

## A RESOLUTION

15-847

## 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 \$16.6 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 St. Coletta of Greater Washington, Inc. and St. Coletta Special Education Public Charter School, Inc. in the financing, refinancing, and/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 "St. Coletta Special Education Public Charter School, Inc. Revenue Bond Project Emergency Declaration Resolution of 2004".

Sec. 2. Emergency circumstances.

(a) St. Coletta of Greater Washington, Inc. and St. Coletta Special Education Public Charter School, Inc. (collectively "St. Colettas") are nonprofit corporations organized under the laws of the District which seek a loan from the proceeds of District of Columbia Revenue Bonds ("Bonds") with joint and several liability for repayment of the financing and refinancing of all costs incurred in connection with:

(A) Financing and refinancing of existing debt, or financing the costs of construction of a public charter school to be located at 1901 Independence Avenue, S.E., Washington, D.C. 20003 (Lot 800 Square 1112);

(B) Funding if necessary or appropriate of any working capital costs;

(C) Funding of any required deposit to a debt service reserve fund, other reserve fund, or capitalized interest fund;

(D) Funding to pay the cost of issuance of the Bonds; and

(E) Paying the costs of any bond insurance or other debt enhancement.

(b) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile. In order for St. Colettas to maximize interest savings on the Bonds, the issuance needs to occur prior to the next scheduled Council meeting. Council approval of a bond resolution authorizing the issuance of up to \$16.6 million in Bonds would permit them to be issued promptly to provide maximum savings for St. Colettas.

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 St. Coletta Special Education Public Charter School, Inc. Revenue Bond Project Emergency Approval Resolution of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-848

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 \$16.6 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 St. Coletta of Greater Washington, Inc. and St. Coletta Special Education Public Charter School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Coletta Special Education Public Charter School, Inc. 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 St. Coletta of Greater Washington, Inc. and St. Coletta Special Education Public Charter School, Inc., nonprofit corporations organized under the laws of the District of Columbia, and exempt from federal income taxes as an organization described in 26 U.S.C. § 501(c)(3) and which are jointly and severally liable for repayment of the Bonds.

(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

## ENROLLED ORIGINAL

required supplements to those documents.

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

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan 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) The financing, refinancing or reimbursing of the Borrower of the costs of acquisition, construction, renovation and equipping of an existing building and related grounds at 1901 Independence Avenue, S.E., Washington, D.C. 20003 (Square 1112, Lot 800) by the Borrower;

(B) The funding if necessary or appropriate of any capital costs;

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

(D) The financing of a portion of the costs of issuance; and

(E) The payment of costs for any necessary 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 \$16,600,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is an undertaking related to elementary and secondary schools, 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

## ENROLLED ORIGINAL

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 \$16,600,000; 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, and the 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

A RESOLUTION

15-850

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 a proposed amendment to the 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 Declaration Resolution of 2004".

Sec. 2. (a) Final rules to establish licensure, construction, and operating standards for nursing facilities were published at 49 DCR 6824 (July 19, 2002).

(b) Section 3211 of Title 22 of the District of Columbia Municipal Regulations mandated, *inter alia*, that specific staffing ratios for nursing facilities would become effective as of January 1, 2005.

(c) Subsequent events, including an ongoing shortage of licensed nursing personnel throughout the District of Columbia and surrounding area, have necessitated a modification of section 3211 of the final rules.

(d) This emergency legislation is necessary to ensure the immediate feasibility of continued compliance with the rules governing the operation of nursing facilities, while also safeguarding the protection of the public health, safety, and welfare to the full extent desired and proposed by both the Executive and Legislative branches of the District of Columbia government.

Sec. 3. The Council finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Nursing Facility Proposed Rulemaking Amendment Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-851

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to funding for the operation of a men's shelter for homeless veterans by the Southeast Veteran's Access Housing, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2005 Southeast Veteran's Access Housing, Inc., Budget Support Emergency Declaration Resolution of 2004".

