$37,368,058; 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 such 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 of interest or the method for determining the rate of interest on the Bonds;
- (4) The date of issuance, sale, delivery, payment of interest, and maturity of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under the 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 by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest 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 of those documents on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the Bonds being sold.

(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 that series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

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

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

Sec. 8. Financing and Closing Documents.

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

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.