Sec. 2. (a) Pursuant to section 5903 of the Fiscal Year 2005 Budget Support Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-487; 51 DCR 8441), the Department of Human Services is authorized to expend \$250,000 in Fiscal Year 2005 for the renovation of the Southeast Veteran's Access Housing, Inc., men's shelter.

(b) The \$250,000 in authorized funded is needed for operation, rather than renovation, of the Southeast Veteran's Access Housing, Inc., men's shelter.

(c) Without funding, the Southeast Veteran's Access Housing, Inc., will not be able to provide services to homeless veterans.

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 Fiscal Year 2005 Southeast Veteran's Access Housing, Inc., Budget Support Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-852

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare, the existence of an emergency with respect to the need to exempt certain nonprofit organizations, including WIN/Enterprise Fort Dupont Nehemiah Homes, Inc., from certain real property taxes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nonprofit Housing Organizations Tax Exemption Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate crisis regarding the provision and delivery of housing to families in the District of Columbia with incomes of less than \$60,000.

(b) To address this need, the Washington Interfaith Network collaborated with Enterprise Homes, Inc., to form the nonprofit tax exempt organization WIN/Enterprise Fort Dupont Nehemiah Homes, Inc. ("WEFD").

(c) WEFD acquired several lots from the District of Columbia Housing Authority in July 2002 with the intention of subdividing the lots into 147 units of affordable housing in Ward 7 and transferring the property within one year pursuant to D.C. Official Code § 47-3505.

(d) WEFD applied for and received the authority to subdivide the several lots into 147 units of housing, which it then developed and brought to market. The subdivision and development of the housing, however, was not accomplished in the same tax year as the transfer from the District of Columbia Housing Authority.

(e) As of November 30, 2004, WEFD has sold more than 100 town homes to families making less than \$60,000 per year. The remaining units are under contract and WEFD expects to complete the sale of all town homes to families by June 30, 2005, with 20 of the units going to very-low income families earning less than \$20,000 per year.

(f) WEFD has received a tax bill regarding the property even though WEFD anticipated that the Dupont Commons project would be exempt from real property taxes.

(g) As a nonprofit organization, WEFD received a \$1 million grant from the federal government, \$4.625 million from the District of Columbia Department of Housing and Community Development, and \$4.25 million from community development block grants.

(h) On August 6, 2003, the Office of Tax and Revenue denied WEFD's application for exemption from District of Columbia real property taxes stating that (1) the properties lacked "buildings" and existed as unimproved lots, (2) the law "does not provide an exemption for

## ENROLLED ORIGINAL

properties owned by a nonprofit that constructs houses and later transfers or sells them to low income families," (3) WEFD does not fit the definition of a public charity for rental housing, and (4) the properties do not qualify because they "are not reasonably required and actually used for the activities of the owner in relation to a property that is already exempt from real property taxation."

(i) WEFD seeks relief from the recordation and transfer taxes assessed to WEFD. WEFD needs additional time to subdivide and complete such a large project because the transfer of property from DCHA to WEFD, for financing purposes, had to occur before the infrastructure was completed and the subdivision had been approved. Both the completion of the infrastructure and the approval of the subdivision were required before construction and sales could commence. Consequently, WEFD has held the property longer than the one year mandated by law in order for a nonprofit organization that develops properties for sale to lower-income purchasers to receive a tax exemption.

(j) WEFD expects to deliver the last units to home buyers and the common land to the Dupont Commons Homeowners Association by no later than March 31, 2004. Once this transfer is completed, WEFD will have accomplished the development of a large affordable housing project in less than two years from the date the subdivision was granted.

(k) WEFD has received and paid recordation and transfer taxes of \$46,016.76 on the original transfer of the property from the DCHA and real property taxes of \$48,160.09 for the period of October 1, 2002, through September 30, 2003, on the property it has held since acquisition from the DCHA.

(l) To date the Office of tax and Revenue has assessed WEFD less than \$100,000 in property, recordation, and transfer taxes on the real property known as Dupont Commons for tax years 2003, 2004, and 2005.

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 Nonprofit Housing Organizations Tax Exemption Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-853

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to create authorization to grant to a private nonprofit entity up to \$400,000 of the local funds appropriated to the District of Columbia in the District of Columbia Appropriations Act, 2005, for the Mayor's Anti-Violence Initiative.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anti-Violence Initiative Grant Authority Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to authorize the Mayor to implement the District's Anti-Violence Initiative by granting to a private nonprofit entity selected by the Mayor up to \$400,000 of the local funds earmarked to the Office of the City Administrator for the Anti-Violence Initiative under the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. 108-335; 118 Stat. 1322).

(b) Over the past year, the District has witnessed an increase in auto related crimes. This increase has largely been sparked by children ages 12 to 17. Specifically, there has been a 10 percent increase in juvenile unauthorized-use-of-a-vehicle arrests in 2004 over 2003, a 20 percent decrease in adult auto thefts in 2004 over 2003, and a 10 percent increase in reports of vehicle theft.

(c) This spike in auto thefts has resulted in injury, deaths, and related crimes. Three major causes identified for this increase in crime are lack of parental involvement, limited out-of-school time activities, and limited consequences for juvenile offenders. The increase has been identified largely in Wards 7 and 8.

(d) In order to combat these issues, the District seeks to partner with a nonprofit organization within the community to provide services to include mentoring and community capacity building. The services are needed to provide proactive intervention with the youth in the community.

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 Anti-Violence Initiative Grant Authority Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-854

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to provide for tax and fee waivers and exemptions for the Carver 2000 Low-Income and Senior Housing Project located in various lots within squares 5140, 5190, and 5348 for a period not to exceed 8 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Carver 2000 Low-Income and Senior Housing Project Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate crisis regarding the provision and delivery of low-income housing in the District of Columbia.

(b) The Carver 2000 Low-Income and Senior Housing Project is enabling long-term, low-income residents to purchase their homes and renovate them into 176 units of low-income apartments and senior citizen housing.

(c) The Carver 2000 Tenant's Association has filed for status as a nonprofit housing corporation and is the recipient of \$2.4 million in grants from the District to improve home ownership for low-income residents.

(d) The project is composed of 18 buildings that will be renovated and converted to 176 units of affordable housing.

(e) The resident-owners, some of whom have lived in the District for over 35 years, have begun construction on the project. They expect to finish the renovations by early 2006.

(f) The resident owners have been assessed just under \$22,000 in property taxes in 2003 and \$47,000 in settlement costs and transfer taxes in 2004.

(g) The resident owners have received, as of April 15, 2003, a certificate of good standing.

(h) Abatement of property, recordation, and transfer taxes for the resident-owners will facilitate the efficient use of the \$2.4 million in grants from the District.

(i) Providing property, sales, and use tax relief for eight years will permit the low-income and senior citizen resident-owners of the Carver 2000 project to benefit from District sponsored economic development incentives similar to the incentives provided to the Jenkins Row development project.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Carver 2000 Low-Income and Senior Housing Project Emergency Act of 2004 be adopted after a single reading.

Sec. 4. The resolution shall take effect immediately.

A RESOLUTION

15-855

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To declare the existence of an emergency with respect to the need to restore a telecommunications tax reduction provision which was inadvertently repealed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Telecommunications Taxes Reduction Emergency Declaration Resolution of 2004".

Sec. 2. (a) In the Fiscal Year 2005 Budget Support Act of 2004, the so-called "trigger," for the reduction of telecommunications taxes under D.C. Official Code §§ 47-2501 and 3902, was inadvertently repealed.

(b) To fund certain initiatives of the Housing Act of 2002, deed and recordation taxes and telecommunications taxes were increased, together with a provision, the so-called "trigger," to reduce the taxes if increased revenues were collected. Prior to final reading of the Fiscal Year 2005 Budget Support Act of 2004, increased revenues were certified by the Chief Financial Officer and deed and recordation taxes, but not telecommunications taxes, were reduced by amending the law rather than by operation of the trigger. However, when a conforming amendment was made to repeal the trigger for deed and recordation taxes, the trigger for telecommunications taxes was repealed as well. The accompanying emergency bill will restore the trigger. Pursuant to the trigger, the rate for telecommunications taxes will be reduced as of January 1, 1986.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Telecommunications Taxes Reduction Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-858

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 a loan agreement for \$2,062,497.00 between the Department of Housing and Community Development and the Howard Hill Limited Partnership to fund costs associated with the acquisition and rehabilitation of the Howard Hill Apartments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Loan Agreement Between the Department of Housing and Community Development and the Howard Hill Limited Partnership for the Howard Hill Apartments Approval Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve the loan agreement for \$2,062,497.00 between the Department of Housing and Community Development ("DHCD") and the Howard Hill Limited Partnership ("Developer") to fund costs associated with the acquisition and rehabilitation of the Howard Hill Apartments.

(b) The Developer requested loan assistance to help finance the payment of the existing mortgage and for rehabilitation costs for the Howard Hill Apartments in order to retain and preserve affordable rental housing for low- and very-low-income current and future residents in Ward 8 for 40 years. The existing mortgage became due on December 15, 2004, and action to foreclose is imminent. In addition, the Developer has insufficient financial resources to meet current payroll, thereby further jeopardizing the maintenance of the apartment buildings and the safety of its residents.

(c) Although the summary of this contract was transmitted to the Council on December 16, 2004 in accordance with the expedited 5-day contract review process, there is insufficient time for Council approval and submission of the contract prior to the Council's winter recess. Expedited review and approval of the contract, therefore, is warranted.

(d) Without the DHCD loan proceeds, the Developer will be unable to retain affordable housing for its 43 current low- and very-low-income tenants and their families. Given the scarce availability of affordable housing in the city for very low-income residents, not only could these tenants become homeless, but also the District would lose the opportunity to retain 43 units of rehabilitated affordable housing for low- and very- low-income residents over the next 40 years.

Sec. 3. The Council finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Loan Agreement Between the Department of Housing and Community Development and the Howard Hill Limited Partnership for the Howard Hill Apartments Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-859

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To approve, on an emergency basis, the loan agreement for \$2,062,497.00 between the Department of Housing and Community Development and the Howard Hill Limited Partnership to fund costs associated with the acquisition and rehabilitation of the Howard Hill Apartments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Loan Agreement Between the Department of Housing and Community Development and the Howard Hill Limited Partnership for the Howard Hill Apartments Emergency Approval Resolution of 2004".

Sec. 2. The Council has reviewed and approves the proposed loan agreement for \$2,062,497.00 between the Department of Housing and Community Development and the Howard Hill Limited Partnership to fund costs associated with the acquisition and rehabilitation of the Howard Hill Apartments, pursuant to the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a).

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

Sec. 4. This resolution shall take effect immediately.

JAN 21 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

15-860

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 District of Columbia Board of Education to exercise a one-time option to extend the existing security contract for the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "School Security Authority Extension Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

- (1) The existing school security contract will expire on January 7, 2005.
- (2) A new security contract will not be in place before the existing contract

expires.

(3) In order to ensure that security services are provided to the public schools, the Board of Education must exercise the option to extend the existing security contract.

(4) The School Safety and Security Contracting Procedures Emergency Act of 2004, effective November 30, 2004 (D.C. Act 15-596; 51 DCR 11219), eliminated the Board of Education's authority to execute contracts for the provision of security for the District of Columbia Public Schools.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the School Security Authority Extension Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

JAN 21 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

15-861

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 21, 2004

To amend Rule 308 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 15, to authorize the Council, from December 23 through December 31, 2004, to consider legislation at an additional meeting.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 15 Rules Recess Authorization Resolution of 2004".

Sec. 2. Rule 308 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 15, effective January 2, 2003 (Res. 15-1; 50 DCR 444), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "subsection (b)" and inserting the phrase "subsections (b) and (c) of this section" in its place.

(b) A new subsection (c) is added to read as follows:

"(c) During the period December 23 through December 31, 2004, the Council may consider permanent legislation at an additional meeting called pursuant to these Rules.

Sec. 3. This resolution shall expire on January 1, 2005.

Sec. 4. This resolution shall take effect immediately.